

# MAXATAWNY TOWNSHIP



## Maxatawny Township Zoning Ordinance of 2012

Adopted July 30, 2012

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ARTICLE I

TITLE APPLICATION AND PURPOSE

Section 101 Title and Short Title

101.1 Title

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Township of Maxatawny, Berks County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

101.2 Short Title

This Ordinance shall be known as, and may be cited as, the "Maxatawny Township Zoning Ordinance of 2012."

Section 102 Application of Ordinance

- (a) Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in conformity with the provisions of this Ordinance.
- (b) All Development requires Plan Review per Section 501.11 of this Ordinance.

Section 103 Purpose

This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Township of Maxatawny, of 2008 (hereinafter referred to as the "Municipality") and is intended to promote public health, safety, morals, and the general welfare by achieving, among others, the following, but not limited to, purposes and objectives for the land management of the Township of Maxatawny:

Preserve farmland and the rural characteristics of the Township;

Lessen congestion on the roads and highways;

Secure safety from fire, panic, and other dangers;

Provide adequate areas for vehicle parking and loading space;

Provide adequate light and air;

Promote health and the general welfare;

Avoid undue congestion of population;

Encourage the most appropriate use of land;

Facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public improvements;

Conserve the value of land and buildings;

Encourage the harmonious and orderly development of land.

Section 104 Standards are Minimum

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Municipality.

Section 105 Interpretation

Where the provisions of this Ordinance impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Ordinance shall be complied with. Where the provisions of any other Township statute, ordinance, or regulations impose greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance or regulation shall be complied with unless otherwise stated in this Ordinance.

Section 106 Application

From and after the effective date of this Ordinance, the use of all land and every

building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Maxatawny Township shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended, or changed, subject to the special regulations herein provided with respect to non-conforming buildings, structures or uses.

Section 107

Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces that are required by the provisions of other such ordinances, then the provisions of this Ordinance shall control. If a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the stricter limitation on the proposed use or structure shall apply.

Section 108

Public Utilities Corporation Exempted

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

Section 109

Community Development Objectives

These regulations were made with reasonable consideration, among other things, to the character of the districts and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.

The basis for this Ordinance is the Maxatawny Township Comprehensive Plan as

adopted by the Governing Body, which enumerates as amended and the locally desired goals and objectives which this Ordinance seeks to accomplish.

## ARTICLE II

### DEFINITIONS

#### Section 200 General

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

#### Section 201 Terms, Phrases, and words not defined.

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

#### Section 202 Specific Terms

Abandonment - The relinquishment of a use without intention to resume the said use.

Abut or Abutting - Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street. Abut or abutting includes any existing natural features on the lot. See, definition of "adjacent".

Access Drive - A privately owned, hard surface, all weather, impervious, paved surfaced area designed and constructed to provide for vehicular movement between a public road and the off-street parking and/or loading for any use or uses other than one single-family dwelling unit or farm.

Accessory Apartment - A second dwelling unit either in or added to an existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building.

Accessory Building - A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Structure - [See, "Structure, Accessory"]

Accessory Use - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

Acre - 43,560 square feet.



Act - The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 PS 10101, et. Seq. (Act No. 247).

Active Adult Community - A development of individual or multiple dwellings, which is designed for adult individuals and/or couples (fifty-five (55) years or older) who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment. An Active Adult Community may include some or all of the following uses:

- (a) Residential dwelling units which are restricted to occupancy by households where the resident(s) is/are 55 years or older, including:
  - 1. Single family detached dwellings.
  - 2. Two-family dwellings, including single-family semi-detached dwellings and two family detached dwelling.
  - 3. Single family attached dwellings (townhouses).
  - 4. Multiple family dwellings, including apartments
  
- (b) Congregate facilities where the applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the Active Adult Community, including:
  - 1. Dining facilities.
  - 2. Recreational facilities.
  - 3. Worship facilities.
  - 4. Maintenance shop, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the Active Adult Community.
  
- (c) Accessory uses customarily incidental to an Active Adult Community.

Adjacent - The state of being side by side, next to or adjoining one another.

Adult Day Care Center - A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. This use shall involve typical stays of less than a total of 60 hours per week per person.

Adult-Related Facilities - A business or club which engages in one or more of the following

areas of sales, services or entertainment:

- (a) Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- (b) Adult Body Painting Studio - Any establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body, when specified anatomical areas are exposed.
- (c) Adult Bookstore - Any establishment which has a substantial or significant portion of list stock in trade consisting of the following items:
  - 1. Books, films, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or conduct or uncovered male or female genital areas;
  - 2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities; and,
  - 3. To which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images which are characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.
- (d) Adult Cabaret - A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (e) Adult Massage Establishment - Any establishment or business which provides the services of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or message therapist, who is both nationally certified in therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage

Therapy Association (See, "Therapeutic Massage Establishment"). This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- (f) Adult Mini Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (g) Adult Model Studio - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of area" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
- (h) Adult Motel - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (i) Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically - or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (j) Adult Motion Picture Theater - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (k) Adult Newsrack - Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

- (m) Adult Outcall Service Activity - Any establishment or business which provides an outcall service, which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time, for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- (n) Adult Sexual Encounter Center - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.
- (p) Adult Theater - A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.
- (q) Any other business or establishment which offers its patron services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

After Hours Club - A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. and 4 a.m., in addition to any other hours. See, "State Act 219 of 1990", which generally prohibits this use and as such will be prohibited under this ordinance consistent with the State Act as referenced.

Agriculture - (a) The cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming, and dairy farming, pigs, cattle, sheep, etc. excluding kennels.

Agriculture (Intensive) - specialized agricultural activities, including but not limited to mushroom, pig, poultry, and dry lot livestock production, which due to the intensity of production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes.

Intensive Animal Husbandry - An agricultural use involving the commercial keeping and handling of livestock quantities with characteristics in both of the following subsections, the numbers set forth below:

- 100 horses;
- 100 dairy or beef cattle;
- 200 swine;
- 200,000 poultry, excluding turkeys as set forth below;
- 200 sheep or veal;

5,000 turkeys;

Plus

The keeping and handling of livestock quantities exceeding an average adult weight for horses, dairy cattle, and layer chickens and/or an average market weight of all other livestock of 2,000 pounds per acre, as referenced in the following table:

<u>LIVESTOCK</u>	<u>ANIMAL SIZE (lbs.)</u>
<u>Cattle:</u>	
Dairy	150-1500
Beef	400-1400
Veal	100-350
<u>Swine:</u>	
Pigs	35-200
Gestating Sow (limit fed)	275
Sow and 8 Pigs	375
Boar (limit fed)	350
Sheep:	100
Horse:	1000
<u>Poultry:</u>	
Layer	4
Layer, heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3-4
Pheasant	3
Chuckar	1.5
Quail	0.5

Intensive Produce Operation - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

Agricultural Industry - A facility for the manufacture, processing, treating, packing or warehousing of agricultural produce and agricultural materials and products whether or not produced on or off site.

Agricultural-Warehousing-Personal - A permitted accessory structure located with the respective farming operations. A structure to store product grown on the farm or acquired to support the personal farming practices of the farm on which it is located. Product is not

sold retail from the warehouse facility.

Alley - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

Alterations - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use. Conversion of a building or structure from one use to another (i.e., a single family use to multi-family or apartment use, or to any other use.); or any changes or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

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

Amusement Arcade - A commercial establishment which provides, as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skee-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

Amusement Center/Park/Resort - A commercially operated park with various devices for entertainment and booths for the sale of food and drink.

Animal - A living creature having sensation and power of voluntary motion, distinct from plants.

Animal Hospital - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include grooming as well as outdoor and overnight boarding of animals.

Animal Husbandry - The raising and keeping of livestock, poultry, fish or insects for any commercial purposes or the keeping of any animals allowed under this ordinance.

Antenna - A metallic device (such as a rod or wire) utilized for radiating or receiving transmission waves, including its supports.

Antenna Height - The vertical distance measured from the base of the antenna 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 antenna height.

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



Apartment - A dwelling unit on a single lot arranged, intended, or designed to be occupied as a residence for one (1) family (See, "dwelling unit").

Apartment Unit - A dwelling unit within an apartment building.

Applicant - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application For Development - Every application, whether sketch, preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Approved Private Street - A right-of-way which provides the primary vehicular access to a lot or lots, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision plan.

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

Area - The two-dimensional measurement of space between known lines or boundaries.

- (a) Gross Floor Area - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
- (b) Habitable Floor Area - The sum of the floor areas of a dwelling unit, as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, services or utility rooms, nor unheated areas such as enclosed porches.
- (c) Lot Area - The total surface area contained within the property lines of a lot (See, also, "Lot Area Gross and Lot Area Net" to further define this section).
- (d) Retail Sales Area - The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

Assisted Living Residence - A residential setting, that offers independent housing, private rooms with baths or studio apartments with or without kitchenettes, as well as common areas for socializing, programs or dining. This residence coordinates a combination of housekeeping services, recreational activities, financial services and personal services. 24-hour supervision and scheduled and unscheduled assistance activities or health-related services are provided. A restaurant open to the public is excluded from personal services. An organizational mission, service programs and physical environment is designed to maximize residents' dignity, autonomy, privacy and independence. Also, family and community involvement is encouraged. The term includes a "Basic Assisted Living Residence", "an Extended Assisted Living Residence" and a "Specialty Assisted Living



Residence”.

Attic - That part of a building which is immediately below, and completely or partly within, the roof framing. Within a dwelling unit, an attic shall not be counted as floor area, unless it is constructed as, or modified into, a habitable room by the inclusion of dormer windows, an average ceiling height of seven feet (7') or more, and a permanent stationary interior access stairway to a lower building story.

Authority or Municipal Authority - A body politic and corporate created pursuant to the act of May 2, 1945 (p.1. 382, no 164) known as the “Municipality Authorities Act of 1945, as amended”.

Auto Repair Garage - An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of “gasoline service station.” An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions.

Barn - Any structure used to store agricultural products, feed and/or animals, farm machinery and implements.

Basement - A story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

Bed and Breakfast - A residential home and/or ancillary buildings refurbished, restored, redecorated and converted from a single family use to an owner occupied facility containing sleeping rooms available for transient guests subject to the conditions of this Ordinance. Food served to bed and breakfast guests on the premises shall be limited to breakfast only.

Billboard - A Commercial Advertising Sign, upon which advertising matter of any character is printed, posted or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed. Such a billboard may also include electronic or neon signage per the regulations within this ordinance. A billboard may also include a board, panel or tablet used for the purpose of printed or painted advertising matter which directs attention to a business, product, service, activity, or entertainment not necessarily conducted, sold or offered on the premises for which such sign is located.

Block - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the municipality, or by any combination of the above.

Block or Lot Frontage - That portion of a block or lot, which fronts on a single street.

Board of Supervisors - Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania.

Board (Zoning Hearing Board) -The Zoning Hearing Board of Maxatawny Township.

Boarding House -A residential use in which individual room(s) that do not meet the definition of a dwelling unit are rented for habitation and that does not meet the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents.

Buffer Strip/Buffer Yard - A continuous strip of landscaped land which is clear of all buildings and paved areas, designed for the visual or aural separation from adjacent land.

Building - Any combination of materials forming any structure having a roof supported by columns or walls which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals or property of any kind.

Building Area - The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

Building Coverage - See, "Lot Coverage".

Building Height - The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof for a roof having a slope of fifteen percent (15% or less), and to a point midway between the peak and eaves for a roof having a slope greater than fifteen percent (15%). Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

Building Inspector - The Code Enforcement/Zoning Officer of Maxatawny Township.

Building Length - The measurement of a building in one general direction.

Building Line - The line within a property defining the minimum required distance between any building or structure or portions thereof to be erected or altered and an adjacent street right-of-way OR street line. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building or structure is located or to be located and shall be parallel to said right-of-way line, at such a distance there from as required herein for the minimum front yard dimension in the particular zoning district.

Building Setback - The minimum distance a building or structure must be set back from a street right-of-way line (except the right-of-way of a service street), side and/or rear lot line.

Building Setback Line - A line parallel to the front, side or rear lot line set so as to provide the required yard.

Bulk - A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to

lot lines, or to other buildings or structures.

Caliper - The diameter of a tree trunk measured at a point six (6) inches above the ground.

Campground, Commercial - A parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

Campsite - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

Camping Unit - A tent or camping vehicle located on a campsite.

Canopy - An ornamental or roof like structure, held horizontally above ground for protection.

Carport - A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles or recreational vehicles.

Car Wash - A building on a lot, designed and used primarily for cleaning the exterior, interior or engines of vehicles, including automated facilities or those using individual bays for manual washing, and which may provide for the retail sale of minor, motor vehicle accessories See, "Motor Vehicle Wash".

Cartway - The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

Caterer or Catering Facility - See, "Restaurant"

Cellar - A story, less than seven foot, six inches, partly below the finished grade, having at least one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Cell Site - A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular phone transmission.

Cemetery - Land used or intended to be used for the burial of the deceased, including columbarium, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign, and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

Church and Related Uses - A building, structure, or group of buildings or structures,

including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, and church-related educational (i.e, schools) and/or day-care facilities.

Clear Sight Triangle - An area of unobstructed vision above two and one-half feet and below a height of ten feet at highway access points and street intersections defined by lines of sight between points at a given distance from the intersection of the center lines. See, "Sight Triangle"

Club or Lodge - An association of persons for some common non-profit recreational activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Cluster Development - An alternative development method wherein structures are arranged in closely related groups, reducing lot sizes, preserving land for open space, and permitting innovative site design. There is no net increase in density and all land gained from reduced lot sizes is assigned to common open space.

Commercial Conversion - The conversion of all or a portion of an existing residential or nonresidential building for business use.

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

Commercial School - See, "School, Commercial"

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

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines of the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area - A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

Common Wall - A wall used or adapted for joint service between two buildings or parts thereof.

Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building - An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than two hundred and fifty (250) square feet.

Communication Tower - A structure in excess of thirty-five (35) feet from the base of the tower, and necessary auxiliary components, proposed by a public, semi-public, or private entity for the purpose of sending and receiving electronic or analogous signals as an integral component of a communication system including, but not limited to, cellular phone transmission towers, etc.

Comprehensive Plan - The latest version of the document entitled the Maxatawny Township Comprehensive Plan or any part thereof, adopted by the Maxatawny Township Board of Supervisors, pursuant to Article 3 of the Act.

Conditional Use - A use which shall only be permitted by the Township Supervisors pursuant to the provisions of this Ordinance related to conditional uses and the procedures proscribed for said use.

Condominium - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

Conservation Easement - A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property owners, leasees and all other users of the land. To meet a requirement of a Township ordinance, such easement shall run for a minimum period of 99 years. Such easement shall be recorded in the County Recorder of Deeds Office. At a minimum, any conservation easement established to meet a requirement of a Township ordinance shall restrict uses of the land in a manner closely similar to all of the following:

- (a) The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses,
- (b) No new principal buildings may be constructed on the lot, other than for non-commercial recreation or as necessary to support on-site agricultural activities,
- (c) The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and



plants for replanting or for Christmas Tree sales or a lawful home occupation,

- (d) The lot shall not be further subdivided, and
- (e) Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear cutting.

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

Contiguous - Unless otherwise stated, shall mean "abutting".

Contractor's Shop - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Convalescent Home - An establishment providing nursing, dietary and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

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

- (a) Retail sales or rental of books, magazines, videos, software, and video games provided that adult-related facilities are expressly prohibited;
- (b) Restaurants, including drive-thru or fast-food operations, provided that restrooms are made available to the public;
- (c) Amusement arcades;
- (d) Automatic bank teller machines;
- (e) Photomats and film development drop-off sites;
- (f) Laundry, dry cleaning and tailoring drop-off sites;
- (g) Lottery sales counters and machines;
- (h) Propane fuel sales with no larger than 20 pound tanks, which must be stored outside of the building, but within a locked enclosure at all times;
- (i) Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items;

- (j) Motor vehicle wash facilities, subject to the other requirements of this Ordinance; and,
- (k) Post Offices and other parcel delivery drop-off sites.

Convention Center - An assemblage of uses that provide for a setting where indoor and outdoor exhibits and activities serve various businesses, entertainment, recreation, conventions. This use can also include related lodging and dining facilities.

Conversion - To change or adapt land or structures to a different use, occupancy or purpose.

Conversion Apartment - A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one family, without substantially altering the exterior of the building.

Corner Lot - See, "Lot, Corner"

Curative Amendment - A proposed zoning amendment made to the Board of Supervisors by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance, which prohibits or restricts the use of the development of land in which the landowner/applicant has an interest.

Curb Line - The edge of the cartway.

Customary Household Pets - Such pets whose quantity does not exceed three in any combination which are normally found within the home such as dogs, cats, hamsters, rabbits, birds, or fowl.

Dark Sky Fixture - Any light fixture that emits its light below 90 degrees when measured from 0 to 180 degrees vertical. Dark Sky fixtures keep most of their light from reaching the night sky.

Dark Sky Cutoff Fixture - Any light fixture that emits its light below 45 degrees when measured from 0 to 180 degrees vertical. Dark Sky Cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.

Dark Sky Shade - Anything that is used to shade a light fixture so that it behaves as a Dark Sky fixture. These include but are not limited to, for example, fixtures outfitted with caps or housing or installed under canopies, building overhangs, roof eaves or shaded by other structures, objects or devices.

Dark Sky Shield - Anything that is used to shield a light fixture so that it behaves as a Dark Sky Cutoff fixture. These include but are not limited to, for example, fixtures outfitted with caps or housing or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

Day Care, Child - A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day.



This use may also include educational programs that are supplementary to State-Required education, including a "nursery school" or "Head-Start" programs.

- (a) The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 child within any dwelling unit, in addition to children who are "relatives" of the care giver.
- (b) Daycare, Accessory - A daycare that is operated as an accessory use to a principal business in which minors and special needs adults who are related to employees of the site are offered care and supervision. Such uses must comply with applicable State requirements at all times, and proof of such compliance must be provided to the Zoning Officer at the time of application for a building permit.
- (c) Daycare, Commercial - A daycare facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.
- (d) Daycare, Family - A day-care facility that is operated as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than four persons during any calendar day.

Dedication - The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density - A term used to express the allowable number of dwelling units per acre of land.

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

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. The term also includes any activities defined as "land development" under the Maxatawny Township Subdivision and Land Development Ordinance.

Development Plan - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

Distance Between Buildings - This measurement shall be at the closest points.

Distribution- Storage, transfer, and supply of products and materials

District - A portion of Maxatawny Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

Domestic Pets - Adult nonfarm animals that are locally available for purchase and/or ownership as pets, as an accessory use to a primary residential use.

Dormitory - Facility to be used for housing by students as an accessory to a university, college, hospital, public or private educational institution for a maximum of four (4) persons per dwelling unit, unless otherwise required by this Ordinance. All residents of the dwelling unit must be able to demonstrate full time matriculation to one of the institutions set forth herein, unless a written request to the Township Zoning Officer is received and approved by the Township Zoning Officer prior to the first day of each semester/session.

Drive-In Use - An establishment which by design, physical facilities, or by packaging procedures encourages or permits customers to obtain goods, or be entertained while remaining in their motor vehicles.

Drive-Thru Service - An establishment where at least a portion of the patrons drive up to the establishment and are serviced in a short time frame and drive away while remaining in their motor vehicles.

Driveway - A privately owned, improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

Dwelling - A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

- (a) Apartment Building/Multi-Family Dwelling - A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.
- (b) Mobile Home - A transportable, single family dwelling constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.
- (c) Single Family (one family) Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no common wall with an adjacent building.

- (d) Single Family (one family) Semi-Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a common wall.
- (e) Two-Family Dwelling - Detached Building - A building arranged on a single lot containing two dwelling units separated by horizontal floors, designed, and intended for and occupied by two families living independent of each other and doing their own cooking therein.
- (f) Two-Family Dwelling- Semi Detached - A four (4) dwelling unit building on a single lot containing two (2) - two-family detached dwellings, both sharing one (1) common vertical party wall and all having separate accesses (frequently known as a quadruplex). Each such dwelling unit has yard area on three (3) sides
- (g) Townhouse (Single Family Attached Dwelling) - A building arranged, designed, and intended for and occupied exclusively by one family; said building consisting of one of a group of not less than three nor more than six, attached buildings with a semi-detached building on each end thereof being included with the aforesaid minimum and maximum numbers, each such building shall be separated by unpierced party walls, containing not more than two and one-half (2-1/2), stories and each such building shall have at least two separate entrances from the outside, and each such building shall have individual utility connections.

Dwelling Group - A group of two or more single-family, two-family or multi-family dwellings occupying a lot in one ownership.

Dwelling Unit - A building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and having no cooking or sanitary facilities in common with any other dwelling unit which may be in the same structure.

Dynamic Message Display Signs - Signs incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.

Earthmoving, Earthmoving Activity - Any construction or other activity which disturbs the surface of the land. For the purposes of this Ordinance, shall mean "earthmoving" as defined in applicable DEP regulations (Chapter 102-Erosion of 25 PA Code of Regulations), and also shall include any one or more of the following activities:

- (a) Excavation of the ground, filling of the ground or "mineral extraction";
- (b) Grading, re-grading, any change in the ground surface elevation greater than 1.0 foot, disturbance of topsoil or vegetative cover of the land;
- (c) For the purposes of this definition, the term Earthmoving shall apply to any soil, clay, overburden, sediment, dredge spoils or similar material.

Electronic Substation - An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

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

Extended Assisted Living Residence - An assisted living residence that provides

- (a) Service of a basic assisted living residence;
- (b) Extended assisted living residence services which, include levels of assisted living residence staffing required due to non-resident managed incontinence mobility, behavioral modification, general functional limitations, special nutritional requirements and similar conditions.

Family -

- (a) One or more persons, related by blood, marriage, adoption, or guardianship, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- (b) Not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Farm - An area of land used for agriculture, as defined in this Ordinance including all buildings, accessory buildings, farm buildings, and one single-family detached principal dwelling all used for agriculture and where the primary source of income is derived from the property.

Farm Building - A barn, silo, or any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include dwellings.

Farm Dwelling, Accessory - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one or more full-time laborers (or any family member thereof) on the farm.

Farm Equipment Sales and Service - The distribution, sale and/or servicing of new and used equipment and machinery, including construction equipment, commonly used for agricultural purposes.

Farm Occupation - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm to provide a service or produce, create or manufacture something of value.

Farm Produce Stand, "Farm Market" - A use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site. This use may include seasonal or year round stand for a particular farmer that is located on the same property where goods are produced.

Farm-Related Business - A principal use that contributes to the local agricultural economy.

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

Farm Storage (back behind) - An outdoor storage area that does not exceed 10,000 square feet in size, located in an isolated area and used for normal farm operations. Farm storage is material accumulated during normal farming practice.

Fast Food - See, "Restaurant- Drive-thru"

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

Financial Institution - A bank, savings and loan association, credit union, finance or loan company, etc.

Flag Lot - See, "Lot, Flag"

Flood - A temporary rise in stream level that results in inundation or areas not ordinarily covered by water.

Flood Frequency - The average frequency, statistically determined, for which it is expected that a specific floor level or discharge may be equaled or exceeded.

Flood Hazard Area - An area, which will be, or can be expected to be inundated, by a regulatory flood.

Floor Area - (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including:

- (a) Basement Space;
- (b) All spaces other than cellar space with structural headroom or seven feet, six inches or more;
- (c) Interior balconies and mezzanines;

- (d) Breeze ways, porches or terraces or other roofed or unroofed spaces;
- (e) Attic spaces (with or without a finished floor) providing structural headroom of seven feet and six inches (7'6") or more is available over 50 percent of such attic space;
- (f) Accessory buildings.
- (g) However the "floor area" shall not include:
  - 1. Cellar space except that cellar space use for retailing.
  - 2. Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
  - 3. Uncovered steps or open space.

Floor Area Ratio - The ratio of floor area to lot area.

Footer -The supporting base of a structure, at the bottom of a foundation wall, pier, or column to distribute the load.

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

Forest Reserve - is a protected area of importance for wildlife, flora, fauna or features of geological or other special interest, which is reserved and managed for conservation and to provide special opportunities for study or research; see also "Woodland Reserve", "Game Preserve" or "Wildlife Refuge" as determined by the intent of the conservation use intended on a particular parcel.

Fraternity/Sorority House - A building for the housing of a group of persons who are concurrently students at a college or university and who belong to the same social or academic organization.

Fuel Distribution/Storage/Wholesale Facility - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

Funeral Home or Mortuary - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, or entombments, but do include mortuaries and crematoria.

Garage, Private - An accessory building used for the storage of one or more private motor



vehicles. No business, occupation, or service shall be conducted in a private garage.

Garage, Public or Repair - A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage service, rental or repair of motor vehicles.

Garage, Commercial Parking - a building or structure consisting of more than one level and used to store motor vehicles or an area where public parking is permitted for the payment of money by any Person and may include parking lots or other parking areas used exclusively for parking.

Garage, Storage - A building, not a private residential nor a public garage, one story in height, used solely for the storage of motor vehicles used in conjunction with a business or industry.

Garbage - Animal, grain, fruit or vegetable waste, useless or discarded material, resulting from the handling, preparation, cooking and consumption of food. See, "Rubbish".

Gasoline Service Station - A structure, building, or area of land or any portion thereof that is used primarily for the sale of gasoline or any other motor vehicle fuel, where no repairs are conducted, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including body repair or painting thereof. This use may include a "convenience store". Any business or industry dispensing gasoline only for its own use and vehicles will not be deemed to be a gasoline service station.

Golf Course - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; driving ranges or miniature golf courses.

- (a) Golf Course, Miniature - A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.
- (b) Golf Driving Range - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green.

Governing Body - Shall mean the Board of Supervisors of Maxatawny Township.

Grade - The level of the ground adjacent to the exterior walls of a building or structure, or adjacent to the base of a storage pile or sign.

Grade, Finished - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.



- (a) Commercial Greenhouse - A greenhouse which is part of a retail sales operation for the sale of plant and related equipment and supplies.

Group Home - A use involving the residence of more than 1 person not related by blood, marriage, adoption or formal foster relationship to a family living in a dwelling unit and who need non-routine support services, and who reside in a family-like residential environment. This shall only include a use license or certified under an appropriate state program. These residents are intended to be persons who might otherwise be confronted with institutionalization. Group homes shall be limited to persons needing special care and oversight because of physical illness or infirmity, age, physical disability, mental illness that is not criminal in nature, mental retardation or emotional disability that is not criminal in nature.

Hazardous Waste - Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special state or federal licensing or regulation, including but not limited to the Pennsylvania Solid Waste Management Act, as amended.

Health And Recreation Club - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses. All activities related to an "Adult Business Use" shall be prohibited in a Health Club.

Health Fitness Center- A commercially operated facility having various equipment/or areas dedicated for physical activities generally held indoors but not excluding outdoor facilities as part of the overall center. See, "Athletic Club".

Heavy Equipment - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks and trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

Heavy Equipment Sales, Service and Repair - A building or open area used for the display, sale, rental, repair or storage of heavy equipment, tractors or similar machines, or a group of machines which function together as a unit.

Height - See, "Building Height".

Height of Signs or Other Structure - The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Helicopter Pad (Private) - An accessory use where no more than one helicopter may land/take-off and be stored.

Helipad, See, "Helistop".

Heliport - An airport that is limited to use by helicopters, together with any related

support facilities such as for maintenance, refueling and storage. This ordinance is not intended to regulate the non-routine emergency landing and take-off of helicopters to pick-up seriously injured or ill persons or the use of helicopters in occasional on-site construction projects, or farming activities relating to crop production.

Helistop - An area on a roof or on the ground to accommodate touchdown and lift-off of helicopters for the purpose of picking up and discharging cargo, with no support production. See, "Helipad".

Highway Access Point - A place of egress from or access to a street created by a driveway or another street. Measurement between them shall be from the termination of one such point to the beginning of another such point.

Highway Frontage - The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

Historic Structure - Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) 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;
- (d) 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; or
- (e) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior; or
  - 2. Directly by the Secretary of the Interior in states without approval programs.

Home Improvement, Building Materials and Hardware Sales (Indoor or Outdoor) - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.

Home Occupation - A use customarily conducted entirely within a dwelling unit, clearly incidental to and secondary to the use of the dwelling unit, and which does not change the

character thereof or have any exterior evidence of such secondary use other than a small name plate.

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

Hotel or Lodging Home - A building or group of buildings containing three or more individual rooms for temporary rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. A hotel may include restaurants for serving its occupants and only incidentally the public. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Hydric Soil - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this Ordinance, hydric soils include any soils inventoried or described as hydric or as a soil with hydric inclusions according to Soil Survey of Berks County.

Impervious - Homogeneous materials, such as buildings, paved parking areas, paved walks, terraces, and similar surfaces which do not normally absorb rainfall.

Impervious Surface - A surface which prevents the percolation of water into the ground (i.e., roads, buildings, sidewalks, drives, loading areas, parking areas, stone and paved recreation courts). Impervious surfaces are more specifically defined in the Storm Water Management Ordinance applicable to the lot in question.

Impervious Coverage - The percentage of a lot covered by impervious surfaces.

Improvement (or Improved) - Any type of structure or paved section.

Improvement Setback - The minimum distance an improvement must be set back from a street right-of-way line and/or property line.

Improvement Setback Line - A line parallel to and measured at right angles from a street line and/or property line. No improvements are permitted between the street line and the improvement setback line.

Indoor Self-Storage Facility - See, "Self-Storage Facility".

Industry - A facility for the manufacture, processing, or warehousing of products and materials.

Industrial Activities - Industrial Activities include the on-site production of goods by methods other than agricultural and extractive in nature; the provision of warehousing and

storage, freight handling, shipping, and trucking services; and the storage, transportation, and processing of recyclable or waste materials, and hazardous materials. They also include certain activities accessory to the above.

- (a) Light Manufacturing Activities - Light Manufacturing Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of finished parts or products, primarily from previously prepared materials, and typically within enclosed buildings. They also include certain activities accessory thereto.

Examples include but are not limited to printing and related support activities; computer and electronic product manufacturing; electrical equipment, appliance, and component manufacturing; furniture and related product manufacturing; pharmaceutical production; and similar uses. They also include food, beverage, and tobacco product manufacturing generally occupying less than 25,000 square feet of production area.

- (b) General Manufacturing Activities - General Manufacturing includes the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials, or large-scale production. They typically include larger-scale operations and may have some or all activities conducted outdoors. They also include certain activities accessory thereto.

Examples include but are not limited to food, beverage and tobacco product manufacturing where production areas exceed 25,000 square feet; textile mills; textile product mills; production apparel manufacturing; wood product manufacturing; paper finishing; chemical manufacturing (except for the chemical products listed under Heavy Manufacturing); plastics and rubber products manufacturing; automotive, ship, aircraft, and heavy equipment manufacturing; and fabricated metal product manufacturing.

- (c) Heavy/High Impact Manufacturing Activities - Heavy/High Impact Manufacturing Activities include high-impact or hazardous manufacturing processes.

Examples include but are not limited to explosives manufacturing; petroleum and coal products manufacturing and refining; leather tanning; cement and asphalt manufacturing; lime and gypsum products manufacturing; primary metal manufacturing; nonferrous metals production, processing, smelting, and refining; fertilizer and other agricultural chemical manufacturing; paint, coating and adhesive manufacturing; synthetic dye and pigment manufacturing; urethane and other open-cell foam product manufacturing; battery manufacturing and storage; any manufacturing use with large-scale facilities for outdoor oil and gas storage; and any biotechnology research, biopharmaceuticals

with National Institute of Health Level 1 and 2 indications.

Interior Drive - Any on-site vehicular movement lane(s) that is/are associated with a use other than a single-family dwelling.

Joint-Use Driveway - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four (4) properties, each of which contain a single dwelling unit.

Junk Yard - A lot, land, or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage, and/or sale of scrap or discarded material, including but not limited to scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, glass, and containers, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal and/or sale thereof. This term shall not include any solid waste management facility when permitted and operated as required by the Pennsylvania Department of Environmental Protection and township ordinances. The term shall not be deemed to include any recycling facility, any scrap processing operation or automobile-shredding establishment. The deposit or storage of two or more unlicensed, unregistered, uninspected wrecked or disabled vehicles on a lot shall constitute a junkyard.

Kennel - A commercial establishment wherein domesticated pets are kept for the purpose of breeding, boarding, grooming, sale, or show purposes. A nonprofit animal shelter is a type of kennel. For the purposes of this use, breeding shall mean the production of two (2) or more litters in any one calendar year.

Laboratory - A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

Land Development -

- (a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purposes involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or location of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- (b) A subdivision of land.
- (c) Development in accordance with Section 503 (1.1) of the Act.



Landing - The place where logs, pulpwood or firewood are assembled for transport to processing facilities.

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

Laundromat - A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment, house, hotel or other similar use.

Lawn and Garden Sales and Service - The distribution, sale and/or servicing of new and used lawn and garden equipment and machinery and the sale of lawn and garden supplies.

Library - A room or building where a collection of books, newspapers, periodicals, maps and/or musical scores on any audio, visual or written media is kept for either public, quasi-public or community use/access.

Life Care Center - A residential use designed and operated exclusively for adults of 55 years of age or older and/or physically handicapped persons that includes certain limited support facilities intended specifically to serve the needs of these residents. See, "Assisted Living Residence".

Lighting Fixture - means any device intended to produce illumination

Livestock - Farm Animals such as cattle, swine, sheep, horse, poultry or similar animal, which are kept or raised for use, pleasure and/or profit.

Loading Space - An off-street space not less than fifteen (15) feet wide, sixty (60) feet long and having a minimum clear height of fourteen (14) feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials. Loading spaces shall have direct usable access to a street by means of an access.

Lot - Any legally defined tract, parcel or area of land established by a plat or permitted by law to be used, developed or built upon as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development whether occupied or capable of being occupied by buildings structures and accessory buildings. The word "lot" includes the word "plot", "parcel", or "tract". The area and depth of a lot abutting a street shall be determined by measurements to the street line. No building lot shall be bisected by a street nor shall the lot area include any land within a street right-of-way.

- (a) Lot, Corner - A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees). Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a

street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

- (b) Lot, Flag - A lot of irregular shape that has a narrow access strip (not meeting the minimum lot width requirements of the Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of this Zoning Ordinance. Flag lots are prohibited under this Ordinance.
- (c) Lot, Frontage - That portion of a lot which fronts on a single street.
- (d) Lot, Interior - A lot other than a corner lot, the sides of which do not abut a street.
- (e) Lot, Through or Reverse Frontage Lot - An interior lot having frontage on two parallel or approximately parallel streets.

Lot Area (Gross) - The area of land contained within the limits of the property lines bounding that area, including the existing and future/ultimate street right-of-way.

Lot Area (Net) - The space contained within the lot lines, excluding any and all land areas as follows: Areas within existing or designated ultimate street right-of-way; areas delineated as "wetlands" or environmental constraints; areas identified as common open space; and areas within easements dedicated for municipal utilities or municipal storm water purposes. The net lot area for all proposed lots shall be no smaller than the minimum lot size for the zoning district in which the lot is located.

Lot Coverage - The percentage of a lot covered by principal and accessory buildings and impervious surfaces. (See, "Impervious Coverage").

Lot Depth - The mean average horizontal distance between the front and rear lot lines.

Lot Line - Any line dividing a lot from another lot, street or parcel.

- (a) Front Lot Line - On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street from which access is obtained.



- (b) Rear Lot Line - The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. The rear lot line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet long.
- (c) Side Lot Line - Any lot line that is not a front or rear lot line.

Lot of Record - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width - The lot width measured at the building setback line and anywhere on the lot between side lot lines and parallel to the front lot line but in no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular zoning district.

Luman - A measurement of reflected light.

Luminance (NITS) - A physical measure of brightness of direct light. One NITS equals 3.426 lumens of light.

Manure - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

Manure Storage Facilities - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and above-ground storage.

Mass Transit Terminal - A principal use whereby vehicles of mass transit are stored, maintained, dispatched and/or boarded.

Massage Parlor - A place of business where a person or persons, engage in or carry on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating any part of the body with the hands or with the aid of any mechanical apparatus. This particular use does not include licensed physicians or members of the American Massage Therapist Association.

Medical or Dental Clinic - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health service to people on an outpatient basis.

Meeting Hall/Community Center, Public - A recreation or educational center open to the public and operated by a nonprofit organization or government entity.

Membership Club - An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members their occasional guests, and persons specifically invited to special celebrations, but which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant, or retail sales unless that particular use is

permitted in that District and the requirements of that use are met.

Minor Structure - See, "Accessory Building or Structure"

Mini-Warehouse - See, "Self-Storage Facility"

Mobile Home (Manufactured Home) - A transportable, single family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy offices or place of assembly 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 the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with a full permanent foundation. Temporary partial foundations can be used when a mobile home is placed in a mobile home park. Mobile homes shall be constructed in accordance with safety and construction standards of the U.S. Department of Housing And Urban Development. The term "mobile home" shall not be deemed to include "recreation vehicle" nor a "modular home" placed on a permanent perimeter foundation.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the temporary placement thereon of single mobile homes which is leased by the park owner to the occupants of the mobile home erected on the lot.

Modular Home ("Industrial Home") - Any structure designed primarily for residential occupancy which is wholly or by substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site on a permanent foundation. Housing units defined as mobile homes are excluded from this definition.

Motel - A building or group of buildings, whether detached or attached, used as individual sleeping or dwelling units designed with separate entrances and direct access to parking lots and automobiles designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Freight Company - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

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

Motor Vehicle Parts Store - Any property used for the retail storage and sales of motor vehicle parts. No outdoor storage of parts is permitted. No installation, repair, or servicing of parts and vehicles shall be permitted.

Motor Vehicle Sales - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities, if conducted within a completely-enclosed building.

Motor Vehicle Sales Auction - A use whereby motor vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

Motor Vehicle Salvage Yard - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Motor Vehicle Service and Repair - The retail repair, servicing, maintenance, and reconstruction of passenger vehicles, but not including car washes per se.

Motor Vehicle Service Station - An area of land, including structures thereon, used primarily for the sale of gasoline or motor vehicle fuel, but which may be used secondarily for supplying services generally required for the operation and maintenance of motor vehicles, but which shall not include painting, body and fender repairs, or sale, and storage of vehicles.

Motor Vehicle Storage - An open lot for the storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable motor vehicles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (See, "Motor Vehicle Salvage Yard").

Motor Vehicle Storage Compound - A use whereby passenger vehicles are stored awaiting transport to a different location.

Municipal Authority - Maxatawny Township Municipal Authority, a body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipal Authorities Act of 1945"

Municipality - Shall mean Maxatawny Township, Berks County, Pennsylvania.

Municipal Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipal Planning Code or State Planning Code - See, "Act"

Municipal Use - A use by only Maxatawny Township and/or Maxatawny Township Municipal Authority, which is specifically authorized by the Maxatawny Township Board of Supervisors for the following: Public recreation area, park, swimming pool, golf course, spectator sports, township offices, police station, water and sewage facilities, utilities, road materials and equipment storage and similar governmental uses, auditorium, and meeting rooms for civic group use.

Nightclub - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This definition shall apply whether or not admission or cover charges are included as a fee to observe said entertainment. This is meant to include an "under 21" club which features entertainment. This use does not include adult-related uses as defined herein.

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Non-conforming Building, Lot, Structure or Use - A building, lot, structure, or use which does not conform to the regulations of the zoning district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this zoning Ordinance or is legally established through the granting of a variance by the zoning hearing board. Non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Sign - A sign which does not conform to the regulations of the district in which it is located but was lawfully in existence prior to the adoption or amendment of this ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Non-Conforming Use - A use, whether of land or of structure, which does not conform to the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendments.

Nursing Home - Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Nursery - The raising of trees (for transplanting), ornamental shrubs, flowers or houseplants for any commercial purpose.

Obstruction - Any dam, wall, wharf, embankment, levee, dike, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, fence, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Official Zoning Map - Maxatawny Township's Zoning Map.

Office - A place where the primary use is conducting the affairs of a business, profession, service, or government including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

- (a) Office, Business - An office used in the management, control or administration of another business activity.
- (b) Office, Professional - An office in which a primary service is offered to the client/patron. Such uses shall not involve the retail purchase of goods, and personal service businesses are specifically excluded.

Open Area - Ground upon which no buildings or paved areas are permitted.

Open Space - The unoccupied space open to the sky on the same lot with the principal use.

Outdoor Self-Storage Facility - The area encompassing the self-storage facility, located between the fence and self-storage building(s), which is divided into individual separate plots and are rented or leased for the storage of personal and small business property. The outdoor self-storage area cannot exceed 50% of the total area of all self-storage buildings.

Parking Lot - An off-street, hard surface, all weather, Impervious paved surfaced area designed solely for the parking of motor vehicles, including access drive, isles, passageways, and maneuvering space appurtenance thereto.

Parking Space - A reasonably level space within a building or on a lot, used for the parking of a (1) motor vehicle. The off-street space shall measure a minimum of ten (10) feet by twenty (20) feet, exclusive of driveways, passageways and maneuvering space.

Parks and Playgrounds - Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult-related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks and shooting ranges. Such uses may include:

- (a) Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
- (b) Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;



- (c) Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, and other similar uses;
- (d) Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- (e) Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
- (f) Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
- (g) Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

Paved Area - The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces, and similar surfaces which do not normally absorb rainfall.

Paving - Hard impervious homogenous material such as concrete, asphalt, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot. See also, "Pave", "Pavement".

Permit -A document issued by the proper township authority, authorizing the applicant to undertake certain activities, which must be posted for visual public inspection. Such examples of permits within the Township include, but are not limited to:

- (a) Zoning/Building Permit. A permit issued, indicating that a proposed use, building or structure is in accordance with the Township Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this ordinance, a zoning permit or "a permit under this ordinance" shall mean the applicable portions of construction, unless a specific system of zoning permits has been established.
- (b) Grading Permit. A permit indicating that a proposed construction, alteration, earthmoving or reconstruction is, to the best knowledge of the



township staff, in accordance with the provisions of any code which may be adopted by the Township.

- (c) **Occupancy Permit.** A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the building officer, comply with the provisions of the zoning ordinances. This shall have the same meaning as a "Certificate Of Use and Occupancy"

Permitted Use - A use permitted in a particular district to occupy or use land for a specific purpose in accordance with this ordinance, when such use is permitted by right.

Personal Care Home - A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Person - An individual, corporation, partnership, incorporator's association, or any other similar entity.

Personal Service Shop - Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

Personal Use Airport - An airport used exclusively by the owner of the airport.

Pet and Animal Grooming Shop - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

Plan (Site) - The proposal for development, including a Subdivision, all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. All site plans require review by the appropriate boards of Maxatawny Township.

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

Planning Commission - Maxatawny Township Planning Commission.

Poultry Farming - The raising of birds and fowl, including but not limited to, chickens, ducks, pigeons, roosters, geese, and turkeys.

Premises - The property upon which the activity is conducted as determined by physical

facts, rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incidental to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

- (a) Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway or other obstruction, and not used by the activity; and extensive, undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
- (b) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- (c) Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site, or between the sign site and the principal activity, and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

Principal Building - A building in which a principal use on a lot is carried on.

Principal Use - The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this zoning ordinance.

Professional - Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional people offering similar medical care, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, computer programmer.

Public Grounds - Includes: parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities and publicly owned or operated scenic and historic sites.

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

Public Meeting - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No.

84), known as the "Sunshine Act" 65 PA.C.S. Ch. 7 (relating to open meetings).

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

Public Road - A legally established right-of-way, for a street, which provides primarily vehicular access.

Public Use - Any use owned, operated, or controlled by a governmental agency (Federal, State or Local, including a corporation created by law for the performance of certain specializing governmental functions and the Board of Education. In addition, public uses include those governed by the Public Utilities Commission.

Public Utilities - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority; or which is privately owned and requires a "Certificate of Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; water; or for the purpose of providing the transmission of energy or telephone service

Public Utility Transmission Tower - A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Recreation Area - Land area that contains facilities that require visitors/ participants to become involved in physical or energetic moving functions, or quiet functions.

Recreational Facility - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreation, Outdoor - A recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, shooting ranges and other activities which generate noise objectionable to a residential environment.

Recreation, Passive - Recreational uses which can be conducted with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to hiking, biking, and picnicking.

Recreation Use, Indoor - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create load noises or may be dangerous or disturbing to surrounding residents.

Recycling Center - A business that accumulates material such as paper, glass, aluminum, and plastic that is no longer useful for its original purpose. The materials are then

transported off the premises to be manufactured into a new product. A place for the collection and storage of materials suitable for the recycling into usable products of the like, kind and quality of the materials collected.

Recycling Collection Facility - An accessory use which serves as a collection point for the temporary storage of refuse items, such as, but not limited to, bottles, cans, plastics, and newspapers, from which resources are recovered at another location.

Regulatory Flood: A flood which is representative of large floods known to have occurred in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood has a frequency of 100 years determined from an analysis of floods on the particular stream and other streams in the same general region.

Regulatory Flood Projection Elevation: The elevation to which uses regulated by ordinance are required to be elevated or flood-proofed.

Repair Service Shop - Includes such uses as radio, television, computer and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops. Excludes motor vehicle repair and service.

Restaurant - Any establishment, however designated, where food is sold for consumption on the premises, but normally to patrons seated within an enclosed building, but can provide for incidental carry-out service as long as the area used for carry-out service does not exceed five (5%) percent of the total patron seating area nor eighty (80) square feet (whichever is less). A snack bar at a public or community playground, playfield, park or swimming pool operated solely by the agency or group operating the recreational facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant - Drive-Thru or Fast Food - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

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

Retirement Community - A development of individual or multiple dwelling units which is designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, as amended.

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

Riding School - Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, school, ranch or similar establishment.

Riding Stable - An establishment where horses are kept, bred, trained and/or exercised and

where equestrian instruction may be offered upon land that may or may not be occupied by the owner of the horse(s), but excluding riding clubs.

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

- (a) Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
  - 1. This term shall also mean the actual line separating an abutting lot from such existing street right-of-way.
  - 2. Width. The existing street right-of-way line shall, in absolutely no case, be located at less than 16.5 feet from the centerline of any existing public street. The right-of-way line for any public alley within the Township shall be an absolute minimum of 10 feet from the centerline of any existing alley.
- (b) Street Right-of-Way, Future Ultimate. An area or strip of land, and the line separating it from any abutting lot, which land is to be dedicated or is required to be defined or reserved for future dedication or use as a street and/or for related public improvements, including but not limited to utilities.
  - 1. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" each shall have the same meaning.

Rooming House: A building for the housing of two or more persons unrelated by blood or marriage, living separately therein as more than one housekeeping unit, or for the housing of no more than three (3) persons unrelated by blood or marriage, even though they are living together as a single housekeeping unit and are using cooking facilities and certain rooms in common.

Rubbish (Trash): Combustible and noncombustible, useless waste materials, debris or rejected matter. The term shall include but not be limited to dilapidated or non-operable automobile, trucks and other such vehicles and parts thereof, dilapidated trailers and other kinds of vehicles and parts thereof, scrap contractors' equipment, tanks, casks, cans, boxes, drums, bottles, glass, industrial machinery of any type, rags, paper, mattresses, beds or bedding material, rubber, etc. See, "Garbage"

Salvage Yard: See, "Junk Yard".

Sanitary Landfill - A solid waste disposal facility where engineering principles are utilized



to bury deposits of solid waste without creating public health or safety hazards or nuisances approved by the Township and other agencies having the power to regulate. See, "Solid Waste Management Facility"

Sanitary Sewer System - A system existing or proposed that is designed to collect, treat and dispose of sewage from users in compliance with state and local regulations.

- (a) System on Lot - A private sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.
- (b) System Community - A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a community treatment and disposal plant, generally serving a neighborhood area. A community system can be privately owned and operated, but the municipality shall review and approve the design and construction, which must be per municipal standards.
- (c) System Public - A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a municipal treatment and disposal plant generally servicing an area and not confined to a single neighborhood.

Satellite Dish Antenna - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

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

- (a) Commercial School - A school that may offer a wide range of educational or instrumental activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district.
- (b) Private School - A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business.
- (c) Public School - A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education and operated by the School District.
- (d) Vocational-Mechanical Trade School - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:



1. Truck driving;
2. Engine repairs;
3. Building construction and general contracting;
4. Woodworking;
5. Masonry;
6. Plumbing;
7. Electrical contracting; and,
8. Other similar trades, as determined by the Zoning Hearing Board pursuant to this Ordinance.

Screen, Landscape - A year round, completely planted visual barrier composed of evergreen shrubs and trees, arranged to form both a low-level screen between grade and to a height of six feet (6'). Such barrier shall be of sufficient height and density to screen the view, in adjoining properties, of the structures and uses on the premises upon which the screen planting is located.

Screening - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six feet (6'). Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

Self-Storage Facility (Mini-Warehouse) - A building and/or series of buildings divided into separate storage units, for rent or lease, for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

Service Street - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.

Setback - The required horizontal distance between a setback line and a property line or ultimate right-of-way as defined by the Subdivision and Land Development Ordinance.

- (a) Setback, Front - The distance between the ultimate right-of-way line as defined by the Township Subdivision Regulations and the front setback line projected the full width of the lot. Commonly, called "required front yard".

- (b) Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required back yard".
- (c) Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard".

Setback Line - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or ultimate right-of-way line as defined by the Subdivision and Land Development Ordinance.

Sewage - Any substance that contains any of the waste product or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom and kitchen waste water.

Shed (utility)- A small structure, less than 144 square feet in area and 12 ft. in height, freestanding, movable and serving for storage.

Shooting Range - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, paintball, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Shopping Center: Shopping center shall mean a group of stores, four (4) or more in a number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. Shopping Center shall also mean a single store or a group of stores less than four (4) in number where the total gross floor area of the store or stores exceeds 49,999 square feet.

Sight Distance - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.75 feet above the center line of the road surface to a point 0.5 feet above the center line of the road surface.

Sight Triangle - See, "Clear Sight Triangle"

Sign - Any structure, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, information, attraction, or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs. Signs and their inherent uses and specified definitions are also set forth in Section 507 of this Ordinance.

Sign, Business - A "sign" which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same

premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign".

Solar Energy - radiant energy (direct, diffuse and reflected) received from the sun.

Solar Energy Farm - systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

Solar Energy System - any solar collector, solar thermal or other solar energy device, or any structural design feature, mounted on a building or the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground that is not the primary use of the property as more fully described and defined in Article X of this Ordinance.

Solar Panel- a structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy by way of a Solar Energy System.

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

Solid Waste Management Facility - An area used for the processing and/or disposal of, and activities related to the processing and/or disposal of, solid waste as that term is defined in the Solid Waste Management Act [Act of July 7, 1980 (p.1. 380, no. 97)] not including any resource recovery facility as that term is defined in the Municipal Waste Planning, Recycling and Waste Reduction Act [Act of July 28, 1988 (p.1. 556, no. 101)" Act 101"]; a solid waste management facility qualifies as such when it is permitted by the Pennsylvania Department of Environmental Protection. The term shall include all related uses, buildings, and improvements as permitted, or as required, by the Pennsylvania Department of Environmental Protection for the operation of a solid waste management facility. See, "Sanitary Landfill"

Special Exception -A use or condition permitted in a particular district by the Zoning Hearing Board, to occupy or use land and/or a building or structure erected thereon for a specific purpose in accordance with this Ordinance, when such use is not permitted by right. At the hearing, evidence must be presented to satisfy the conditions and safeguards listed in the ordinance, but additional conditions and safeguards may also be imposed by the board.

Specialty Assisted Living Residence - An assisted living residence that holds itself out to the public as providing:

- (a) Services of a basic assisted living residence.

- (b) Specialty assisted services included levels of assisted living residence staffing required by the residents with special needs, including, but not limited to, Alzheimer's disease and dementia, AIDS and hospice care.

Specified Sexual Activities - For the purposes of this Ordinance, this term shall include any of the following:

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

Steep Slopes - Those areas of land where the grade is fifteen (15) percent or greater. For the purposes of this Ordinance, steep slopes are divided into two categories:

- (a) Precautionary slopes are those areas of land where the grade is fifteen (15) to fifty (50) percent.
- (b) Prohibitive slopes are those areas of land where the grade is fifty (50) percent or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this Ordinance, slope shall be measured over three (3) two (2) foot contour intervals {six (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 the Commonwealth of Pennsylvania.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor

and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building shall be considered a ½ story.

Story, Half - Any space within the roof framing, with or without a finished floor, where 75 percent of such space has structural headroom of seven feet and six inches or more. Any space, which has more than 75 percent of its area having such headroom, shall be deemed to be a full story.

Street - A public (dedicated) or private (undedicated) right-of-way containing a cartway, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The street cartway must be a hard impervious surface designed, and constructed per the township specifications. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

Street Arterial (Major) - A street serving a large volume of comparatively high-speed and long distance traffic.

Street Centerline - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

Street Collector - A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or arterial streets or other collector streets. Streets within an industrial or commercial development shall be considered collector streets.

Street, Cul-De-Sac - A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.

Street Frontage (Lot Frontage) - The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street (Right-of-Way) Line - The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Street Minor - A street used primarily to provide access to residential properties.

Street, Marginal Access - A minor street, parallel and adjacent to an arterial or collector street (but separating it by a reverse strip), which provides access to abutting properties and control of intersections.

Street, Internal - A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.

Street Service (Alley) - A minor right-of-way providing secondary vehicular access to the



side or rear of two or more properties.

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

- (a) Structure, Accessory - A structure associated with an accessory use (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).
- (b) Structure, Principal - A structure associated with a primary use.

Structures shall not include such things as fences, sand boxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.

Student - An individual who is enrolled or has made application and been accepted at a university, college or trade school and is taking at least six (6) credit hours and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school.

Student Housing: See, "Dormitory".

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agriculture purposes into parcels of more than eleven acres not involving any new street or easement of access or any residential dwelling shall be exempted. The term subdivision shall refer, as appropriate in this ordinance, to the process of subdividing land or to the land proposed to be subdivided. The term subdivision includes re-subdivision. Also see definition in the Township Subdivision and Land Development Ordinance.

Subdivision and Land Development Ordinance (SALDO) - Maxatawny Township Subdivision and Land Development Ordinance (Regulations).

Surface Mining - The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Swimming Pool - A pool used for swimming which has a depth in any part of twenty-four (24) inches or more, which is primarily used or intended to be used for swimming or bathing.

Tavern - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.



Taverns may also serve food, but no live entertainment shall be permitted more than three times per week.

Theater - A building or part of a building devoted to the showing of moving pictures or for dramatic, musical or live performances.

Therapeutic Massage Establishment - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Timber Harvesting or Tree Harvesting - A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

Tower - A tall framework or structure including supports and guy wires, used for observation and/or signaling. See, "Antenna".

Township - Township of Maxatawny, Berks County, Pennsylvania.

Township Planning Commission - Planning Commission of the Township of Maxatawny, Berks County, Pennsylvania.

Township Supervisors - Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania.

Travel Trailer - A vehicular, portable structure, primarily designed to provide temporary living quarters for temporary dwelling, recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

- (a) The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
- (b) The unit is mounted or designed to be mounted on wheels;
- (c) The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
- (d) The unit contains, or was designed to contain, temporary storage of water and sewage, and,

- (e) The unit contains some identification by the manufacturer as a travel trailer.

Truck/Motor/Rail Freight Terminal - An area and building where cargo is stored and where trucks, including tractor and trailer units, and/or trains load and unload cargo on a regular basis. Terminals may include facilities for the temporary storage of loads prior to shipment.

Ultralight Vehicle - A vehicle, powered or un-powered, that is used or intended to be used for manned operation in the air for recreation or sport purposes only, and that does not have any U.S. or foreign airworthiness certificate. Weight, fuel capacity and maximum speed shall be regulated by part 103 of the Federal Aviation Regulations.

Unit of Use - A single use.

Usable Open Space - An unenclosed portion of an area of a lot which is not devoted to driveways, parking spaces, or principal structures not including recreational structures such as shelters or pavilions accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

Use - The specific purpose for which a tract of land, sign, structure, or building is designed, arranged, intended, occupied, or maintained, or any activity, occupation or business, or operation which may be carried on or therein per the zoning district regulations situate in. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

- (a) Use, Accessory - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
- (b) Use, Principal - The main or primary use of property or structures.

Variance - Relief, granted by the Zoning Hearing Board, from the terms and conditions of this ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions or circumstances pertaining only to the lot in question and when granting of the relief would not be contrary to the public interest and meeting the requirements of this ordinance and the Pennsylvania Municipalities Planning Code, as amended.

Veterinarian's Office - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

Warehouse - A building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials.

Water Supply System - A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the township.

Water On-Lot Supply System - A private water supply system, which transmits water from a source on the lot to one (1) dwelling, principal use, or lot.

Water Community Supply System - A public water supply system, which transmits from a common source to more than one (1) dwelling, principal use, and/or lot within a single neighborhood.

Water Public or Municipal Supply System - A system of water collection, storage transmission and delivery, which is proposed to service an area and not confined to a single neighborhood.

Wetlands - Those 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. The three major characteristics of wetlands include vegetation, soil and hydrology. 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 Ordinance. In the event the definition of wetland accepted by the U.S. Corps of Army Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

Wholesale Uses - Sale of goods primarily in bulk or large quantities to persons engaged in further resale of such goods, or use of them in construction, auto repair, or similar activities. Wholesale uses typically do not serve the general public.

Wildlife Refuge - A principal use whereby environments and habitats are provided for the raising and/or natural livelihood of plant and animal species native to the region.

Wind Energy Conversion System (WECS) or Wind Energy Device - An electric generating facility whose main purpose is to supply electricity consisting of multiple wind driven turbines or a single wind driven turbine unit exceeding 10 KW, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities as more fully defined and discussed in Article X.

Wind Farm - An electric generation facility, whose main purpose is to supply electricity consisting of one (1) or more WECS and other accessory structures and buildings including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, used on-site for commercial purposes or which is sold on the open market. A WECS 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. The regulations and additional definitions relate to Wind Farms shall be contained in Article X of this Ordinance.

Wind Turbine or Personal Wind Turbine - A single WECS that converts wind energy into electricity through the use of a wind driven turbine generator, and includes the nacelle rotor, tower, and pad transformer, if any, which turbine does not exceed power generation

in the amount of 7 KW. This use is intended to be used for personal use as opposed to commercial use and may also be referred to as a "windmill".

Wind Rotor - A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and along with other generating and electrical storage equipment, forms the WECS.

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 (i.e., larger than six inches dbh) covering an area of one-quarter acre or more, or consisting of ten (10) individual trees larger than six (6) inches dbh, shall be considered a woodland. For the purposes of this Ordinance, the extent of any woodland plant community for any part thereof shall be measured from the outer-most dripline of all the trees in the community. Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six (6) inches dbh). Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years which would have met the definition of woodland prior to timbering or disturbance.

Woodland Extraction - The clear cutting of mature trees (6 inches or more in caliper) to provide an adequate area for development.

Yard - A required open space on the same lot with a structure (or a group of structures) which lies between the building setback and a lot line and which is unoccupied by a structure (or a group of structures).

Yard, Front - An open, unoccupied space, open to the sky, between the street right-of-way and the building setback line, and extending for the full width of the lot.

Yard, Rear - An open, unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any district, and extending for the full width of the lot.

Yard, Side - An open, unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any district and extending from the front yard to the rear yard lot line at full depth of the lot.

Zoning - Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land; and height, area, bulk, and use of buildings, and yard requirements; and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "Enabling Act".

Zoning Hearing Board - Maxatawny Township Zoning Hearing Board. A board created by the governing body to hear matters as provided for in this ordinance.

Zoning Map - Maxatawny Township Official Zoning Map.

Zoning Officer - Maxatawny Township Zoning Officer. The agent or official designated by the governing body to administrate and enforce the zoning ordinance of the municipality.

Zoning Ordinance - Maxatawny Township Zoning Ordinance of 2012.

Zoning Permit - A Permit stating the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this ordinance for the zone in which it is located or to be located.

## ARTICLE III

### ZONING MAP AND ZONING DISTRICTS

#### Section 301 Official Zoning Map

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

##### 301.1 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signatures of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

##### 301.2 Changing the Official Zoning Map

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map promptly after the amendment has been approved by the Governing Body, they shall be displayed at the Township Building in accordance with the Act.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

##### 301.3 Location of Official Zoning Map

The Official Zoning Map shall be located in a place, as designated by the Governing Body, and shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of unofficial copies which may have been made or published from time to time.

##### 301.4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Governing Body, attested by the Secretary of that Body, and bearing the following words: "This is the official Zoning Map of Maxatawny Township as adopted July 30, 2012. This is to certify that this Official Zoning Map supersedes and replaces all other zoning maps of





the maps of the United States Department of Housing and Urban Development, Federal Insurance Administration, for the township of Maxatawny, Berks County, Pennsylvania, FIA Flood Hazard Boundary Maps, associated with the Township's official Floodplain Ordinance, Ordinance No. 2012-03, as amended, copies of which are on file in the Office of the Township Secretary, and available for public inspection. If any applicant for a permit is uncertain whether a particular area is within a special flood hazard area or not, he shall contact the Township to review the site of the proposed structure or of the proposed alterations, enlargement, additions or other modifications.

ARTICLE IV

DISTRICT REGULATIONS

Section 400 AP and AP1- AGRICULTURAL PRESERVATION DISTRICT

400.1 Purpose Statement.

The agriculture in Maxatawny Township is a unique non-replaceable natural resource, which needs to be recognized by the community and preserved for the benefit of the residents of the municipality. This proposition of preservation of agricultural farmlands and open space is founded upon the following policy considerations:

- (a) The agricultural farmlands and open space within Maxatawny Township is a valuable natural resource, which is valuable for the health, safety and welfare of the Township residents;
- (b) The soils, topography and historical experience of Maxatawny Township have established Maxatawny Township as a producer of agricultural goods and products;
- (c) The aesthetic value of the agricultural district within Maxatawny Township is of special significance to the residents of Maxatawny Township and its surrounding municipalities;
- (d) The present character of the agricultural district of Maxatawny Township mandates that it be recognized as an economic resource, necessary of preservation

400.1.1 In the interest of public health, safety and welfare, the AP zoning district is further designed and intended to accomplish the following:

- (a) To protect and preserve the agricultural base in the areas of productive soils which is a major component of the economy of the Township.
- (b) To permit only those land uses and activities, which are agriculture related and advance agricultural purposes.
- (c) To encourage the preservation of the prime productive farmland within the Township.
- (d) To prevent adverse effects which may result from the encroachment and commingling of residential and other incompatible development and land uses with agricultural uses.

400.2 Permitted Uses.

Only the following uses are permitted by right in the AP District and AP1 District, provided

that the requirements for specific uses and Section 400.12 are met:

- (a) Agricultural, animal husbandry, horticultural, and forestry uses, including, but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, flowers, fruit, bees, fish, sod production, or similar type uses.
- (b) Processing of farm products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown, so long as the basic purpose and design of such use is intended for the processing of products raised or grown on the premises, however, the processing of such products from other local area farms shall also be permitted.
- (c) Forestry and Forest Reserves, Woodland and/or Game Preserve, Fish and Wildlife Refuges, and similar Conservation Uses.
- (d) Single one-family dwellings - detached buildings, per Sections 400.6 and 400.11 of this Ordinance.
- (e) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (f) Farm Occupation subject to Section 502.2 of this Ordinance.
- (g) Farm Market and/or Farm Produce Stand subject to Section 536 of this Ordinance.
- (h) Fire Observation Tower.
- (i) Home Occupation subject to Section 502 of this Ordinance.
- (j) Commercial Livestock Hauling Operation subject to Section 542 of this Ordinance.
- (k) Municipal Use.
- (m) Farm Storage (Back-Behind) subject to Section 400.3 and 502 of this Ordinance.
- (n) No Impact Home-Based Business subject to Section 527 of this Ordinance.

400.3 Permitted Accessory Use - Any accessory use customarily carried on in conjunction with farming and rural life, located on the same lot with the permitted use, or incidental to any dwelling or other main use permitted above, such as:

- (a) Signs pursuant to Section 507.

- (b) Accessory Farm Dwelling subject to Section 530 of this Ordinance.
  - (c) Temporary Farm Employee Housing subject to Section 590 of this Ordinance.
- 400.4 Uses Permitted Only By Special Exception Issued By The Zoning Hearing Board.
- (a) Churches or similar places of worship, Parish Houses, Convents, and other Housing for Religious Personnel subject to Section 539 of this Ordinance.
  - (b) Cemeteries subject to Section 539 of this Ordinance.
  - (c) Aquaculture subject to Section 537 of this Ordinance.
  - (d) Agricultural industry per Section 522 and all structures associated with agricultural industries activity shall not be located closer than three hundred (300) feet from any existing dwelling unit, except on the home premises.
  - (e) Farm Equipment Sales and Service subject to Section 553 of this Ordinance.
  - (f) Processing of Farm Products subject to Section 577 of this Ordinance.
  - (g) Riding Stable, Equestrian Facility, Riding Club and/or Riding School subject to Section 582 of this Ordinance.
  - (h) Sawmill subject to Section 599-A of this Ordinance.
  - (i) Septage and/or Mushroom Processing Facility subject to Section 585 of this Ordinance.
  - (j) Public and Non-profit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and Clubs), Playgrounds, and Picnic Grounds subject to Section 512 of this Ordinance.
  - (k) Elder Cottage Housing (ECH) Units subject to Section 551 of this Ordinance.
  - (l) Wind Farm subject to Article X of this Ordinance.
  - (m) Wind Energy Conservation System generating equal to or more than 10 kW subject to Article X of this Ordinance.

- 400.5 Conditional Uses: After recommendation by the Planning Commission and public hearing by the governing body, the governing body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.
- (a) Farm Related Business subject to Section 554 and 522 of this Ordinance.
  - (b) Intensive Agriculture subject to Section 513 of this Ordinance.
  - (c) Family Day Care Center subject to Section 548 of this Ordinance.
  - (d) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.
  - (e) Government buildings. Federal, State or other municipal government bodies not defined as a Municipal Use Building pursuant to this Ordinance subject to Section 570.
  - (f) Personal Agricultural Warehousing.
  - (g) Retail sales of Nursery and Garden Materials subject to Section 580 of this Ordinance.
  - (h) Furniture and/or Upholstery Refinishing Shop.
  - (i) Kennel subject to Section 525 of this Ordinance.
  - (j) Welding/Machine Shop.
  - (k) Wind Energy Conservation System generating less than 10 kW subject to Article X of this Ordinance.

400.6 Lot Size. (Pursuant to Section 400.10)

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) Farm - 10 acres minimum
- (b) One family dwelling - 1 acre minimum/maximum
- (c) Other uses - 2 acre minimum

400.7 Minimum Lot Width.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective



criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) One family dwelling - 100 feet minimum
- (b) Other uses - 200 feet

400.8 Yard Dimensions.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

- (a) Front yard - 40 feet
- (b) Side yard (each) - 20 feet
- (c) Rear yard - 40 feet

400.9 Maximum Building Coverage And Height.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum building coverage and height requirements for uses within this Zoning District.

- (a) No height limitation for agricultural buildings or structures.
- (b) A maximum height of 35 feet for non-agricultural buildings or structures.
- (c) Maximum Building Coverage (all structures) - 10%
- (d) Maximum Impervious Coverage - 20%

400.10 Requirements For Subdivision Of A Tract.

- (a) Subdivision of land shall be permitted only:
  - (1) When necessary to permit the location of a lot for use pursuant to this Ordinance.
  - (2) Except as permitted for single-family dwelling purposes, pursuant to this Section of the Ordinance, or for Permitted and Special Exception Uses established in Section 400.2, 400.4 and 400.5 of this Ordinance, subdivision of land within the AP and AP1 Districts

shall be limited to the division of land for agricultural purposes of parcels of ten (10) or more acres or to the creation of a parcel less than ten (10) acres for the purpose of transferring the parcel to an adjacent farm, provided, however, that at least ten (10) acres shall be maintained in the original tract.

- (3) To permit a tract of land leased in the AP Zoning District as of January 1, 1996 to be subdivided from the remaining tract not leased as of that date and conveyed to the lessee.
  - (4) To permit a tract of land leased in the AP1 Zoning District as of July 1, 2012 to be subdivided from the remaining tract not leased as of the that date and conveyed to the lessee.
- (b) A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling rights his tract may have.
  - (c) All plans submitted to subdivide land in the Agricultural Preservation District shall contain the following language in conspicuous form:

"Agricultural Nuisance Disclaimer" - All lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept these conditions (such inconveniences, discomfort and possibility of injury from normal agricultural operations), and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operation.

#### 400.11 Single-Family Development.

In the AP Zoning District and AP1 Zoning District, single- family development shall be subject to the following limitations:

- (a) The provisions of this section shall apply to all tracts of land in existence and as determined as of the effective date of this Ordinance as stated in 400.10(a)(3) and (4). Subsequent changes in ownership of any tract shall not otherwise extend or modify the limitations on single-family development as herein provided:

- (1) There shall be permitted the following number of single-family dwellings as designated upon the size of the subject tract of land:
  - A. Existing tracts less than ten (10) acres in size, shall be permitted a maximum of two (2) additional subdivided lots; provided all area and dimensional requirements are satisfied, as well as all other regulatory provisions of this Ordinance.
  - B. Existing tracts in excess of ten (10) acres shall permit subdivision, provided that for each residential lot to be subdivided, there shall be set aside five (5) contiguous acres for non-developmental purposes by means of a conservation easement in perpetuity. All area, dimensional and other subdivision and zoning regulatory provisions must be satisfied.
  - C. Regardless of lot size, once a new lot has been created, resubdivision of the newly created lot is not allowed.
  - D. A Township Committee will be established under separate ordinance to review, recommend, record and keep track of all conservation easements.
- (2) Soil Classification. New single-family detached dwellings shall only be located on soils other than soils identified as Soil Capability Units I and II by the Soil Conservation Service in the Soil Survey of Berks County, or on land which cannot feasibly be used for agricultural purposes due to the land characteristics, slope, or size and/or shape of property. Where, in the opinion of the Board of Supervisors, location on soils other than Soil Capability Units I and II is not feasible, the Supervisors shall permit the location of dwellings on such soils. However, the location shall be on the least agriculturally productive land feasible or such other area that would minimize interference with agricultural production.
- (3) Any person who shall claim that the classification of soils on his land is incorrect because the Soil Survey is inaccurate in regard to his property, may appeal the classification to the Board of Supervisors. The burden of proof shall be on the appellant to the Board of Supervisors. The appellant must submit, as part of his appeal before the Supervisors, an analysis prepared by a professional engineer or certified geologist or soil scientist indicating soil types based on field investigation and tests. The Supervisors may, upon review of the submitted report, reclassify the property in

question in accordance with the findings submitted for the purpose of this Ordinance.

- (4) The lot size for all new single-family detached dwellings, as permitted under this section, shall be no greater than one (1) acre. Larger lots may be permitted if the owner can substantiate that increases in the size of the property will not adversely affect the objectives of this Section, or that the physical or soil characteristics require larger lot sizes in order to locate the dwelling, accessory structures, driveway, well, and/or on-site sewage disposal facilities.

- (b) Homestead farming application pursuant to Section 521.

400.12 Requirements Respective To Non-Agricultural Uses Other Than Residential Uses.

- (a) Such uses must be located on the lowest quality agricultural feasible soil, including soils group III through VIII, so as to minimize the loss of farmland and so as to minimize interference with agricultural production.
- (b) Prior to issuing a permit to allow such use the Zoning Officer must certify that the requirements of subparagraph (a) hereof have been complied with.

400.13 Additional Requirements.

Buffer Yard and Evergreen Screening pursuant to Section 517.

Section 401 A-R - AGRICULTURAL - RESIDENTIAL

Purpose Statement: This Area represents a mixture of residential uses, agricultural uses, conservation uses which complement the existing agricultural character of the District. Low densities of development would be expected due to soil conditions and surrounding agricultural uses.

401.1 Permitted Uses

- (a) The following Commercial Agriculture Operations, including crop farming and animal husbandry, and accessory uses thereto, but excluding intensive farming, provided that there shall be no stable or similar animal housing or the storage of manure or other odor or dust-producing substance or use, except spraying and dusting to protect vegetation, within 100 feet of any lot or street line, unless permitted at a lesser distance by special exception.

- (1) The raising of field and garden crops, vineyard and orchard

farming, the maintenance of nurseries, and the sale of such products thereof in buildings which do not exceed 1,000 square feet in retail floor area and are set back at least 35 feet from any street line.

- (2) Keeping, breeding, and raising of cattle (including dairies), sheep, bison, llamas, rabbits, goats, pigs, fowl, fish, horses, etc. or rental of horses, on a lot of 10 acres or more unless a lesser lot size is permitted by special exception.
  - (b) Forestry and Forest Reserves, Woodland and/or Game Preserve, Fish and Wildlife Refuges, and similar conservation uses.
  - (c) Public and Nonprofit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and Clubs), Playgrounds, and Picnic Grounds subject to Section 512 of this Ordinance, as applicable.
  - (d) One-family Dwellings - Detached Building.
  - (e) Municipal Use.
  - (f) Farm Occupation subject to Section 502.2 of this Ordinance.
  - (g) Farm Market and/or Farm Produce Stand subject to Section 536 of this Ordinance.
  - (h) Farm Related Business subject to Section 554 of this Ordinance.
  - (i) Fire Observation Tower.
  - (j) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.
  - (k) Home Occupation subject to Section 502.1 of this Ordinance.
  - (l) No Impact Home Based Business subject to Section 527 of this Ordinance.
  - (m) Farm storage (Back-Behind) subject to Section 400.3 and 522 of this Ordinance.
- 401.2 Permitted Accessory Uses - Located on the same lot with permitted principal use.
- (a) Private garage or private parking area.
  - (b) Signs subject to Section 507 of this Ordinance.
  - (c) Accessory uses and buildings.

- (d) Accessory Farm Dwelling subject to Section 530 of this Ordinance.
  - (e) Accessory Apartment subject to Section 529 of this Ordinance
  - (f) Temporary Farm Employee Housing subject to Section 590 of this Ordinance.
- 401.3 Uses Permitted only by Special Exception Issued by the Zoning Hearing Board.
- (a) Public or Private Schools, but not including Penal Institutions, subject to Section 584 of this Ordinance.
  - (b) Cemeteries (public or private) and necessary incidental structures subject to Section 539 of this Ordinance.
  - (c) Membership clubs or lodges and/or camps, and outdoor recreational facilities such as shooting range and outdoor tennis clubs, subject to Sections 540, 557 and/or 564 of this Ordinance, as applicable to the proposed Use.
  - (d) Veterinary kennel or veterinary office or animal hospital subject to Section 525 of this Ordinance.
  - (e) Commercial Campgrounds subject to Section 514 of this Ordinance.
  - (f) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
  - (g) Aquaculture subject to Section 537 of this Ordinance.
  - (h) Intentionally Omitted.
  - (i) Golf Club, Country Club and/or Driving Range subject to Section 557 of this Ordinance.
  - (j) Communication Tower and Cell Site antennas subject to Section 543 of this Ordinance.
  - (k) Personal use airport and/or heliport subject to Section 560 and 576 of this Ordinance.
  - (l) Retail Sales of Nursery and Garden Materials subject to Section 580 of this Ordinance.
  - (m) Riding Stable, Equestrian Facility, Riding Club and/or Riding School subject to Section 582 of this Ordinance.
  - (n) Elderly Cottage Housing (ECH) subject to Section 551 of this Ordinance.



- 401.4 Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.
- (a) Churches or Similar Places of Worship, Parish Houses, Convents and other housing for Religious Personnel subject to Section 539 of this Ordinance.
  - (b) Active Adult Community subject to Section 531 of this Ordinance.
  - (c) Personal Agricultural warehouse.
  - (d) Auction house subject to Section 538 of this Ordinance.
  - (e) Intentionally omitted.
  - (f) Boarding House and/or Rooming House subject to Section 515.1 of this Ordinance.
  - (g) Commercial Greenhouse/Nursery.
  - (h) Commercial Recreation uses, Horse Riding Trails and Stables, Swimming Areas and Pools, Hiking and Riding Trails, Boating, Fishing, Skiing, Camping, Hunting, Ecological Centers, Granges or Lodges, Tennis Courts, Activity Centers, Senior Citizen Centers and similar Recreational Uses subject to Sections 512 and 564 of this Ordinance, as applicable per the Uses proposed.
  - (i) Agricultural Education Research Facility subject to Section 596 of this Ordinance
  - (j) Cluster Development containing single-family detached dwelling units, pursuant to Section 510.
  - (k) Family Day Care subject to Section 548 of this Ordinance.
  - (l) Excavation contractor, general contractor office/shop, building contractor storage subject to Section 552 or 544 of this Ordinance, respectively.
  - (m) Funeral Home/Mortuary subject to Section 555 of this Ordinance.
  - (n) Livestock Hauling Operation subject to Section 542 of this Ordinance.
  - (o) Medical or Dental Clinic.

- (p) Nursing, Convalescent or Retirement Home subject to Section 572 of this Ordinance.
- (q) Off -Road Vehicle Track subject to Section 573 of this Ordinance
- (r) Sawmill subject to Section 599-A of this Ordinance.
- (s) Shooting Range subject to Section 586 of this Ordinance.
- (t) Small Engine Repair Shop and/or Welding/Machine Shop.
- (u) Wind Farm and/or WECS of less than 10 KW subject to Article X of this Ordinance.
- (v) Day Care Center subject to Section 548 of this Ordinance.
- (w) Personal Care Home subject to Section 523 of this Ordinance.
- (x) Solar field subject to Article X of this Ordinance.
- (y) Single Family Development subject to Section 526 of this Ordinance.

401.5 Minimum Lot Size

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

Area - 1 acre

Width - 150 feet

401.6 Yard Dimensions

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

Front Yard - 40 feet

Each Side Yard - 20 feet

Rear Yard - 40 feet

401.7 Maximum Building Coverage and Height

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective

criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the maximum building coverage and height requirements for uses within this Zoning District.

Maximum Building Coverage - 10% including necessary structures

Maximum Impervious Coverage - 20%

Maximum Height - 35 feet.

401.8 Additional Requirements

- (a) Site Plan Review - Site plan requires review by the Township for non-residential principal buildings or new/expanded impervious area.
- (b) Buffer Yard and Evergreen Screening pursuant to Section 517.

Section 402

R-1 - MEDIUM DENSITY RESIDENTIAL

**PURPOSE STATEMENT:** This District reflects various existing uses but provides a method for growth within the District by providing a number of different uses that complement existing residential uses and future residential uses within the District. The lot sizes and uses are reflective of sewer and water availability within the region.

402.1 Permitted Uses

- (a) Any permitted agricultural use as listed in Section 401.1(a)
- (b) One-family Dwelling - Detached Building.
- (c) Municipal Use.
- (d) Forestry and Forest Reserves, Fish and Wildlife Refuges, and Similar Conservation Uses.
- (e) Active Adult Community subject to Section 531 of this Ordinance.
- (f) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.
- (g) Home Occupation subject to Section 502.1 of this Ordinance.
- (h) No impact home-based business subject to Section 527 of this Ordinance.
- (i) Public and Nonprofit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and Clubs), Playgrounds, and Picnic Grounds, subject to Section 512 of this Ordinance, as applicable.

- (j) Public Meeting Hall and/or Community Center subject to Section 591 of this Ordinance.
- (k) Single Family Semi-Detached Dwelling.
- (l) Two Family Detached Dwelling.
- (m) Two Family Single Detached dwelling.

402.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use.

- (a) Private Garage or Private Parking Area.
- (b) Signs subject to Section 507 of this Ordinance.
- (c) Accessory Apartment subject to Section 529 of this Ordinance.
- (d) Temporary Farm Employee Housing Subject to Section 590 of this Ordinance.
- (e) Accessory uses and buildings.

402.3 Uses Permitted Only by Special Exception Issued by the Zoning Hearing Board

- (a) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (b) Public or Private Schools, but not including Penal Institutions, subject to Section 584 of this Ordinance.
- (c) Cemeteries subject to Section 539 of this Ordinance.
- (d) Elder Cottage Housing Unit (ECH) subject to Section 551 of this Ordinance.
- (e) Library.
- (f) Commercial Recreation uses, Horse Riding Trails and Stables, Swimming Areas and Pools, Hiking and Riding Trails, Boating, Fishing, Skiing, Camping, Hunting, Ecological Centers, Granges or Lodges, Tennis Courts, Activity Centers, senior citizen Recreation Centers and similar Recreational Uses subject to Sections 512, 540 and 564 of this Ordinance, as applicable per the Use proposed.

- (g) Assisted Living Residence subject to Section 523 of this Ordinance.
- (h) Solar field subject to the provisions of Article X of this Ordinance.
- (i) Health and Recreation Club, Athletic Club, Tennis Club subject to Section 558 of this Ordinance.

402.4

Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Golf Clubs, Country Clubs and Golf Courses subject to Section 557 of this Ordinance.
- (b) Churches or Similar Places of Worship, Parish Houses, Convents, and other Housing for Religious Personnel, subject to Section 539 of this Ordinance.
- (c) Nursery/Greenhouse for Personal Use.
- (d) Cluster Development containing Single Family Detached Dwelling Units pursuant to Section 510.
- (e) Planned Residential Development pursuant to Section 511.
- (f) Conversion Apartment subject to Section 547 of this Ordinance.
- (g) Day Care Facilities subject to Section 548 of this Ordinance..
- (h) Medical and/or Dental Clinic.
- (i) Nursing, Convalescent and/or Retirement Home subject to Section 572 of this Ordinance.
- (j) Post office.
- (k) Printing and/or Publishing Establishment.
- (l) Rooming House and/or Boarding House subject to Section 515.1 of this Ordinance.
- (m) Townhouse subject to Section 504 of this Ordinance.

(n) Personal Care Home.

402.5 Minimum Lot Size

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) In R-1 areas where municipal water and municipal sewage is not provided, the minimum lot size per dwelling unit shall be:

Area - 1 acre

Width - 150 feet

- (b) In R-1 areas where municipal water and municipal sewage is provided, the minimum lot size per dwelling unit shall be:

Area - 1/2 acre

Width - 100 feet

402.6 Yard Dimensions

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

- (a) In R-1 areas where municipal water and municipal sewage is not provided, the yard dimension shall be:

Front Yard - 40 feet

Each Side Yard - 20 feet

Rear Yard - 40 feet

- (b) In R-1 areas where municipal water and municipal sewage is provided, the yard dimension shall be:

Front Yard - 30 feet

Each Side Yard - 15 feet

Rear Yard - 40 feet



402.7

Maximum Building Coverage and Height

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the maximum building coverage and height requirements for uses within this Zoning District.

Maximum Building Coverage - 20% including accessory structures

Maximum Impervious Coverage - 40%

Maximum Height - 40 feet

402.8

Additional Requirements

- (a) Site Plan Review - Site plan requires review by the Township for non-residential principal buildings or new/expanded impervious area.
- (b) Buffer Yard and Evergreen Screening pursuant to Section 517.

Section 403

R-2 – RESIDENTIAL

PURPOSE STATEMENT: A major growth area within the Region, and will allow for residential development at medium density. This area is dependent on public water and sewer facilities. This District will likely contain a range of zoning uses that will complement the residential uses that are constructed.

403.1

Permitted Uses

- (a) One-family dwelling - detached building;
- (b) One-family dwelling - semi-detached building;
- (c) Two-family dwelling - detached building;
- (d) Two-family dwelling - semi-detached building;
- (e) Apartments, Multi-family Dwelling Units subject to Section 504 of this Ordinance.
- (f) Townhouses subject to Section 504 of this Ordinance.
- (g) Forestry and Forest Reserves, Fish and Wildlife Refuges, and similar conservation uses.
- (h) Churches or Similar Places of Worship, Parish Houses, Convents and other Housing for Religious Personnel subject to Section 539 of this

Ordinance.

- (i) Public or Private Schools, but not including Penal Institutions, subject to Section 584 of this Ordinance.
- (j) Municipal Use.
- (k) Libraries.
- (l) Post Office.
- (m) Any permitted Agricultural Use as listed in Section 401.1(a)
- (n) Intentionally omitted.
- (o) Active Adult Community subject to Section 531 of this Ordinance.
- (p) Cemeteries subject to Section 539 of this Ordinance.
- (q) Conversion Apartment subject to Section 547 of this Ordinance.
- (r) Home Occupation subject to Section 502 of this Ordinance.
- (s) No-Impact Home Based Business subject to Section 527 of this Ordinance.
- (t) Printing and/or Publishing Establishment.
- (u) Cluster Development subject to Section 510 of this Ordinance.
- (v) Planned Residential Development subject to Section 511 of this Ordinance.
- (w) Conversions of an existing residential structure from a one-family dwelling to a two or more family dwelling, subject to the following conditions:
  - (1) Such structure shall contain on the effective date of this Ordinance, 1,000 square feet of livable floor area for the first dwelling unit, plus 600 square feet of livable floor area for each additional dwelling unit created.
  - (2) The lot on which such structure is located shall contain at least 60% of the required minimum lot area for each dwelling unit so created.
  - (3) One and one-half off-street parking spaces shall be provided on said lot for each dwelling unit.

403.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use

- (a) Private Garage or Private Parking Area.
- (b) Signs subject to Section 507 of this Ordinance.
- (c) Accessory Apartment subject to Section 529 of this Ordinance.
- (d) Accessory Uses and Buildings.

403.3 Uses Permitted Only by Special Exception issued by the Zoning Hearing Board

- (a) Group Home subject to Section 518 of this Ordinance.
- (b) Assisted Living subject to Section 523 of this Ordinance.
- (c) Dormitory as an accessory Use to a College, University, Hospital or Public or Private Primary or Secondary School subject to Section 528 of this Ordinance.
- (d) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.

403.4 Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Nursing, Convalescent and/or retirement home subject to Section 572 of this Ordinance.
- (b) Mobile Home Parks pursuant to Section 506.
- (c) Public and Nonprofit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks), Playgrounds, and Picnic Grounds, subject to Section 512 of this Ordinance, as applicable.
- (d) Elderly Housing/Life Care Center subject to Section 520 of this Ordinance.
- (e) Family Day Care center subject to Section 548 of this Ordinance.

- (f) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (g) Elder Care Housing Unit (ECH) subject to Section 551 of this Ordinance.

403.5 Minimum Lot Size Per Dwelling Unit

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) In R-2 areas where municipal water and municipal sewage is not provided, the minimum lot size and width per dwelling unit shall be:

Area: One (1) acre

Width: 150 feet

- (b) In R-2 areas where municipal water and municipal sewage is provided, the minimum lot size per dwelling unit shall be:

Area: 15,000 square feet

Width: 100 feet

403.6 Yard Dimension

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

- (a) In R-2 areas where municipal water and municipal sewage is not provided, the yard dimension shall be:

Front yard - 40 feet

Each side yard - 20 feet

Rear yard - 40 feet

- (b) In R-2 areas where municipal water and municipal sewage is provided, the yard dimension shall be:

Front Yard - 30 feet

Each Side Yard - 15 feet

Rear Yard - 40 feet

403.7 Maximum Building Coverage and Height

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the maximum building coverage and height requirements for uses within this Zoning District.

Maximum Building Coverage - 40% including accessory structures

Maximum Impervious Coverage - 60%

Maximum Building Height -45 feet

403.8 Additional Requirements

- (a) Site Plan Review - Site plan requires review by the Township for non-residential principal buildings or new/expanded impervious area.
- (b) Buffer Yard and Evergreen Screening pursuant to Section 517.

Section 404 IN - INSTITUTIONAL DISTRICT

PURPOSE STATEMENT: To provide areas for a variety of educational, medical and health uses, the following are permitted by right, principal or accessory uses in the IN District, provided that other requirements of this Ordinance are complied with

404.1 Permitted Uses

- (a) College or University Educational and Customary Related Support Uses.
- (b) Public or Private Schools, but not Penal Institutions, subject to Section 584 of this Ordinance.
- (c) Recreational or Restaurant Facilities Primarily Intended to Serve Students, Employees, Staff, Faculty or Residents of a Permitted Principal Use of the IN District subject to Sections 512 and 579 as applicable per the proposed Use.
- (d) Automatic Financial Transaction Machines as an Accessory Use to an Educational Facility as listed in 404.1(a) –(c) to a Permitted Principal Use, but not including Drive-thru Facilities.

- (e) Public Library.
- (f) Public and Nonprofit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks), Playgrounds, and Picnic Grounds, Swimming Clubs and Outdoor Tennis Courts, subject to Section 512 of this Ordinance, as applicable.
- (g) Adult Day Care Center Subject to Section 548 of this Ordinance.
- (h) Agricultural Education Research Facility subject to Section 596 of this Ordinance.
- (i) Day Care Center subject to Section 548 of this Ordinance.
- (j) Any permitted Agricultural use as listed in Section 401.1(a)
- (k) Churches or Similar Places of Worship, Parish Houses, Convents, and other Housing for Religious Personnel, subject to Section 539 of this Ordinance.
- (l) Municipal Use.
- (m) No Impact Home Based Business subject to Section 527 of this Ordinance.
- (n) Community Center and/or Public Meeting Room subject to Section 591 of this Ordinance.
- (o) Accessory Uses Customarily Incidental to a Permitted use.

404.2                      Uses permitted only by Special Exception issued by the Zoning Hearing Board

- (a) Bank and/or Financial Institution
- (b) Hospital subject to Section 562 of this Ordinance.
- (c) Medical Laboratory and/or other Scientific Laboratory subject to Section 567 of this Ordinance.
- (d) Group Home subject to Section 518 of this Ordinance.
- (e) Single Family Detached Dwelling.
- (f) Two family Detached Dwelling.
- (g) Government Buildings/Offices subject to Section 570 of this Ordinance.
- (h) Health and Recreation Club, athletic Club, Tennis Club subject to Section



558 of this Ordinance.

- (i) Post Office.
- (j) Intentionally omitted.
- (k) Heliport/Helipad subject to Section 560 of this Ordinance.

404.3

Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Dormitory, as an Accessory Use to a College, University, Hospital or Public or Private Primary or Secondary School subject to Section 528 of this Ordinance.
- (b) Nursing, Convalescent and/or Retirement Home subject to Section 572 of this Ordinance.
- (c) Emergency Services Station subject to Section 570 of this Ordinance.
- (d) Standard Restaurant without Drive-Thru Service subject to Section 579 of this Ordinance.
- (e) Scientific/Industrial Research Facility/Industrial Laboratory subject to Section 567 of this Ordinance.
- (f) Theater/ Auditorium subject to Section 591 of this Ordinance.
- (g) Wind Farm, WECS Generating less than 10 Kw and WECS Generating greater than 10 Kw all subject to their respective criteria in Article X of this Ordinance.
- (h) Drive Thru Service Facility subject to Section 549 of this Ordinance.
- (i) Assisted Living subject to Section 523 of this Ordinance.
- (j) Fraternity Houses and Sorority House subject to Section 540 of this Ordinance.
- (k) Boarding House and/or Rooming House subject to Section 515.1 of this Ordinance.
- (l) Parking Compound subject to Section 556 of this Ordinance.

- (m) Apartments, Multi-family Dwelling Units subject to Section 504 of this Ordinance.
- 404.4 Permitted Accessory Uses - Located on the same lot with the permitted principal use
- (a) Off-street Parking Areas subject to Section 508 of this Ordinance.
  - (b) Signs subject to Section 507 of this Ordinance.
- 404.5 Minimum Lot Size
- Area - 1 acre
- Width - 300 Feet
- 404.6 Yard Dimensions
- Front Yard: 50 feet
- Each Side Yard: 20 feet, except 80 feet from the lot line of an existing single family detached dwelling.
- Rear Yard: 40 feet, except 80 feet from the lot line of an existing single family detached dwelling.
- Paved Area Setback: A strip of land with a minimum width of 25 feet from all public street curb lines (or the existing street right-of-way line if no curb exists) shall be maintained in grass, landscaping and natural ground cover, except for any required sidewalks or approved driveway entrances.
- 404.7 Maximum Building Coverage and Height
- Maximum Height: 50 feet.
- Maximum Lot Coverage: 40 percent for buildings, 70 percent for impervious surfaces.
- 404.8 Additional Requirements:
- (a) Site Plan Review: Site plan requires a review by the Township for every principal non-residential use and dormitories.
  - (b) Front Yard: Shall not include children's play equipment, basketball courts or illuminated recreation facilities within a required front yard or within 40 feet of a lot line.

- (c) Buffer Yard and Evergreen Screening subject to Section 517 of this Ordinance.

Section 405

NC - NEIGHBORHOOD COMMERCIAL DISTRICT

PURPOSE STATEMENT: To provide for a carefully controlled selection of light commercial uses in locations that have a mixed commercial-residential character. To provide for commercial uses that are primarily designed to serve nearby neighborhoods. To make sure that these uses are compatible with nearby residences. To encourage the redevelopment of existing commercial uses that are not appropriate near residences

405.1 Permitted Uses

- (a) Bank and Financial Institution.
- (b) Business Service Shop
- (c) Church or similar Places of Worship, Parish Houses, Convents and Other Housing for Religious Personnel subject to Section 539 of this Ordinance.
- (d) Home Occupation subject to Section 502 of this Ordinance
- (e) Medical or Dental Office.
- (f) Personal Service Shop.
- (g) Standard Restaurant, without drive-thru service subject to Section 579 of this Ordinance.
- (h) Retail Store subject to Section 535 of this Ordinance, other than uses prohibited, of items similar to the following character:
  - (1) Gifts, cards and books
  - (2) Home furnishings
  - (3) Office or computer equipment
  - (4) Musical instruments
  - (5) Apparel or shoes
  - (6) Bakery
- (i) Dry Cleaner, Laundry and/or Laundromat subject to Section 550 of this Ordinance.
- (j) Cemetery subject to Section 539 of this Ordinance.
- (k) Municipal Use.
- (l) Single family detached dwelling unit.

- (m) Single family semi-detached dwelling unit.
  - (n) Accessory Use or Structure clearly customary and incidental, as determined by the Township Zoning Officer, to a permitted by right, approved special exception or conditional use.
  - (o) Agricultural Uses as set forth in Section 401.1(a) of this Ordinance.
- 405.2 Uses permitted only by Special Exception issued by the Zoning Hearing Board.
- (a) Accessory Apartment subject to Section 529 of this Ordinance.
  - (b) Conversion Apartment subject to Section 547 of this Ordinance.
  - (c) Farm Market and/or Farm Produce Stand subject to Section 536 of this Ordinance.
  - (d) Emergency Services Station subject to Section 570 of this Ordinance.
  - (e) Funeral Home and/or Mortuary subject to Section 555 of this Ordinance.
  - (f) Professional Office subject to Section 519 of this Ordinance.
  - (g) Repair Shop.
- 405.3 Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.
- (a) Convenience Store subject to Section 545 of this Ordinance.
  - (b) Tourist, Bed and Breakfast, Country Inn subject to Section 515 of this Ordinance.
  - (c) Daycare Center subject to Section 548 of this Ordinance.
  - (d) Library.
  - (e) Post Office.
  - (f) Photography and/or Dance Studio
  - (g) Rooming or Boarding House subject to Section 515.1 of this Ordinance.

405.4 Prohibited Uses: All uses not specifically permitted are prohibited, unless their allowance is clearly implied in the determination of the Zoning Hearing Board by a very close similar use. The following uses are very specifically prohibited in the NC District as principal or accessory uses.

- (a) Gasoline Service Station
- (b) Auto Repair Garage
- (c) Auto, Boat, or Mobile/Manufactured Home Sales
- (d) Car Wash
- (e) Taxi Terminal or Bus Station
- (f) Hotel or Motel
- (g) Tavern or Nightclub
- (h) Adult Related Uses
- (i) Motor Vehicle Race Track
- (j) Uses primarily involving delivery of products off-of-the-site
- (k) Truck Terminal
- (l) Supermarket, with greater than 2,500 square feet of total floor area
- (m) Junkyard
- (n) Fast food Restaurant with or without a Drive thru
- (o) Animal Hospital
- (p) Building Contractor's storage
- (q) Commercial or Industrial outdoor storage or display
- (r) Manufacturing
- (s) Number of Uses: No lot may contain more than 2 uses, except within a development previously approved for a large number of uses.





## 406.1

## Permitted Uses

- (a) Retail Establishments or Shops subject to Section 535 of this Ordinance.
- (b) Bank and/or Financial Institution.
- (c) Restaurants (sit down with no drive thru) subject to Section 579 of this Ordinance.
- (d) Motor Vehicle Repair Shop (without gasoline) subject to Section 599-B of this Ordinance.
- (e) Hotels and Related Facilities Subject to Section 563 of this Ordinance.
- (f) Shopping Centers and/or Shopping Mall subject to Section 505 of this Ordinance.
- (g) Convenience Store subject to Section 545 of this Ordinance.
- (h) Municipal Use.
- (i) Personal and household service shops and/or establishments such as barber shops, beauty shops, tailor and seamstress shops, show and appliance repair shops, rental of medical equipment including those shops listed in Section 405.1(h) of this Ordinance.
- (j) Health Fitness and Recreation Club, Athletic Club and/or Tennis Club subject to Section 558 of this Ordinance.
- (k) Church or similar Places of Worship, Parish Houses, Convents and Other Housing for Religious Personnel subject to Section 539 of this Ordinance.
- (l) Nursing, Convalescent and/or Retirement Home subject to Section 572 of this Ordinance.
- (m) Any Permitted Agricultural Use as listed in Section 401.1(a)
- (n) Small Engine Repair Shop and/or Welding/ Machine Shop.
- (o) Theaters and/or Auditoriums subject to Section 591 of this Ordinance.
- (p) Watchman's Residence; that does not exceed 1,200 square feet in floor area.
- (q) Amusement and/or Theme Park subject to Section 534 of this Ordinance.
- (r) Art gallery, museum, studios, aquariums.

- (s) Public and Nonprofit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and clubs), Playgrounds, and Picnic Grounds, subject to Section 512 of this Ordinance, as applicable.
- (t) Golf Club, Country Club and/or Driving Range subject to Section 557 of this Ordinance.
- (u) Miniature golf courses and driving ranges subject to Section 557.
- (v) Tourist Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (w) Veterinary Kennel or Veterinary Office or Animal Hospital subject to Section 525 of this Ordinance.
- (x) Amusement Arcade subject to Section 533 of this Ordinance.
- (y) Antique and/or Flea Market subject to Section 536 of this Ordinance.
- (z) Commercial Conversion subject to Section 541 of this Ordinance.
- (aa) Day Care subject to Section 548 of this Ordinance.
- (bb) Retail Sales of Nursery and Garden Material subject to Section 580 of this Ordinance.
- (cc) Contractor Office/Shop subject to Section 544 of this Ordinance.
- (dd) Dry Cleaner, Laundry and Laundromat subject to Section 550 of this Ordinance.
- (ee) No Impact Home based Business subject to Section 527 of this Ordinance.
- (ff) Gasoline Filling and/or Service Station subject to Section 598 of this Ordinance.
- (gg) Motor Vehicle Parts Store.
- (hh) Business, Professional and/or Service Office.
- (ii) Photography and/or dance studio and/or art gallery.
- (jj) Post Office.
- (kk) Public Garage
- (ll) Laboratories subject to Section 567 of this Ordinance.
- (mm) Farm Equipment Sales and Service subject to Section 553 of this Ordinance.
- (nn) Farm Market and/or Farm Produce Stand subject to Section 536 of this

Ordinance.

- (oo) Farm Related Business subject to Section 554 of this Ordinance.
  - (pp) Emergency Services Station subject to Section 570 of this Ordinance.
  - (qq) Funeral Home and/or Mortuary subject to Section 555 of this Ordinance.
  - (rr) Furniture and/or Upholstery Refinishing Shop.
  - (ss) Golf Course subject to Section 557 of this Ordinance.
  - (tt) Heavy Equipment Sales and Service Repair Facility subject to Section 559 of this Ordinance.
  - (uu) Home Improvement and/or Building Supply Store and/or Lumber Yard subject to Section 561 of this Ordinance.
  - (vv) Home Occupation subject to Section 502 of this Ordinance.
  - (ww) Hospital and Related Uses subject to Section 562 of this Ordinance.
  - (xx) Lawn and Garden Sales and Service subject to Section 568 of this Ordinance.
  - (yy) Library.
  - (zz) Medical and/or Dental Clinic.
  - (aaa) Medical Laboratory subject to Section 567 of this Ordinance.
  - (bbb) Motor Vehicle and/or Boat Sales subject to Section 599-B.
- 406.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use
- (a) Off-street parking areas subject to Sections 508 of this Ordinance.
  - (b) Signs subject to Section 507 of this Ordinance;
  - (c) Accessory uses and buildings;
- 406.3 Uses Permitted Only by Special Exception Issued by the Zoning Hearing Board and subject to the following conditions:
- (a) Government Offices and/or Office Buildings subject to Section 570 of this Ordinance.
  - (b) Self Storage Facility (mini-warehouse) subject to Section 524 of this

Ordinance.

- (c) Adult-related Facility subject to Section 532 of this Ordinance.
- (d) Car Washes subject to Section 599 of this Ordinance.
- (e) Fraternal and/or Social Club or Lodge subject to Section 540 of this Ordinance.
- (f) Off -Track Betting Establishment subject to Section 574 of this Ordinance.
- (g) Nightclub subject to Section 571 of this Ordinance.
- (h) Massage Parlor and/or Therapeutic Massage Establishment

406.4

Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Commercial campgrounds, pursuant to Section 514.
- (b) Junk Yard subject to Section 566 of this Ordinance.
- (c) Group Home subject to Section 518 of this Ordinance.
- (d) Motor Vehicle Body Shop subject to Section 599-B of this Ordinance.
- (e) Outdoor Sales and Service subject to Section 575 of this Ordinance.
- (f) Parking Compound/Parking Garage subject to Section 556 of this Ordinance.
- (g) Drive-thru Service Establishment subject to Section 549 of this Ordinance.
- (h) Kennel pursuant to Section 525 of this Ordinance.
- (i) Retail Sales of Manufactured Products Produced on Site subject to Section 581 of this Ordinance.
- (j) Tavern subject to Section 589 of this Ordinance.
- (k) Assisted Living Residence subject to Section 523 of this Ordinance.
- (l) Heliport/Helipad subject to Section 560 of this Ordinance.

- (m) Hospitals or Related Uses subject to Section 562 of this Ordinance.
- (n) Professional Office and Business Park subject to Section 519 of this Ordinance.
- (o) Communications Towers and/or Cell Site Antennae subject to Section 543 of this Ordinance.
- (p) Aquaculture subject to Section 537 of this Ordinance.
- (q) Truck or Motor Freight Terminal subject to Section 592 of this Ordinance.

406.5 Minimum Lot Size Per Unit of Use

- (a) In C-1 areas where municipal water and municipal sewage is not provided, the minimum lot size per unit shall be:

Area: One (1) acre

Width: 150 feet

- (b) In C-1 areas where municipal water and municipal sewage is provided, the minimum lot size per unit shall be:

Area: 10,000 square feet

Width: 100 feet

406.6 Yard Dimensions

- (a) Front Yard - 35 feet (100 feet per Section 505.4(d))
- (b) Each Side Yard - 25 feet
- (c) Rear Yard - 25 feet
- (d) Distance Between Buildings - 30 feet
- (e) All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet and a maximum height of seven (7) feet, as the governing body shall require. If trees, evergreen hedges or other types of year-round plants are required, a landscaped area shall be provided at least five (5) feet in width along the entire interior lot lines.

406.7 Maximum Building Coverage and Height

- (a) Maximum Building Coverage - 35% including accessory structures
- (b) Maximum Building Height - 40 feet
- (c) Maximum Impervious Surface - 80%

406.8 Additional Requirements

- (a) Site Plan Review - Site plan requires review by the Township for non-residential principal buildings or new/expanded impervious area.
- (b) Buffer Yard and Evergreen Screening pursuant to Section 517.
- (c) Applicable portions of Section 407.6 shall also apply.

SECTION 407 L-I LIGHT INDUSTRIAL

PURPOSE STATEMENT: This District would provide for a mix of light industrial, business and commercial uses within the Township. The concept of the District is for commercial growth in areas served by public water and sewer facilities with access by major road infrastructure

407.1 Permitted Principal Use

- (a) Government Office, Office Buildings subject to Section 570 of this Ordinance.
- (b) Research Establishments subject to Section 567 (b) of this Ordinance.
- (c) Wholesaling, Warehousing and Distribution, excluding storage and sale of lumber, ice, coal and petroleum or other fuels subject to Section 593 of this Ordinance.
- (d) Light manufacturing of beverages, confections, creams, all food products, packaging, packing, ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, and patterns, scientific instruments, toys, cosmetics, drugs, and other products assembled or fabricated from previously prepared metallic and nonmetallic materials, provided all activity is carried on in an enclosed building subject to Section 565 of this Ordinance.
- (e) Dry Cleaner, Laundry and/or Laundromat subject to Section 550 of this Ordinance.



- (f) Watchman's Residence that does not exceed 1,200 square feet of floor area.
- (g) Any permitted Agricultural Use as listed in Section 401.1(a) and 400.2(b).
- (h) Emergency Services Station subject to Section 570 of this Ordinance.
- (i) Recycling Station subject to Section 578 of this Ordinance.
- (j) Antiques, Flea Market and/or Farmer's Market subject to Section 536 of this Ordinance.
- (k) Aquaculture subject to Section 537 of this Ordinance.
- (l) Auction House subject to Section 538 of this Ordinance.
- (m) Printing, Publishing and/or Bookbinding Establishment.
- (n) Commercial Recreation uses, horse riding trails and stables, swimming areas and pools, hiking and riding trails, boating, fishing, skiing, camping, hunting, ecological centers, granges or lodges, activity centers, senior citizens centers and similar recreation uses subject to Section 512 and/or 564 of this Ordinance, as applicable.
- (o) Contractor's Office/ Shop subject to Section 544 of this Ordinance.
- (p) Contractor Shop subject to Section 552 of this Ordinance.
- (q) Farm Equipment Sales and Service subject to Section 553 of this Ordinance.
- (r) Furniture and/or Upholstery Refinishing Shop.
- (s) Heavy Equipment Sales, Service and/or Repair Facility subject to Section 559 of this Ordinance.
- (t) Home Occupation subject to Section 502 of this Ordinance.
- (u) Mass Transit Terminal subject to Section 569 of this Ordinance.
- (v) Medical Laboratory subject to Section 567 of this Ordinance.
- (w) Motor Vehicle Body Shop subject to Section 599-B of this Ordinance.
- (x) Municipal Use.
- (y) No Impact Home-Based Business subject to Section 527 of this Ordinance.
- (z) Repair Shop.

- (aa) Small Engine Repair Shop.
  - (bb) Truck or Motor Freight Terminal subject to Section 592 of this Ordinance.
  - (cc) Laboratory subject to Section 567 of this Ordinance.
  - (dd) Taxi Terminal and/or Bus Station.
  - (ee) Building Contractor's Storage Facility.
- 407.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use.
- (a) Outside storage of materials, supplies, or finished products is permitted in the rear of the lot of the enclosed building and shall be screened and fenced.
  - (b) Off-street parking and loading facilities subject to Section 508 of this Ordinance.
  - (c) Restaurants, cafeterias or recreational facilities used for employees only.
  - (d) Accessory uses and structures to the manufacturing uses permitted.
  - (e) Accessory uses and structures to airports.
  - (f) Signs subject to Section 507 of this Ordinance.
- 407.3 Uses Permitted Only by Special Exception issued by the Zoning Hearing Board
- (a) Junk Yard subject to Section 566 of this Ordinance.
  - (b) Medical and/or Dental Office.
  - (c) Fuel Distribution, Storage and/or Wholesale Facility subject to Section 594 of this Ordinance
  - (d) Outdoor Sales and/or Services subject to Section 575 of this Ordinance.
  - (e) Warehousing Activity and/or Facility subject to Section 593 of this Ordinance.
  - (f) WECS generating in excess of 10 kW subject to Article X of this Ordinance.

- 407.4 Conditional Use - After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.
- (a) Animal Hospital, Kennels and Veterinary Facilities subject to Section 525 of this Ordinance.
  - (b) Retail Establishments in connection with a professional park similar to a shopping center with a defined non-retail component subject to Section 535 of this Ordinance.
  - (c) Self Storage Facility subject to Section 524 of this Ordinance.
  - (d) Motor Vehicle and/or Boat Sales subject to Section 599-B of this Ordinance.
  - (e) Drive-Thru Restaurants or Fast Food Restaurants subject to Section 549 of this Ordinance.
  - (f) Airport or Heliport, subject to Section 560 and/or 576 of this Ordinance as applicable for the proposed Use.
  - (g) Nursing, Convalescent and/or Retirement Home subject to Section 572 of this Ordinance.
  - (h) Bank and/or Financial Institution.
  - (i) Business Service Shop.
  - (j) Commercial Conversion subject to Section 541 of this Ordinance.
  - (k) Communications Towers and/or Cell Site Antennae subject to Section 543 of this Ordinance.
  - (l) Convenience Store subject to Section 545 of this Ordinance.
  - (m) Convention Center subject to Section 546 of this Ordinance.
  - (n) Home Improvement and/or Building Supply Store and/or Lumber Yard subject to Section 561 of this Ordinance.
  - (o) Hospital and Related Uses subject to Section 562 of this Ordinance.
  - (p) Hotel and/or Motel (and related dining facilities) subject to Section 563 of this Ordinance.

- (q) Intensive Agriculture subject to Section 513 of this Ordinance.
- (r) Lawn and Garden Sales and Service subject to Section 568 of this Ordinance.
- (s) General Manufacturing subject to Section 565 of this Ordinance.
- (t) Motor Vehicle Auctions and/or Salvage Yards subject to Section 595 of this Ordinance.
- (u) Intentionally omitted.
- (v) Gasoline Service and/or Filling Station subject to Section 598 of this Ordinance.
- (w) Motor Vehicle Parts Store subject to Section 535.
- (x) Car Wash subject to Section 599 of this Ordinance.
- (y) Parking Compound subject to Section 556 of this Ordinance.
- (z) Retail sales of Nursery and Garden Materials subject to Section 580 of this Ordinance.
- (aa) Retail Stores or Shops subject to Section 535 of this Ordinance.
- (bb) Scientific and/or Industrial Research Facility subject to Section 567 of this Ordinance.
- (cc) Shopping Centers and/or Shopping Mall subject to Section 505 of this Ordinance.
- (dd) Tavern subject to Section 589 of this Ordinance.
- (ee) Health, Fitness and Recreation Club, Athletic Club and/or Tennis Club subject to Section 558 of this Ordinance.
- (ff) WECS of 10 kW or less subject to Article X of this Ordinance.
- (gg) Wind Farm subject to Article X of this Ordinance.
- (hh) Motor Vehicle Services and Repair subject to Section 599-B of this Ordinance.
- (ii) Farm Occupation subject to Section 502.2 of this Ordinance.
- (jj) Railroad Station.
- (kk) Solar Field subject to Article X of this Ordinance.

- (ll) Standard Restaurant without Drive-Thru Service subject to Section 579 of this Ordinance.

407.5 Area of Bulk Regulations

- (a) Minimum Lot Area - A lot area of not less than one (1) acre shall be provided for every building or structure.
- (b) Maximum Building Coverage - No more than forty (40) percent of the area of any lot shall be occupied by a building or accessory structure.
- (c) Building Height - Three stories or fifty (50) feet.
- (d) Yard Dimensions:
  - Front Yard - 50 feet
  - Each Side Yard - 30 feet
  - Rear Yard - 30 feet

- (e) Maximum impervious surface - No more than eighty (80) percent of any lot shall be covered with impervious material.
- (f) Minimum Lot Width - 75 feet

407.6 Supplementary Regulations

- (a) Sewage Disposal - All buildings erected within this District shall be served by a central sanitary sewerage disposal system or public sewers.
- (b) Off-street parking and loading - Off-street parking and loading shall be provided pursuant to Section 508. No parking or loading shall be permitted in the minimum required front yard of a building or structure.
- (c) Performance Standards - All buildings or structures located in an industrial park shall comply with the general performance standards for industrial districts pursuant to Section 501.10.
- (d) Use of Yards - All required minimum front yards shall be kept open and maintained; either planted in grass, landscaping or trees, except for the necessary ways of access.
- (e) Additional Open Area Requirement - Where an industrial park adjoins or abuts a residential or agricultural district an additional forty feet of yard shall be provided in addition to the herein minimum required yards on the rear or sides where the industrial site adjoins or abuts the residential or agricultural district. This area shall be kept open and maintained

pursuant to paragraph (d) above.

- (f) Access and Traffic Controls - All means of ingress and egress to any public street or State Highway shall be curbed and located at least four hundred (400) feet from any other intersecting street or streets. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and/or highway modifications as may be required by the Department of Transportation or by a Township Official.
- (g) Interior Circulation - Interior access ways shall be curbed and designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for the loading and unloading of trucks shall be adequate in size and so arranged that they may be used without blocking or interfering with interior circulation and parking.
- (h) Lighting - Lighting for buildings, signs, accessways, and parking shall be arranged so as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.
- (i) Storm Drainage - Storm run-off and drainage systems shall be installed consistent with sound engineering practices, and shall first be approved by the Township Engineer. The designed construction of the system shall be such as to not only properly drain the site but also adequately dispose of all run-off and drainage from the industrial park to an approved waterway.
- (j) Screening -
  - (1) All lot lines abutting residential districts, along the side and rear yard, shall be appropriately screened by walls with plantings, or year-round planting and/or other suitable enclosures of minimum height of four (4) feet and a maximum height of seven (7) feet.
  - (2) If trees, evergreens, hedges or other types of year-round plants are used, a landscaped area shall be provided at least twenty-five (25) feet in width along the entire interior lot lines.
  - (3) If existing trees, evergreens, hedges or other types of plants are in place, the landscaped area shall be properly filled in with new plants to create a full screened wall.
- (k) Site Plan Review -
  - (1) Site plan required review by the Township for non-residential principal buildings or new/expanded impervious area.
  - (2) Buffer Yard and Evergreen Screening pursuant to Section 517.

PURPOSE STATEMENT: This District is intended to provide a wide range of industrial and office activities, extractive activities and other activities that may impact residential uses but also which will provide an economic base for the Township

- 408.1 Permitted Uses, subject to applicable objective criteria and non-residential standards found within supplementary sections of this Ordinance:
- (a) Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, and dyeing plants subject to Section 559 of this Ordinance.
  - (b) Heavy commercial or industrial uses which do not require complete enclosure in a building including building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments, scrap processing operations, metal processing or automobile shredding establishments subject to Section 565 of this Ordinance.
  - (c) General industrial uses which shall be carried on in a completely enclosed building including the storage, assembly, fabrication, packing, testing, meat processing, meat packing, abattoirs or other handling of products from raw materials and from other previously prepared materials subject to Section 565 of this Ordinance.
  - (d) Recreational use, pursuant to Section 512.
  - (e) Any permitted agricultural use as listed in section 401.1(a).
  - (f) Fraternal or Social Club or Lodge subject to Section 540 of this Ordinance.
  - (g) Indoor and outdoor self-storage facilities pursuant to Section 524.
  - (h) Aquaculture subject to Section 537 of this Ordinance.
  - (i) Printing, Publishing and/or Bookbinding Establishment.
  - (j) Contractor's Office and/or Shop subject to Section 544 of this Ordinance.
  - (k) Dry Cleaner, Laundry and/or Laundromat subject to Section 550 of this Ordinance.
  - (l) Excavation Contractor Shop subject to Section 552 of this Ordinance.



- (m) Farm Equipment, Sales and Service subject to Section 553 of this Ordinance.
- (n) Fuel Distribution, Storage and/or Wholesale Facility subject to Section 594 of this Ordinance.
- (o) Furniture and/or Upholstery Finishing Shop.
- (p) Fire Station and/or Emergency Service Station subject to Section 570 of this Ordinance.
- (q) Home Occupation subject to Section 502 of this Ordinance.
- (r) Intensive Agricultural Uses subject to Section 513 of this Ordinance.
- (s) Junk Yard subject to Section 566 of this Ordinance.
- (t) Livestock Hauling Facility.
- (u) General and/or Light Manufacturing Facility subject to Section 565 of this Ordinance.
- (v) Mass Transit Terminal subject to Section 569 of this Ordinance.
- (w) Processing of Farm Products subject to Section 577 of this Ordinance.
- (x) Motor Vehicle Body Shop subject to Section 599-B of this Ordinance.
- (y) Motor Vehicle Service and Repair Shop subject to Section 599-B of this Ordinance.
- (z) Municipal Use.
- (aa) No Impact Home-Based Business subject to Section 527 of this Ordinance.
- (bb) Self-Storage Facility subject to Section 524 of this Ordinance.
- (cc) Truck, Motor, Rail Freight Terminal subject to Section 592 of this Ordinance.
- (dd) Wholesaling and Warehousing Activity subject to Section 593 of this Ordinance.
- (ee) Welding and/or Machine Shop.
- (ff) Taxi Terminal and/or Bus Station.
- (gg) Building Contractor's Storage Facility.

- (hh) Railroad Station.
  - (ii) Professional Office /Research Park subject to Section 519 of this Ordinance.
- 408.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use
- (a) Watchman's Residence; that does not exceed 1,200 square feet in floor area.
  - (b) Off-street parking facilities pursuant to Section 508.
  - (c) Signs pursuant to Section 507.
  - (d) Restaurants, cafeterias or recreational facilities used for employees only.
  - (e) Accessory uses and structures.
- 408.3 Uses Permitted Only by Special Exception Issued by the Zoning Hearing Board, subject to Environmental Performance Standards in Section 501.10.
- (a) Accessory uses located on the same lot as the principal use, but located within 100 feet of an existing residential use.
  - (b) Solid Waste Stations and/or Recycling Facilities subject to Section 583 of this Ordinance.
  - (c) Solid Waste Management Facilities subject to Section 583 of this Ordinance.
  - (d) Government Building and/or Offices subject to Section 570 of this Ordinance.
  - (e) Any other use that may not be specifically referenced in this Ordinance shall be considered a use by Special Exception in this Zoning District.
- 408.4 Conditional Use: After recommendation by the Planning Commission and public hearing by the Governing Body; the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.
- (a) Surface Mining, Sandpits, gravel pits, deep mining, peat bogs, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, or similar uses subject to Section 588 of this Ordinance. :

- (b) Salvage Yards and/or Motor Vehicle Auctions subject to Section 595 of this Ordinance.
- (c) Retail sales are allowed for products manufactured on the premises.
- (d) Communication Tower and Cell Site Antennae subject to Section 543 of this Ordinance.
- (e) Convention Center subject to Section 546 of this Ordinance.
- (f) Heavy Equipment Sales, Services and Repair Facility subject to Section 559 of this Ordinance.
- (g) High and/or Heavy Impact Manufacturing Facility subject to Section 565 of this Ordinance.
- (h) Airports and/or Heliports for Personal Use subject to Section 560 and/or 576 of this Ordinance per the Use application.
- (i) Printing and/or Publishing Establishment.
- (j) Repair Shop.
- (k) Standard Restaurant – Sit Down/Non-Drive Thru subject to Section 579 of this Ordinance.
- (l) Scientific and/or Industrial Research Laboratory subject to Section 567 of this Ordinance.
- (m) Septage and/or Mushroom Processing Facility subject to Section 585 of this Ordinance.
- (n) Slaughter House subject to Section 587 of this Ordinance.
- (o) WECS of less than 10 kW subject to Article X of this Ordinance.
- (p) WECS of 10 kW or more subject to Article X of this Ordinance.
- (q) Wind Farm subject to Article X of this Ordinance.
- (r) Solar Farm subject to Article X of this Ordinance.
- (t) Drive- Thru Service Facility subject to Section 549 of this Ordinance.
- (u) Farm Occupation subject to Section 502.2 of this Ordinance.
- (v) Laboratory subject to Section 567 of this Ordinance.



ARTICLE V

SUPPLEMENTARY REGULATIONS

Section 500.                    General Description and Criteria For Specific Land Uses

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

- (a)            Unless otherwise specified in this Ordinance, there shall only be one principal use permitted on a single Lot.
  
- (b)            Any ownership of any Use by Condominium Association, Homeowner's Association or similar association ownership shall be governed by Section 597 of this Ordinance.

500.2.                    Criteria For Specific Land Uses.

In addition to those items required by Articles VIII, IX and X each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Board of Supervisors, when permitted by Conditional Use.

Section 501.                    General Criteria for Uses

501.1                    Visibility at Intersections

On a corner lot nothing shall be erected, (except street signs, utility poles, or traffic signs), placed, planted, or allowed to grow in such manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets, and a line joining the street center lines at a distance of seventy-five (75) feet from the point of intersection for minor streets and driveways and a distance of one hundred fifty (150) feet for major streets.

501.2 Fences, Walls, and Hedges

Except as required by other provisions of this ordinance, fences, walls, and hedges may be permitted in any yard provided that no fence, wall, or hedge shall be permitted within five (5) feet of the street right-of-way line or within two (2) feet of a property line. No fence, wall, or hedge shall be greater than six (6) feet in height except in the front yard, where no fence, wall, or hedge shall be higher than three (3) feet.

501.3 Exceptions to and Interpretation of Height Regulations

- (a) The height limitations contained herein do not apply to spires, belfries, cupolas, silos, water tanks, ventilators, chimneys, other similar appurtenances or barns, usually required to be placed above the roof and not intended for human occupancy.

501.4 Buildings to Have Access

It is the purpose of the following Section to insure that all structures are located on Lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Therefore, every building hereafter erected or moved shall be on a Lot of Record adjacent to a public or an approved existing private street. For the purposes of this Section, an improved private street shall be defined as one which has either been permanently created or confirmed by a recorded legal instrument such as a perpetual deed of easement, or which has been the subject to a legal procedure to permanently confirm its existence, such as an action to quiet title or a private condemnation; or those new private streets which meets the minimum standards for public streets as required by the Township Subdivision Regulations and Storm Water Management Ordinances. For all buildings upon Lots adjacent to an accessing existing, improved private roads, the Applicant shall furnish a private street agreement in a recordable form acceptable to the Township and prepared in accordance with the private street agreement requirements of the Township Subdivision and Land Development Regulations and Storm Water Management Ordinances. The private street agreement shall be recorded with the office of the Recorder of Deeds in and for Berks County.

501.5 Corner Lot Restriction

On every corner lot there shall be provided on each side thereof adjacent to a street, a yard equal in depth to the front yard requirement of the particular zoning district in which the corner lot is located.

501.6 Lots in Two Districts

Where a zoning district boundary line divides a lot in single or joint ownership at the effective date of the ordinance, the use regulations including parking areas, drives and accessory structures, applicable to the zoning district where there is road frontage, shall extend no more than fifty (50) feet beyond the zoning district boundary line.

501.7 Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewerage system and the Municipality Subdivision Regulations or other State statute or local statute in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.

501.8 Yard Exceptions

- (a) Kutztown Road/"222 Corridor" - All yards and building setbacks, along the Kutztown Road/222 Corridor, as designated in the Comprehensive Plan and on the Official approved Township Zoning Map, shall be increased to one hundred (100) feet from the existing center line of Kutztown Road. The area within this yard shall not contain any buildings, parking lots, or septic systems and shall be landscaped per section 517. This regulation shall not apply to additions to existing structures; however, no addition to an existing structure shall extend or be located closer to the road than the minimum yard dimension of the Zoning District.
- (b) When an unimproved Lot is situated between two adjacent improved Lots where both improved Lots front yard dimensions are less than those front yard required for the unimproved Lot. The setback may be reduced to a depth equal to the average of the two adjoining lots provided, however, that this provision shall only apply in such cases where the adjoining improved lots in question are improved. An improved Lot shall be one on which a principal building exists. This regulation shall not apply to structures in and along the Kutztown Road/"222 Corridor".

501.9 Projections into Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.

- (a) Terraces, patios, or open porches, provided that such terraces, patios or open porches are unroofed or otherwise enclosed and are not closer than five (5) feet to any adjacent lot line.
- (b) Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features - provided that any single feature does not exceed five (5) square feet in external area.
- (c) Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'6") in height.
- (d) Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any yard nor closer than five (5) feet to any adjacent lot line.



All Uses shall be subject to the following requirements regardless of whether the descriptions in this Article specifically reference this Section or the subsections thereof.

Notwithstanding the laws and regulations of the United States Environmental Protection Agency (USEPA) and/or the Pennsylvania Department of Environmental Protection (PaDEP), the Environmental Performance Standards listed under this Section will be utilized by the Township as supplemental regulations for reviewing existing or potential environmental impacts within the corporate limits of Maxatawny Township.

The Township shall have the right to demand evidence of compliance with the PaDEP standards and requirements.

(a) Air Management

- (1) No gases, vapors or fumes shall be emitted which are harmful to persons, property, animals or vegetation beyond the lot lines of the lot on which such gases, vapors or fumes originate. No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.
- (2) No odors causing annoyance or discomfort to the residents shall be detectable beyond the lot lines of the lot on which such odors originate.
- (3) The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission Hazardous Air Pollutants, and Ambient Air Quality Sources.
- (4) No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the capacity of the emission is greater than 20 percent, except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- (5) No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

(b) Liquid Wastes or Sewage

- (1) Effluent must meet any and all standards established by the Township/or PaDEP.
- (2) In no case shall untreated potentially dangerous, hazardous or contaminating effluent or waste from any operations be

discharged into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements.

(c) Solid Waste Management

- (1) Except in the permitted zoning district, no storage of solid waste materials on the lot shall be permitted in excess of 10 days. All solid waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers and screened pursuant to Section 517 of this Ordinance.
- (2) All solid waste management violations must be rectified within a 24-hour period.

(d) Outdoor Storage Control

- (1) Except for farmer's normal agricultural operations, no flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except for tanks or drums of fuel which are directly connected with engines, heating devices, or appliances located and operated at the same site as the tanks or drums of fuel and which have been approved by the Federal, State or local government where applicable.
- (2) All storage facilities for fuel, raw materials, and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.
- (3) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
- (4) No substance, which has the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards, which are satisfactory to the Township and PaDEP.

(e) Noise and Vibration

- (1) No continuous noise in excess of the following limits shall be permitted at the lot line of the site on which the noise sources originate:

	Between 7 a.m. to 7 p.m.	Between 7 p.m. to 7 a.m.
	(Decibels)	(Decibels)
Maximum	70	60
90% of time must be less than	60	50
50% of time must be less than	50	40

- (2) The levels of all sound pressure testing shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.
- (3) No physical vibration shall be perceptible without use of instruments at or beyond the lot lines with the exception of temporary construction activity.

(f) Visual and Heat

- (1) No lighting shall be utilized in a manner, which produces intensive light and/or glare perceptible at or beyond the lot lines.
- (2) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

(g) Groundwater and Surface Water Supplies and Quality

No activity shall endanger groundwater levels and quality and surface water quality in the area of the use, nor adversely affect groundwater supplies of nearby properties. The activity must incorporate wellhead protection plans or ordinances in effect. If adverse effects are possible, then the Township may require a hydrologic study, which shall indicate the impact of the use on groundwater supplies and quality in the area.

(h) Electromagnetic and Radioactive Radiation

All electromagnetic radiation shall comply with the regulations of the Federal Communications Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emissions or radioactive wastes shall be produced or permanently stored, and all

emissions shall meet federal and state standards.

(i) DEP Requirements

All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

(j) Buffer Yard

When the side and/or rear yard of a lot adjoins land zoned for or used for residential purposes pursuant to this Ordinance, a minimum 20 foot buffer strip suitably landscaped to provide a minimum screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining said areas. Also the requirements of Section 517 of this Ordinance shall be complied with when applicable.

(k) Utility Management and Control

(1) All commercial and industrial uses requiring energy in the form of electric, diesel, gas, oil, etc., shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and Township codes and shall be so constructed and installed so as to be an integral part of the architectural features of the site.

(2) Any utility, which is viewed and regarded as offensive and unsightly shall be concealed by coniferous planting.

(l) Erosion and Sedimentation Pollution Control

It shall be unlawful for any building, structure, or other improvement of land to be constructed or land distributed without developing, implementing, and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of this Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Protection Chapter 102 regulations. A copy of the erosion and sedimentation control plan must be available at the earth-moving site at all times.

Prior to the approval of any zoning, building, subdivision, or land development application, an erosion and sedimentation control plan must be submitted to and approved by the Berks County Soil Conservation District or other applicable regulatory body.

(m) Stormwater Management

For all new construction in all Zoning Districts, a Stormwater Management Plan must be prepared by a professional engineer prior to the issuance of a zoning or building permit except when specifically excluded from submission and review by the applicable Township Act 167 Stormwater Management Ordinance. All Stormwater Management Plans must comply with the applicable criteria of the Act 167 Ordinance regulating the property for which the zoning application has been submitted and /or any official waivers provided therefore based upon the criteria and procedure set forth by said Stormwater Management Ordinance.

(n) Violations

Proprietors who have been cited for any violation(s) subject to this Section shall be responsible for applicable costs incurred by the Township through background investigations, legal proceedings, retributions and rectification measures in addition to any fines or penalties otherwise set forth in this Ordinance or other applicable legal proceeding and/or regulatory process.

(o) Floodplain

The purpose of establishing provisions for floodplain management is to promote and protect the general health, welfare, and safety of the community; encourage the utilization of appropriate construction practices; minimize potential hazards to public health; reduce financial burdens imposed on the community and government; and regulate all development within the 100-year Floodplain. Also see Section 509 of this Ordinance.

(p) Wetlands

The purpose of establishing provisions for areas, which may encounter wetlands is to promote and protect the general health, welfare, and safety of the community; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and minimize hazards to public health.

(1) The U.S. Army Corps of Engineers in conjunction with the United States Environmental Protection Agency have defined the term "wetlands" as follows:

"Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamp, marshes, bogs and similar

areas."

The three major characteristics of wetlands include vegetation, soil and hydrology.

- (2) The hydric soils which have been identified, described and delineated within the Township by the U.S. Department of Agriculture in conjunction with the Pennsylvania State University and Pennsylvania Department of Agriculture in the Soil Survey of Berks County include, but are not limited to the following:

Andover- Buchanan Gravelly Loam  
Bowmansville- Knauers Silt Loam  
Brinkerton- Comly Silt Loam  
Croton Silt Loam  
Holly Silt Loam  
Lamington Silt Loam  
Thorndale -Fenlaw Silt Loams  
Towhee Silt Loam

- (3) All land designated as "wetlands" within the Township is subject to restrictions and/or permits by the Pennsylvania Department of Environmental Protection and United States Army Corps of Engineers.
- (4) For all subdivision and land development applications, the Township Engineer shall determine whether wetlands delineation will be required by a qualified professional. Delineated "wetlands" shall be accompanied by a technical report and data forms.
- (5) For all Zoning Districts, a minimum 25-foot buffer zone shall be applied to all areas delineated as "wetlands". Within this 25-foot buffer zone no earth disturbance will be permitted without the required Federal, State or Township Permit approval.
- (6) If the applicant disputes any provisions specified under this Section, the applicant shall be responsible for an Army Corps of Engineers and/or Environmental Protection Agency Jurisdictional Determination. All pertinent costs incurred shall be the responsibility of the applicant and not the Township.
- (7) The areas delineated as "wetlands" shall not be calculated as part of the Net Lot area.
- (8) Designated "wetlands" in the Township includes the area known as the "Saucony Marsh".

(q) Steep Slopes

The purpose of establishing provisions for areas, which may encounter steep slopes, is to protect and prevent areas from increased erosion and run-off; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and minimize hazards to public health, safety and welfare.

- (1) A. Steep Slopes shall include all areas where the topography exceeds fifteen (15%) percent in slope in pre-development conditions.
- B. Prohibitive slopes shall include all areas where the slope topography is equal or exceeds fifty (50%) percent and are limited to the following uses:
  - I. Passive Park outdoor recreational activities, such as trails,
  - II. Selective logging and woodcutting in accordance with a forest management plan,
  - III. Grading for the minimum portion of driveway necessary to access a single-family dwelling,
  - IV. Yard areas and open space.
- (2) A. The Zoning Officer will advise the applicant when his property or parcel lies within such a slope designation. The Zoning Officer will not issue a building permit until a plan is submitted indicating, to the satisfaction of the Township, that all potential problems of steep slopes have been resolved.
- B. Finished slopes of all cuts and fills shall be stabilized and shall not exceed forty-five (45%) percent.
- (3) A. Plans shall show existing topography at two (2) foot contour intervals, proposed structure and building locations, streets and driveways location and grade, site drainage, sanitary facilities, grading plan, and re-vegetation or planting plan prepared by a registered architect, engineer, surveyor, or landscape architect. Plans shall demonstrate how the construction methods to be utilized will overcome problems associated with stormwater management, erosion and sediment control, wastewater treatment and disposal, water supply accessibility, and structural stability.



B. The maximum percentage of ground surface area which may be disturbed for driveway grading in prohibitive slopes is five (5) percent of the net lot area.

(4) Seventy-five (75%) percent of the area delineated as "steep slope" shall not be calculated as part of the Net Lot area.

(r) Wooded Area:

The purpose of establishing these provisions is to protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature run-off, maintain the attractive character of areas, and conserve energy.

(1) All trees with a trunk diameter of two and one-half (2 1/2) inches or more (measured at a height four (4) feet above original grade) shall not be removed as part of the development of a use unless they are located within a proposed vehicular cartway, storm water detention basin, parking area, sidewalk portion of the right-of-way, driveway, within the on-site sewage system, within twenty (20) feet of the foundation area of a structure, or unless they are diseased, pose a clear danger to a building, or are excessive in number and thinning will clearly promote and enhance the healthy development of the remaining trees.

(2) All dead trees may be removed regardless of diameter.

(3) No more than 15 percent of the existing tree cover may be removed from the tract regardless of diameter for the construction of a home and driveway.

(4) The planting and harvesting of Christmas trees is permitted.

(5) Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, mechanical damage, or change in grade level. Standards of the U.S. Soil Conservation Service should be used in the preservation of trees.

(6) Township Supervisors' approval of tree removal is required if conditions 1 through 5 are not satisfied.

(7) No more than fifteen (15%) percent of wooded areas as defined in Section 501.10(r), on the lot existing at the time a zoning permit is applied for shall be subsequently clear cut.

(s) Impact Studies:

Utility impact studies and traffic impact studies for certain types of intense development may be required by the governing body. Studies are to follow applicable State, PADOT, Pennsylvania Department of Environmental Protection, local and professional criteria.

501.11

Plan Review

- (a) Some uses warrant particular attention. In all districts, land development review is required for these uses to more effectively ensure compliance with this Ordinance and to provide a review of items such as traffic, safety, stormwater, etc.
- (b) Requirements:
  - (1) A land development plan meeting the requirements of this Section shall be submitted for any of the following proposed uses or buildings unless waived by the Board of Supervisors.
    - A. Any expansion of building floor area or any new principal building exceeding 1,000 square feet.
    - B. Any new or expanded paved area of greater than 2,000 square feet.
    - C. Conversion of a non-commercial building to a new principal commercial use.
- (c) Procedure:
  - (1) The Zoning Officer shall determine if the proposed use requires land development review.
  - (2) If the Developer disagrees with the Zoning Officer's determination, a letter of appeal to the Township Board of Supervisors must be filed in writing 14 days in advance of the next regularly scheduled public meeting when subdivision issues are scheduled.
  - (3) The Township Board of Supervisors will hear the appeal at the next regular public meeting when subdivision/land development issues are discussed and must render a written decision within 30 days.
  - (4) All other procedures and requirements of this Zoning Ordinance and the Township Subdivision/Land Development Ordinance shall be followed.

501.12. Erection of More than one (1) Principal Non-Residential Structure on a Lot.

- (a) In any Zoning District, more than one (1) structure having permitted or permissible principal, non- residential uses, except as provided herein, may be erected on a single lot in accordance with the following requirements:
- (1) The Minimum Lot Area required for Lots which have more than one principal use shall be calculated by adding the Minimum Lot Areas required for each Use as though each Use were located on a separate Lot.
  - (2) Each structure housing a Principal Use shall meet all area and setback requirements of this Ordinance as if each were on a separate Lot. The Applicant for such Principal Use shall present a Plan which shall demonstrate that which proposed Principal Use meets all requirements of the Zoning District in which the Use is located, except as such requirements may be modified by this Section.
  - (3) When a second or subsequent building is constructed upon a lot, such building shall be located in such a manner that the Lot may be subdivided in the future without such Principal Building being in conflict with the requirements of this Ordinance. The Applicant shall obtain Land Development approval prior to obtaining a Zoning Permit for the erection of such second or subsequent Principal Building.
  - (4) An Applicant may, by Special Exception, establish a second or subsequent Principal Use in buildings existing on a lot on the effective date of this Ordinance and must comply with area/use requirements. Such Use shall restrict subdivision unless the Lot meets all requirements of this Ordinance, the Township's Subdivision Regulations and Storm Water Management Ordinances, and all other applicable ordinances and is subject to the following:
    - A. The size or configuration of existing structures makes a single use of the structures impractical.
    - B. The Principal Uses proposed for the Lot are compatible with each other and are permitted in the Zoning District in which the Lot is located.
    - C. The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.
    - D. The establishment of the proposed uses will not prevent

future subdivision or reuse of the Lot.

- (5) Principal Agricultural Buildings shall be exempt from the provisions of this Section.

501.13 Lighting

(a) Applicability

- (1) This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are to require lighting in outdoor public places where safety and security are concerns; protect drivers and pedestrians on nearby streets from glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe travel; shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources; limit the height of light standards to preclude or lessen light pollution; and promote efficient design and operation with regard to energy conservation.
- (2) Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness where there is public assembly and traverse.
- (3) The Township may require lighting be incorporated for other uses or locations or restrict lighting when deemed necessary to accomplish the purposes of this Ordinance.
- (4) The glare-control requirements herein contained apply to lighting in all uses as well as, but not limited to, sign, architectural, landscape, recreational and residential.
- (5) Temporary decorative lighting may be exempted from the requirements of this Ordinance when approved by the Township for periods of short duration.
- (6) This Section is intended to promote the preservation of dark skies over the Township and to protect the view of the night sky for the enjoyment of the citizens of the Township.

(b) Criteria

- (1) Lighting and Fixture Design
  - A. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township. LED lighting is recommended where applicable.

- B. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, or any other type shall be aimed straight down and shall meet IESNA full cut off criteria.
- C. Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.
- D. The use of floodlighting, spotlight, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria is not recommended but shall be permitted only with the approval of the township, based upon acceptable justification and achievement of adequate control.
- E. NEMA-head fixtures, a.k.a. "barn lights" or dusk-to-dawn," shall not be permitted where they are visible from other uses, unless fitted with a reflector or shield to render them full cutoff.
- F. Lighting shall be limited to recessed fully shielded flush-lens fixtures. Drop-lens fixtures shall be prohibited.
- G. No lighting fixture shall have any blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color, nor will any beacon lights be permitted.
- H. Neither the direct nor reflected light from any lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicle operators on public roads.
- I. The following Dark Sky fixtures shall be used:
  - 1. Dark Sky Lighting fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.
  - 2. Dark Sky shades and Dark Sky Shields are encouraged for old existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

3. Dark Sky Cut off fixtures are encouraged where light fixtures are mounted on structures of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

(2) Illumination Levels

- A. Lighting where required or permitted by this Ordinance, shall have intensities and uniformity ratios in accordance with current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting handbook or separately in IESNA Recommended Practices.
- B. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Township.
- C. Examples of intensities for typical outdoor applications, as extracted from the Lighting Handbook, are presented within said Handbook, are as follows but are not all inclusive.

Use/Task	Maintained Foot-Candle	Uniformity Ratio
Streets , local commercial	0.9 avg.	6:1 Avg: Min.
Streets, local residential	0.4 avg.	4:1 Avg: Min.
Parking, multi-family res.		
*Low vehicle/pedestrian activity	0.2 Min.	4:1 Avg:Min.*
*Med vehicle/pedestrian Activity	0.6 Min.	4:1 Avg:Min*
Parking, industrial/commercial/ municipal		
High activity e.g., regional Shopping centers/fast Food facilities, major athletic/ Civic/cultural events	0.9 Min.	4:1 Avg:Min*
Medium activity, e.g., community Shopping centers, office parks, Hospitals, commuter lots, Cultural/civic/recreation events	0.6 Min.	4:1 Avg:Min*

Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking	0.2 Min.	4:1 Avg:Min*
Sidewalks, walkways and bikeways		
Commercial	0.1 Avg.	5:1 Avg:Min
Residential	5.0 Avg.	5:1 Avg:Min
Building Entrances, commercial		
Industrial, institutional	0.5 Avg.	----
Service Station Pump Islands	20.0 Avg.	4:1 Avg:Min
Car Dealerships	20.0 Max.	5:1 Max:Min

- Notes:
1. Illumination levels are maintained horizontal foot-candles on the task, e.g., pavement or area surface.
  2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio e.g., for high activity commercial parking, the average illuminance shall not exceed 3.6 footcandles (0.9 x 4).

\*In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1

### (3) Control of Nuisance and Disabling Glare

- A. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- B. The use of floodlights and spotlights are not recommended but must be so installed or aimed that they do not project their output beyond the boundaries of the property on which they are located.
- C. Unless otherwise permitted by the township e.g., for safety or security or businesses that operate all night, lighting for commercial, industrial, municipal, recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures combination motion detectors



and photocells, to permit extinguishing outdoor lighting fixtures between 11:00 p.m. and dawn to mitigate light trespass, nuisance glare and sky-lighting consequences.

- D. Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial or municipal applications, shall be reduced by at least 50% from then until dawn, unless supporting a specific purpose and approved by the Township such as in the case of businesses that operate all night.
- E. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
- F. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- G. In no case shall the illumination cast by a source onto an adjacent residential property exceed 0.0 vertical foot-candle. The amount of illumination cast onto any non-residential property from another property shall not exceed one (0.1) vertical foot-candle.
- H. Lighting fixtures for externally illuminated signs and billboards shall be automatically extinguished between the hours of 11:00 p.m. and dawn except as specifically approved by the Township for sign lighting on the premises of all-night commercial operations. All such fixtures shall be so designed or fitted to concentrate the light output onto and not beyond the sign or billboard. No direct beams of light shall be directed toward adjacent properties or public roads.
- I. Directional fixtures, e.g., floodlights or spotlights, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11:00 p.m. and dawn, except for lighting of the American Flag. Such lighting shall not project onto another property.

- J. The use of strobe lighting for tall structures such as smokestacks, chimneys and radio, communications or televisions towers is prohibited during hours of darkness, except as specifically required by FAA.

(4) Installation

- A. Poles supporting lighting fixtures for the illumination of parking areas shall be placed a minimum of five (5) feet outside paved area, curbing or tire stops, or on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other approved means.
- B. Except as specifically approved by the Township, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty five (25) feet above finished grade. Fixtures not meeting IESNA "cutoff" criteria, when specifically approved by the Township, shall not be mounted in excess of fifteen (15) feet above grade.
- C. Electrical feeds to all lighting standards shall be installed underground, not overhead.

(5) Maintenance

- A. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

(6) Street lighting for residential applications

- A. Where required in this or other ordinances for the residential uses, lighting shall be provided as follows:
  - 1. At the intersection of entrance roads to the development with a public road.
  - 2. At the intersection of public roads within the development with development interior roads.
  - 3. Along the longest cul-de-sac bulb radius.
  - 4. At terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects, e.g., signs, not having a breakaway design.
  - 5. At defined pedestrian crossings located within the development.

6. The types of street lighting fixtures shall be approved by the Township

(7) Plan Submission

A. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Township for review and approval with any preliminary or final subdivisions/land-development plan application and with any conditional use, special exception, variance application or building permit where applicable, and shall include:

1. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by locations, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.

2. 10'x10' luminance-grid (point-by-point) plot of maintained foot-candles, carried out to 0.0 foot-candles, which, demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminate levels shall be documented on the plan.

3. Description of the proposed equipment, including fixture catalog cuts, photometric, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.

B. When requested by the township, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.

C. The following notes shall appear on the lighting plans:

1. Post-approval alterations to lighting plans or

intended substitutions for approved lighting equipment shall be submitted to the township for review and approval.

2. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Municipality.

(8) Compliance Monitoring

A. Safety Hazards

1. If appropriate, officers or agents of the township judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.
2. If appropriate corrective action has not been effected within the specified time period, the township may commence legal action as provided in this Ordinance.

B. Nuisance Glare and Inadequate Illumination Levels

1. When appropriate officers or agents of the Township judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within specified time period.
2. If the appropriate corrective action has not been effected within the specified time period, the township may commence legal action as provided in this Ordinance.

Section 502

Occupation Regulations

502.1

Home Occupation/Farm Occupation

In any residential district, all dwelling units with direct access to a public street may be used for

the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that the use of the dwelling does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate as provided in Section 507.2(b)(1).

502.1.A Home Occupation Standards

- (a) Home occupations shall be limited to the employment, on the premises, of not more than two (2) paid or unpaid employees or assistants at any one time in addition to the residents of the dwelling.
- (b) No more than three (3) off-street parking spaces, in addition to those required for the residence units, shall be required and not more than one (1) commercial vehicle, not larger than two (2) axles, may be maintained on the property.
- (c) The total of all home occupations shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling unit.
- (d) Home occupations shall be subject to the following limitations:
  - (1) No emission of unpleasant gases or other odorous matter shall be permitted.
  - (2) No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation shall be permitted.
  - (3) No glare and heat from any home occupation shall be permitted.
  - (4) No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant, or otherwise could cause the emission of dangerous objectionable elements.
  - (5) No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted, shall be permitted.
  - (6) No noise shall be audible beyond the dwelling setback line in which the home occupation is conducted that exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled.
  - (7) No emission of any smoke shall be permitted.
  - (8) Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception

or transmission of any kind.

- (9) The activity shall not require the delivery of materials and goods by trucks larger than standard panel trucks having no more than two (2) axles.
- (10) All home occupations shall require an occupancy permit issued by the Township.
- (11) All goods available for retail sale on the premises must be produced on the premises.
- (12) No display of products related to the home occupation shall be visible from the adjoining properties or streets.
- (13) No more than one (1) home occupation may be practiced in any one dwelling unit.

502.2 Farm Occupation

- (a) In any district, all farm dwelling units with direct access to a public street may be permitted for farm occupation(s), provided such occupation(s) is clearly incidental or secondary to the use of the property as a farm, and further provided that the use of the property does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate as provided in Section 507.2(b)(1).
- (b) For the purposes of this Ordinance, farm occupations may involve the following uses:
  - (1) Retail sales of agricultural products principally produced on the farm (with a display area not to exceed 600 square feet).
  - (2) Facilities for the service and repair of farm machinery and equipment, and small engines.
  - (3) Facilities contributing to the agrarian lifestyle characteristic of the residents of Maxatawny Township. Such facilities include, but are not limited to:
    - A. Arts and crafts manufacturing, with a retail sales display area not to exceed 600 square feet.
    - B. Carpenters.
    - C. Woodworking, furniture, and cabinet making shops.
    - D. Metalworking shops.

E. Butcher shops.

502.2.A Farm Occupation Standards

Farm occupations shall be subject to the following limitations:

- (a) Farm occupations shall be limited to the employment, on the premises, of not more than, two (2) paid or unpaid employees or assistants at any one time including the property owner.
- (b) Two off-street parking spaces, in addition to those required for the dwelling unit, shall be required for each single farm occupation.
- (c) The aggregate of all farm occupation buildings total floor area shall not occupy more than 2,000 square feet of building floor area.
- (d) The aggregate of all farm occupation "outside related use surface area" excluding farm occupation buildings, shall not occupy more than 800 square feet and must be designated in no more than "one" area.
- (e) No emission of unpleasant gases or other odorous matter shall be permitted.
- (f) No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation shall be permitted.
- (g) No glare and heat from any farm occupation shall be permitted.
- (h) No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant or otherwise could cause the emission of dangerous objectionable elements.
- (i) No vibration perceptible beyond the dwelling unit or building in which the farm occupation is conducted whichever shall be the smaller, shall be permitted.
- (j) No noise shall be audible beyond the dwelling setback line or building line in which the farm occupation is conducted that exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled.
- (k) No emission of any smoke shall be permitted.
- (l) Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.



- (m) The Farm Occupation and designated area must follow the minimum lot regulations for the Zoning District in which it is located.
- (n) The "one" area must be contiguous to a Farm occupation building.
- (o) Farm Occupations must manufacture on the premises. Retail commercial sales, franchise or repair is not permitted.

Section 503

Accessory Uses, Structures, or Buildings

503.1 All accessory structures or buildings, including but not limited to utility sheds and in-ground and above-ground pools, shall require a building permit. No accessory structures or buildings shall be erected in any front yard between the street right-of-way and the building setback. The front yard and the minimum side yard setbacks, to the extent a front yard or a side yard setback is required in each particular district, shall remain open and no accessory building or structure shall be erected therein.

Detached accessory buildings (private garages) must be at least five (5) feet from any other structure and at least five (5) feet from the rear and side Lot line(s).

A utility shed may be erected in the rear yard at least five (5) feet from the rear and side lot line and shall not exceed one hundred forty-four (144) square feet in area and twelve (12) feet in height. Notwithstanding the regulations aforesaid, no accessory structure including utility sheds shall be constructed or located within a recorded utility easement area. There shall be a maximum of one utility shed allowed per building lot.

503.2 Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more must be located in the rear or side yard only and must be a minimum distance of ten (10) feet from the property line. In-ground pools must be entirely enclosed with a permanent fence not less than four (4) feet in height and contain a gate which can be suitably locked. Above-ground pools must be fitted with a retractable stairway which can be suitably locked.

503.3 No non-residential activities shall be permitted in any residential zone except those permitted by Occupation Regulations (Section 502 of this Ordinance).

503.4 No agricultural use or individual gardens for home consumption shall occupy more than one-half of the minimum front, rear, or side yard required in the applicable Zoning District.

503.5 No mobile homes or school buses or truck body or trailer, or the like may be used as any type of storage structure, animal husbandry or as a structure for any permitted, accessory or special exception use.

Section 504

Multi-Family Dwellings (Apartments) and Town House Developments

504.1 Permitted Uses

A development or project of multi-family dwellings and accessory buildings shall consist solely of residential dwelling units, recreational, and parking facilities. However, coin-operated washing and drying machines and vending machines dispensing or containing beverages, food, cigarettes, or newspapers shall be permitted provided that these are located within a building and shall be available only for the use of the persons residing therein.

One office per project for the purpose of administrating and renting the multi-family dwelling units in a multi-family or the town houses in a town house development and one "sample" apartment for display purposes shall be permitted for each type of apartment.

504.2 Area and Bulk Regulations

		Apartment Building	Town Houses
(a)	Minimum gross lot area:	2 acres	2 acres
(b)	Minimum lot width at building line:	200 feet	20 feet per house
(c)	Building coverage of gross land area:	12%	30%
(d)	Minimum rear yard:	50 feet	30 feet
(e)	Minimum side yard:	50 feet	30 feet (applicable to end houses)
(f)	Minimum front yard:	50 feet	30 feet
(g)	Buffer yard:	20 feet	20 feet
(h)	Distance between Buildings (or groups of attached buildings in the case of Town Houses:	see sub-paragraph	see sub-paragraph

	504.3	504.3
(i) Parking area set back from lot line or street ultimate right-of-way:	15 feet	10 feet
(j) Maximum dwelling units per gross acre:	10	8
(k) Usable open space, not including parking or driveway areas devoted to recreational use:	0.25 sq. ft for every one (1) sq. ft. of gross floor area.	0.25 sq. ft. for every one (1) sq. ft. of gross floor area.
(l) Maximum height:	45 feet	40 feet

504.3 Additional Requirement

- (a) Notwithstanding the provisions of the above requirements, the following shall also apply:
- (1) There shall be no group of Town Houses consisting of more than six (6) attached dwelling units.
  - (2) There shall be at least two (2) different architectural treatments of Apartments and Townhouses for each group, varying the building materials and exterior elevation. In addition, no more than three (3) continuous Townhouses and Apartments shall have the same front setback and any variation in front setbacks shall be at least four (4) feet.
  - (3) The horizontal distance between groups of Townhouses or Apartment buildings shall be two (2) times the average height of the two groups of Townhouses and Apartment buildings for front or rear walls facing front or rear walls, one and one-half (1-1/2) times the average height for front or rear walls facing side walls, and equal to the height of the highest building for side walls facing side walls.
  - (4) The minimum width of any side yard abutting a street, driveway, or parking area should not be less than thirty (30) feet and provide a buffer yard pursuant to Section 517.
  - (5) Access and service shall be provided in the front of each Townhouse(s) and/or Apartments. Parking shall be provided on the lot, as an integral part of the Townhouse(s) and/or

Apartments, or a joint parking facility for a group of Townhouse(s) and/or Apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

- (6) The maximum length of an apartment building shall be 250 feet.
- (7) The development shall be served by public sewage disposal and public water supply facilities.
- (b) Usable open space devoted to recreational use as required by 504.2(k) for Apartment buildings and Townhouses shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Township Planning Commission.
- (c) Landscaping and buffer yards shall be subject to Section 517 of this Ordinance.

504.4 Parking Facilities

- (a) Two (2) spaces per dwelling unit shall be required and 1 visitor parking space shall be provided for every two (2) dwelling units shall be required unless additional spaces are required pursuant to the provisions of Section 504.10.
- (b) Location - Required parking spaces shall be provided on the same lot as the building served or in suitably designed central parking areas with parking spaces specifically marked for each tenant that are under the care and control of the Owner/Developer/Homeowner's Association and/or Condominium Association.
  - (1) All outdoor parking spaces and access drives shall be at least 15 feet from any multi-family dwelling building on the lot and 15 feet from all exterior lot lines.
  - (2) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
  - (3) Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width at the street line.
  - (4) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  - (5) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and

from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for subdivision approval.

- (6) All access ways and parking areas shall be suitably paved with a permanent hard surface covering.
- (7) Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
- (8) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards of the Township.
- (9) Entrances to and exits from common parking areas shall be located a minimum of one hundred (100') feet from the point of intersection of the nearest public street curb lines.

#### 504.5 Drainage

- (a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to dispose all run-off and drainage to an approved waterway away from the project site so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for subdivision approval and shall be subject to approval by the Township Engineer or other qualified person designated by the Township.
- (b) All provisions of existing Township Ordinances and Land Subdivision Regulations regarding storm drainage shall be complied with.

#### 504.6 Construction

All multi-family dwellings shall be built to conform with the building regulations as established by the State Department of Labor and Industry and all building regulations of the Township, and in the case of conflict of such regulations, the more restrictive shall govern.

#### 504.7 Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets of cause any annoyance to building occupants or surrounding property owners or residents subject to Section 501.13 of this Ordinance.

A system for pedestrian circulation throughout the development shall be provided.

504.8 Storage of Trash and Rubbish

Exterior storage areas for trash, rubbish, and recycling shall be completely secured and screened from view on three sides with evergreen plantings and all trash, rubbish, and recycling shall be contained in airtight, vermin-proof containers and have adequate storage to accommodate the projected volumes of solid waste. One accessory building not more than eight (8) feet in height and not more than four hundred (400) square feet in size may be erected for each main building for the storage of trash, rubbish, and recycling containers but such building shall be screened with evergreen plantings on at least three (3) sides and shall comply with all setback and other requirements of this section. Interior storage areas for trash, rubbish, and recycling shall be kept in an orderly and sanitary fashion at all times.

504.9 Site Plan Review and Approval

Multi-family dwellings and Town House developments shall be deemed to be a subdivision governed by the provisions of the Township Subdivision Regulations. The procedures established by said Subdivision Regulations shall be followed in obtaining approval.

504.10 Living Standards

- (a) In all cases where a dwelling unit lease shall be utilized, the Owner/Applicant shall supply a copy of all forms of leases to the Township each year. The failure to supply such Leases shall be considered a material breach of this Ordinance and the Township may take any action necessary, including eviction of tenants or condemnation of units for health and safety reasons, to enforce the provisions of this Section.
- (b) In any case where a Owner/Applicant rents a dwelling space by room, as opposed to by dwelling unit, or where a mixture of such leases is available, including existing multi-family dwelling units as of the date of this Ordinance, the following shall apply, and shall apply to each and every unit, regardless of whether said unit is individually leased or leased by bedroom (or by bed):
  - 1. All bedrooms within the dwelling unit shall have individual locks.
  - 2. A security plan shall be provided and approved by the Township. Such plan shall be permitted each year and approved by the Township.
  - 3. Such facility may not be marketed or promoted exclusively to students.
  - 4. All leases shall include behavioral standards which shall be approved by the Township.
  - 5. In the event that room leases are provided, a parking space for each bedroom of the complex and/or on the property shall be

provided as well as additional parking shall be provided for employees.

6. Rules and regulations and hours of operation for any community center/clubhouse shall be provided to and approved by the Township. The clubhouse/community center shall be limited in hours of operation from 6:00a.m until 12:00 a.m. and shall be limited to community residents and their guests and not open to the general public. Staffing requirements shall be at the discretion of the Township.
7. The Owner/Developer shall comply with all rental unit registration and inspection procedures of the Township.
8. The Owner/Developer shall provide the name for its on-site manager of the facility and resident caretaker/liaison to the Township Code Enforcement Officer by January 15 of each year or as changes occur, with appropriate contact information for emergencies and general communication issues.
9. As applicable, emergency exits shall be maintained and an outdoor key box with master keys shall be supplied to emergency response organizations who may have occasion to service the Property

## Section 505

### Shopping Centers

Shopping centers shall be in single ownership or under a guaranteed unified management control. Shopping centers shall consist of harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space, and shall be subject to the following provisions:

- 505.1 Permitted principal uses:
- (a) Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.
  - (b) Business, professional, or banking offices.
  - (c) Restaurants, cafes, or similar places serving food and/or beverages, except where a conditional use is required pursuant to Section 505.3.
  - (d) Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.
- 505.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use.



Only the customary accessory uses associated with a commercial district shall be permitted provided they are limited to the same lot as the permitted uses.

505.3 Conditional Uses: After recommendation by the Planning Commission and public hearing by the Governing Body, the Governing Body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

Gasoline Filling Stations subject to Section 598 of this Ordinance.

Drive-Thru Establishments subject to Section 549 of this Ordinance.

505.4 Area and bulk regulations

- (a) Lot size - The area for development shall be a minimum of five (5) acres.
- (b) Lot coverage - Twenty (20) percent maximum, Eighty (80) percent maximum impervious surface.
- (c) Building height - Forty (40) feet maximum.
- (d) Front yard - One hundred (100) feet minimum.
- (e) Side yards - Seventy-five (75) feet minimum each side.
- (f) Rear yard - Seventy-five (75) feet minimum.

505.5 Supplementary regulations

- (a) Off-street parking

Off-street parking shall be provided on the premises at a ratio of five (5) off-street parking spaces for every one thousand (1,000) square feet of gross leasable floor area.

Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side, or rear lot line and be buffered and landscaped pursuant to Section 517 of this Ordinance. All parking areas shall be curbed, paved with permanent hard-surface coverings and landscaped.

Required parking shall be provided on the same lot as the building served or in suitably designed central parking areas that are under the care and control of the Owner/Developer or association of ownership.

Shopping centers shall also comply with Section

505.6 Access and traffic controls

All means of ingress or egress from the shopping center to any public street or State highway shall be curbed and located at least two hundred (200) feet from any other intersecting public street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices, highway modification and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Township.

505.7 Interior circulation

Interior access ways shall be curbed and designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles, servicing of shops, rubbish collection, or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

505.8 Lighting

Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents per Section 501.13 and 505.14 of this Ordinance.

505.9 Shopping cart storage

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

505.10 Screening

- (a) Along lot lines abutting residential districts and residential dwellings, along the side yard or rear yard, shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of six (6) feet and a maximum height of seven (7) feet.
- (b) If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along the entire interior lot lines.

505.11 Storage of Trash and Rubbish

Storage areas for trash, rubbish and recycling shall be completely screened and all trash, rubbish and recycling shall be contained in airtight, vermin-proof containers. No such storage area shall be permitted within any required yard space.

505.12 Signs

Signs shall conform to Section 507 of this Ordinance.

505.13 Site Plan Review and Approval

A proposed shopping center shall be deemed to be a subdivision governed by the provisions of the Municipality Subdivision Regulations and the procedures established by said Subdivision Regulations for approval of subdivision plans shall be followed in obtaining approval for shopping centers.

- (a) All uses within a shopping center or shopping mall shall be harmoniously planned within a single building or within groups of buildings with the same or similar architecture. Examples of such architecture shall be presented to the Board of Supervisors for their approval at the time of the hearing or land development.
- (b) In addition to ownership requirements set forth herein, the shopping center must have a least one (1) on-site manager or a designated individual whose office is located within 100 miles of Maxatawny Township. The owner shall provide Maxatawny Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the shopping center or shopping mall.
- (c) The owner or manager shall provide a complete list of tenants located within the shopping center or shopping mall on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (d) A lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting intensity shall not exceed the Lot Line and for buildings, signs, accessways and parking areas shall be arranged so they do not reflect skyward and/or towards any public street or residential zoning districts or residential dwellings.
- (e) A Traffic Impact Study (TIS) shall be conducted in accordance with Pennsylvania Department of Transportation Standards and the Maxatawny Township Subdivision Regulations with regard to TIS Criteria in order to assess transportation conditions and needs. The TIS should identify how the potential adverse impacts associated with traffic volumes and vehicle weight will be mitigated and/or prevented. Any TIS should incorporate and consider the recommendations and provisions within the Township's Act 209 Ordinance.
- (f) Retail establishments within a shopping center shall comply with the

requirements of Section 535

505.14 All illumination shall be subject to the following rules and regulations.

- (a) No exposed or reflective type bulb or incandescent lamp that exceeds 15 watts shall be used in a way that exposes the bulb or lamp skyward and/or to any public street or to the living area of any residential dwelling.
- (b) No illumination utilized on private property shall transmit light of an intensity in excess of 0 foot candles onto any abutting property except in the case of driveways and roadway intersections.
- (c) The bulb or lamp of any lights on any poles shall not exceed a height of 25 feet above grade.
- (d) Lighting shall be regulated pursuant to Section 510.13 of this Ordinance.

Section 506. Mobile Home Park

All such facilities shall conform to all the requirements of the Commonwealth of Pennsylvania for Mobile Home Parks, any additional Township Ordinance and the Municipality Subdivision Regulations of 1984 as amended.

Section 507. Signs

507.1 Area of Sign

The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

507.2 Permitted Signs

The maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

- (a) All Zoning Districts
  - (1) Official traffic or directional signs and other official Federal, State, County, or Township government signs.
  - (2) Temporary signs announcing a drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area. Signs

erected in conjunction with a political election, not to exceed six (6) square feet (except as provided under Section 507.2 (d) (1) ). All signs permitted by way of this section shall be placed not more than 30-days prior to an event or election and shall be removed immediately at the conclusion of the event or election.

- (3) On Premises Business Signs, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- (4) Off Premises Business Signs shall be permitted for a total of two (2) signs within the Township, per business, which may total a maximum combined area of 32 square feet. Said signs must comply with the general sign regulations for the District in which they are proposed.
- (5) Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed nine (9) square feet, and provided that such sign shall be removed immediately upon completion of the work.
- (6) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.
- (7) Real Estate Sale and/or Rental Signs: One sign per road frontage per property, six (6) square feet per sign for properties up to 10 acres, increase of six (6) square feet per sign for each fraction of 10 acres above 10, but not to exceed (24) square feet in total signage per property. Off-site directional signs under this section shall be limited in number to (2), each such sign not exceeding four (4) square feet. Such directional signs shall be limited to use only seven (7) days out of any thirty (30) day period. No such sign shall be within any right-of-way.

(b) Residential and Agricultural Zoning Districts

- (1) Home occupation or name plate signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, or dwelling unit, provided that not more than one on-lot sign and two off-lot directional signs shall be erected for each permitted use, and further providing that the area of each such sign shall not exceed two (2) square feet. The on-lot sign shall be fixed flat on the main wall of such building, or may be free standing.
- (2) Sign, bulletin, announcement board or identification sign for schools, churches, hospitals, sanitariums, clubs, multi-family

dwelling, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage. Such uses may utilize no more than two off-lot identification signs displaying the name of the institution, provided that the area of each sign shall not exceed four square feet.

- (3) Signs offering the sale of farm products, nursery products, or livestock produced or raised on the premises shall be permitted, provided that, (A) not more than one on-lot sign not greater than twelve (12) square feet or, (B) one on-lot sign not greater than (8) square feet and two off-lot signs not greater than (2) square feet each. The on-lot sign shall be fixed flat on the main wall of such building, or may be free-standing.
- (4) Signs denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign on any one street frontage.

(c) Signs for Multi-family Dwellings

The following signs shall be permitted:

- (1) Free standing real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of the sign does not exceed twenty (20) square feet, that there shall be no more than one such sign on any one lot on the same street frontage, and that no sign shall be erected so as to stand higher than one of the buildings it advertises. Multi-family dwelling units shall not be advertised by such real estate signs for more than twelve months after building construction is completed.
- (2) Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a rental office of sample apartment.
- (3) Permanent identifying signs for the purpose of indicating the name of the multi-family project and for the purpose of identifying the individual buildings within the project. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no sign shall exceed twelve (12) square feet in size. Signs to identify the individual buildings within the project shall not exceed six (6) square feet in size.

(d) Commercial, Light Industrial and Industrial Zoning Districts



- (1) Signs directing patrons, members, or audience to temporary exhibits, shows or events, and political signs associated with an election, provided that such signs shall not exceed twelve (12) square feet. Such signs shall be placed not more than 30-days prior to an event or election, and shall be removed immediately upon the conclusion of the event or election.
  - (2) Business or commercial signs on the same lot as to the use to which it relates, provided that the total of such on-lot signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of two hundred (200) square feet. Such signs for each building lot shall be located on the building facade or on one pylon sign. Only one (1) pylon sign per building is allowed.
  - (3) Special temporary promotional devices, signs, or displays, such as banners or pennants where such signs are outside of a building, shall remain on display for a period not to exceed thirty (30) consecutive days.
  - (4) Off-lot commercial advertising sign structure or billboard shall be permitted provided the sign panel on the structure is limited to two hundred (200) square feet. Each sign panel shall contain one face on each side of the panel. There shall be no more than one (1) sign panel for vacant lots having street frontage of less than five hundred (500) feet, not more than (2) sign panels for vacant lots in excess of five hundred (500) feet, providing a maximum of four (4) sign faces. No more than two (2) advertising sign faces shall be permitted for each face of the sign structure and there shall be a minimum separation distance of five hundred (500) feet between any and all sign structures. In no event shall the bottom of the sign panel exceed a vertical dimension of twenty (20) feet above the grade of the lot, provided, where a lot is below the street grade the vertical dimension may not exceed twenty (20) feet above the street grade, nor sign panel length of fifty (50) feet. Such signs shall meet setback requirements. Applicants must also comply with Sections 507.4 and 507.5 of this Ordinance.
  - (5) No sign structure or billboard shall be located within two hundred (200) feet of any residential dwelling or residentially zoned land.
- (e) Neighborhood Commercial and Institutional Zoning Districts.

Signs in these districts shall be permitted as long as they conform to one of the following sections: 507.2(d)(1), 507.2(d)(2), and 507.2(d)(3) and 507.4 and 507.5.



## Supplemental Sign Regulations - All Districts

- (a) **Projection:** No sign shall project more than twelve (12) inches from the building facade to which it is attached. No free-standing sign may project beyond the lot line.
- (b) **Height:** No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Free-standing signs shall meet the height requirements of the particular district in which they are located, and/or all other applicable restrictions.
- (c) **Clear Sight:** No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street, and shall not obscure any traffic signal or device. No sign, other than official traffic signs, shall be located within any right-of-way, and no sign shall be constructed within the clear sight triangle of intersecting streets, including driveways, (75') triangle for minor streets and driveways, (150') for major streets.
- (d) **Illumination:** Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights, or may be internally illuminated, provided, however, that no signs imitating traffic control devices shall be permitted and provided that lighting is screened from adjacent properties. This section shall not apply to Billboards or Signs governed by Section 507.5 of this Ordinance. No lights of intermittent, flashing, or animated types shall be permitted except as permitted in this Ordinance and only within the I-Industrial Zoning District. A photometric plan may be required as part of the application for sign permit.
- (e) **Placement:** No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees (except that signs allowed by Section 507.2 (a) (5) may be attached to trees on private property, but not within the right-of-way). No portion of any free-standing sign shall be located within five (5) feet of any side lot line nor within the ultimate street right-of-way.
- (f) **Construction:** All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. If any sign becomes dilapidated to the point that it is unsightly or hazardous; such sign shall require repair by sign owner. If, after due notice from Township Official, owner fails to repair or remove the sign, the Township may act to remove the sign, at the owner's expense.
- (g) **Non-conforming Signs:** Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- (h) **Removal of Signs:** Whenever any business is discontinued or vacated, all relating signs shall be removed within thirty (30) days of the

discontinuance or vacation of the business. Upon failure to comply, Township may institute enforcement proceedings, and/or remove the signs at the owner's expense.

- (i) Signs affixed to vehicles or trailers shall be prohibited, except for temporary, ordinary parking purposes. Signs attached to vehicles specifically intended for use as site signage shall be prohibited.
- (j) In addition to the above requirements, Billboards shall be governed by Section 507.4.
- (k) In addition to the above requirements, mechanical, moving, lighted and signs of electric nature shall be governed by Section 507.5 and shall be permitted exclusively in the I-Industrial Zoning District. Except that signs noting the date, time and weather, without other animation, are permitted in the LI-Light Industrial District and C1- Commercial District. However, all such date, time and weather signs shall meet all size requirements for standard signs.
- (l) Audio speakers and any form of pyro-technics shall not be permitted, unless mandated by the Pennsylvania Department of Transportation relative to ADA road crossings and in which case, said speakers must comply with all Pennsylvania Department of Transportation regulations.

507.4 Billboards

- (a) Billboards shall be exclusively placed within the Route 222 Corridor, when permitted by Article IV, must be located and oriented to Pa. Route 222 and shall not be permitted in any other Zoning District.
- (b) No Billboard shall be located within 1,000 feet of another Billboard.
- (c) All Billboards shall be a minimum of 50 feet from all side and rear property lines.
- (d) Billboards shall be set back at least 100 feet from any residential Zoning District or residential dwelling.
- (e) No Billboard shall obstruct the view of motorists on adjoining roads or the view of adjoining commercial or industrial uses which depend upon visibility for identification.
- (f) No billboard shall exceed an overall size of 300 square feet, nor exceed 25 feet in height.
- (g) When applicable, all Billboards shall also comply with Section 507.5 of this Section.
- (h) Not more than one Billboard shall be erected on any one premise under single and separate ownership.
- (i) Billboards shall not be illuminated between the hours of 11:00 PM and

6:00 AM.

- (j) An engineering certificate shall accompany any application for a digital billboard. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practice.

507.5 Mechanical, Electric and Moving Signs.

- (a) Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded, so there is no direct light transmitted to other properties or public rights-of-way.
- (b) No sign shall be of the intermittent flashing or rotating type nor shall scrolling or motion lights be permitted.
- (c) No sign located within 300 feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing.
- (d) All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- (e) Signs must be positioned so that they do not interfere with any clear sight triangle.
- (f) Intentionally omitted.
- (g) The lighting of new, or relighting of existing, billboards and signs shall be subject to the following requirements:
  - (1) Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. Lighting shall be by linear fluorescent sources. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30 vertical footcandles during nighttime.
  - (2) The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
  - (3) The illumination of Billboards within 500 feet of a residential use shall not be permitted.
  - (4) Except as otherwise provided by this Section, the maximum

illumination on the face of an externally illuminated Billboard or sign shall not exceed 30 footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.

- (5) Rotating, traveling, pulsing, flashing, or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted
- (h) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- (i) Applications for the lighting or relighting of signs and Billboards shall be accompanied by a point-by-point plot of luminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting.
- (j) The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas or property used for residential purposes.
- (k) No lighting shall be permitted to outline signs or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed 30 days prior to and removed not later than 21 days after the holiday.
- (l) All electrically illuminated signs shall be constructed to the standard and listing of the Underwriters Laboratories, Inc. (UL). All electrical devices and wiring shall be installed in accordance with the International Code Council (ICC) Electrical Code and the National Fire Protection Association, National Electrical Code, (NFPA 70).
- (m) Except as specified in this Ordinance, Dynamic Message Display Signs or signs incorporating dynamic message displays shall be permitted in all Districts subject the restrictions set forth herein.
- (n) All Dynamic Message Display Signs must be equipped with automatic day/night dimming capabilities. Its brightness shall not exceed 0.5 footcandle per square foot of display area.
  - 1. Brightness (Billboard Luminance) - the illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall be a maximum nits level of 7,000nits; provided the brightness of the digital billboard does not exceed .03 foot-candles of light above the normal ambient light levels. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

- A. The billboard luminance specification shall be determined by a footcandle metering device held at a height of 5 ft. and aimed towards the billboard, from a distance of 100 feet.
  - B. The metering devices should be at a location perpendicular to the billboard center (as seen in plan view) as this angle has the highest luminance .
  - C. This check shall include the measurement of an all white image displayed by the billboard to evaluate the worse case condition.
  - D. If the difference in illuminance between the billboard-on and billboard-off conditions is .03 foot-candles or less, the then billboard luminance is in compliance.
- (o) Temporary message signage. In addition to other temporary sign regulations, all property owners utilizing a dynamic message display sign must remove all exterior promotional banners and sandwich board signs and may not use any temporary signage.
  - (p) No video Billboard shall be permitted in the Township. A Video Billboard is one that changes its message or back ground in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts actions or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not limited to moving objects, moving patterns or banks of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video Billboards include projected images or messages with these characteristics onto buildings or other objects.
  - (q) Such signs shall display simple and static messages for immediate recognition. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning.
  - (p) Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect.
  - (q) Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible.

Required Minimum Message Display Cycles  
(seconds)

Speed Limit (mph)	Total Dynamic Message Display Sign Area With Up to 64 Square Feet	Total Dynamic Message Display Sign Area With Between 64 and 300 Square Feet
25	17 seconds	28 seconds
30	14 seconds	24 seconds
35	12 seconds	20 seconds
40	11 seconds	18 seconds
45	10 seconds	16 seconds
50	9 seconds	14 seconds
55+	8 seconds	12 seconds

- (r) Community service. All dynamic message display sign owners must use at least 20% of the operating time per eight-hour cycle for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements). All owners must notify Amber Alert and register its location for use as needed.

Section 508. Parking and Truck Loading Requirements

508.1 Off-Street Parking

- (a) Minimum Parking Requirements

Any building or other structure used (including any existing building or structure subsequently enlarged) and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces on/ within and at the lot of the use served as set forth herewith, unless otherwise specified.

- (1) Dwellings: Two (2) parking spaces for each dwelling unit.
- (2) Church, School, Theaters: One (1) parking space for every five (5) permanent and temporary seats provided.
- (3) Hotels, motels: One (1) parking space for each rental unit.
- (4) Eating Establishments: One (1) parking space for every four (4) permanent or temporary seats, or for each one hundred (100)

square feet of gross floor area used by the eating establishment, whichever shall require more spaces.

- (5) Retail Stores: One (1) parking space for each one hundred (100) square feet of gross floor area. (For Shopping Center see Section 505.5).
- (6) Wholesale Establishments or Warehouses: One (1) parking space for each one (1) employee in maximum shift and at least one (1) space for each five thousand (5,000) square feet of gross floor area.
- (7) Manufacturing, Industrial and General Commercial Uses Not Otherwise Specified: One (1) parking space for each one (1) employee in maximum shift but at least one (1) space for each ten thousand (10,000) square feet of gross floor area.
- (8) Offices: One (1) space for each 400 square feet of net rentable floor area.
- (9) Bowling Alleys: Five (5) spaces for each lane.
- (10) Drive-In Establishments: One (1) space for each 50 square feet of gross floor area.
- (11) Other Uses Not Specified: The same requirement as for the most similar use listed.
- (12) Size of Parking Space: An off-street parking space shall have a minimum of two hundred (200) square feet, exclusive of aisles and drives. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be ten feet (10') feet by twenty-two (22') feet.

(b) Share Parking

One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to seventy five (75) percent of the sum of the requirements of the component uses computed separately.

(c) Fractional Space

When required parking computations result in fractions, any fraction below 1/2 may be disregarded and any fraction over 1/2 shall be construed to require a full space.

(d) Reduction of Existing Parking

Off-street parking facilities existing at the effective date of this Ordinance



shall not subsequently be reduced to an amount less than that required under this Ordinance for the particular district in which the off-street parking facilities are located.

(e) Paving

All required parking areas and all access drives for all uses except single family residences and farms shall be paved.

(f) Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any street or on any residentially zoned property other than in completely enclosed buildings.

(g) Services

No repair to or maintenance of vehicles of any kind shall be permitted in any storage parking lot.

(h) Landscaping and Lighting.

Parking lots in all commercial, light industrial, industrial and institutional zones shall be aesthetically landscaped and illuminated.

(i) Parking lots in all Commercial, Light Industrial, Industrial, Institutional and Neighborhood Commercial Zones are subject to the following:

(1) All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised concrete curb and planting strip against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area.

(2) Each use with less than one hundred (100) feet of frontage on a public street shall have not more than one (1) curbed accessway to each such street. No use with one hundred (100) feet or more frontage on a public street shall have more than two (2) curbed accessways to any one street for each five hundred (500) feet of frontage. Movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.

(3) Each use must provide for a second emergency access.

(4) The width of curbed driveway entrances and exits, measured at

the street line, shall conform to the following schedule:

Type	Width in Feet	
	Minimum	Maximum
One-way	12	26
Two-way	24	50

- (5) In all cases the curbed radius of the edge or the driveway apron shall be at least fifteen (15) feet and no more than fifty (50) feet.
- (6) The location and width of exit and entrance driveways shall be a minimum of twenty-five (25) feet from the property line and planned so as not to interfere with the use of adjacent property's, pedestrian's and vehicular traffic on adjacent streets. The center line of the access driveway on, to, or from any public street shall be located at least one hundred (100) feet from the intersection of any street lines.
- (7) Curbed driveways shall have unimpeded access to parking areas and there shall be no parking alongside driveways.
- (8) All access drives and isles in parking areas and parking areas shall be marked and not exceed five (5%) percent in grade access drives shall not exceed seven (7%) percent in grade.
- (9) The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angle of Parking</u>	<u>Aisle Width</u>	
	<u>One Way</u>	<u>Two Way</u>
90 degrees	20'	24'
65 degrees	18'	
35 degrees	15'	

- (10) Parking areas for non-residential uses shall be located a minimum of twenty-five (25) feet from a lot line and the ultimate street right-of-way line, and the area between the parking area and the lot line or ultimate street right-of-way line shall be landscaped and screened per Section 517.

508.2 Off-Street Truck Loading

- (a) Required Loading Spaces

Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one (1) off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck

loading area for each additional 40,000 square feet of gross floor area.

(b) Size of Truck Loading Space

An off-street truck loading space shall have a minimum of fifteen (15) feet in width, a minimum of sixty (60) feet in length, and a minimum clear height of fourteen (14) feet.

508.3 Driveways

- (a) All new driveways shall conform to the provisions of the Township's Subdivision and Land Development Regulations and Stormwater Management Ordinances. Existing driveways not meeting the standards of this Ordinance and the Township's Subdivision and Land Development Regulations and Stormwater Management Ordinance shall not be required to be improved unless there is a change of use of the property which the driveway accesses.
- (b) The number of driveways intersecting a street shall not exceed one (1) per Lot Frontage.
- (c) No driveway shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or public road.
- (d) All driveways shall be paved at a minimum from the edge of cartway to the building setback line and the remaining portion be so constructed and maintained that the materials of which the driveways are made will not wash nor be deposited upon public roads.
- (e) Driveways serving farms and one-family residential dwelling units shall have a minimum width of ten (10) feet and not exceed eleven (11) percent in grade. Driveways exceeding seven (7) percent in grade anywhere along its length, shall be paved in its entirety. Parking areas shall not exceed five (5%) percent in slope.
- (f) Driveways shall not intersect a street within thirty (30) feet of the right-of-way lines of any abutting street, nor within five (5) feet of a fire hydrant or adjoining Lot lines.
- (g) Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet measured along the street centerline and seventy five (75) feet along the driveway centerline, measured from the street right- of-way, is maintained. No permanent obstructions more than three (3) feet in height shall exist or be placed within this area.
- (h) Road classification- Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved. Road classifications are identified in the most recent versions

of the Township's Comprehensive Plan.

- (i) Driveway width – Except as allowed in this Ordinance, no driveway shall result in a curb cut which exceeds a width of twenty-four (24) feet.
- (j) PennDOT Permit – Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- (k) All driveways shall be located, designed and constructed as to provide optimum sight distance at their intersection with the street. PADOT standards and guidelines for calculating site distance shall be applied. The center line of the access driveway on, to, or from any public street shall be located at least seventy five (75') feet from the intersection of any street lines.
- (l) Driveway entrances shall not intersect streets at angles of fewer than seventy-five (75) degrees nor more than one hundred five (105) degrees.
- (m) Except for one-family semi-detached dwelling, all driveways shall be located at least five (5) feet from a property line, shall have a minimum inside turning edge radius of forty (40) feet and be designed and constructed in accordance with the standards for driveways specified in Ordinance #1979-2, or as amended.
- (n) All driveways shall have a minimum twenty-five (25) feet in length leveling area not exceeding four (4) percent in grade located from the Ultimate Right-of-Way of the road.
- (o) A driveway occupancy permit, issued by the Township, shall be required for all proposed driveways. A highway occupancy permit, issued by the Pennsylvania Department of Transportation, shall be required for all proposed driveways entering onto a state road.

Section 508.4                      Access Drive Requirements for Land Uses Other than a Farm, Single Family or Two Family Dwelling.

- (a) Driveways that fall within the provision of this Section shall comply with all sections of 508.3 above unless the provisions of 508.4 below conflict and in which case, the provisions of 508.4 shall apply.
- (b) Driveways serving multi-family residential dwelling units and non-residential developments, shall have a minimum width of twenty-four (24) feet, not exceed seven (7) percent in grade and shall be curbed and paved in its entirety.
- (c) All new access drives shall be provided in accordance with the provisions of the Maxatawny Township Subdivision and Land



public sanitary sewer system and a community or public water supply system as approved by DEP.

- D. A minimum of fifty (50) percent of the gross area of the development shall be set aside as common open space. At least fifty (50) percent of the common open space must be land outside the one hundred (100) year floodplain, wetlands, lakes, ponds, steep slopes, ultimate road right-of-ways, lots, proposed and existing utility easements and proposed and existing stormwater easements.

(2) Density Specifications

- A. The Cluster Development shall not exceed the overall residential density that is conventionally permitted for development in the zoning district for which it is located. This translates into the following maximum permitted densities:

<u>Zoning District</u>	<u>Maximum Density</u>
A-R & R-1	1.5 dwelling units/acre*
R-2	3.5 dwelling units/acre*

\*- as defined by Section 510.1(a)(1)(B).

- B. The area to be utilized to obtain the maximum density for development purposes shall not include lands containing one hundred (100) year floodplain(s), wetlands, lakes, ponds, steep slopes, existing road right-of-ways, existing utility easements and existing stormwater easements.

- C. The area that is not utilized for development shall be set aside as common open space.

(3) Comprehensive Planning Considerations

- A. The development shall be designed with regard to the topographic and natural features of the site.
- B. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping of the development whenever possible and desirable. The finished topography of the site shall adequately facilitate the development without excessive earthmoving and neglect for the natural amenities.

- C. The development shall provide a minimum twenty-five (25) feet wide planting screen buffer along the out-boundary property lines at the periphery of the development to protect the privacy of the adjacent residents. The utilization of plant screening shall be decided by the Board of Supervisors. The planting screen shall be consistent with the standards of the Township and subject to the government body review and approval.
- D. The development shall provide an adequate road network for pedestrians and automobiles. The road network will contain curb, sidewalk, street trees, and will be consistent with the road standards of the Township.
- E. The development shall contain at least two (2) separate and distinct groupings of one-family dwelling-detached buildings. This grouping of buildings must contain a minimum of six (6) individual one-family detached building dwelling units. The grouping of buildings must be separated by open space that is a minimum of one hundred (100) feet in width.

(4) Area, Yard and Height Regulations

Each of the following maximum and minimum dimensional requirements shall apply to Single Family Detached Dwellings within a Cluster Development, except as specifically provided for in this Ordinance:

Minimum Regulations

Lot Area	8,000Sq. Ft.
Lot Width	70 Feet
Building Setback	40 Feet
Rear Yard	30 Feet
Side Yard Total	20 Feet
Each Side	10 Feet

Maximum Regulations

Building Height	40 Feet
Impervious Surface	50 Percent

(5) Supplementary Regulations

All sections under Section 501 of this Ordinance shall apply as supplementary guidelines and specifications for Cluster Developments.



(b) COMMON OPEN SPACE STANDARDS

(1) Requirements and Specifications

- A. A minimum of fifty (50) percent of the gross lot area of the development shall be set aside as common open space. This common open space must be land outside the one hundred (100) year floodplain(s), wetlands, lakes, ponds, steep slopes, ultimate road rights-of-ways, lots, proposed and existing utility easements and proposed and existing stormwater easements. The portion of this land must be equal to at least fifty (50) percent of the common open space area requirement of the development.
- B. The common open space areas shall be planned and located within the property proposed to be developed, and abut each lot.
- C. Significant natural features shall be incorporated into the design of the common open space areas whenever possible.
- D. Pathways shall be constructed to interconnect housing clusters and open space areas.
- E. For all common open spaces, satisfactory written agreements and deed restrictions approved by the Township Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

(2) Management and Maintenance

- A. The developer of the Cluster Development shall make arrangements, provisions, deed restrictions, and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.
- B. The developer of the Cluster Development shall have the following options for ownership, management, and maintenance of the common open space:  
  
Retain ownership and responsibility for the management and maintenance; or Dedicate the land to a homeowners' association, which is comprised of all the residents of the Cluster Development; or Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.
- C. If the common open space is dedicated to a homeowners' association, the developer shall file with the Township for

review and approval by the Township a declaration of covenants and restrictions that will govern the association.

(c) ADMINISTRATION AND REVIEW

Cluster Developments shall be planned, designed, and constructed in accordance with all pertinent procedures, provisions, standards, and specifications that are identified in the Township Zoning Ordinance and Township Subdivision and Land Development Ordinance.

Section 511 Planned Residential Development (PRD) Regulations

511.1 The Township, being confronted with increasing urbanization and acknowledging that the technology of land development and the demand for housing are enduring substantial and frequent modifications and recognizing the applicability of the objectives specified under Articles VI and VII of Act 247, as amended (Pennsylvania Municipalities Planning Code), adopts this Article for the following purposes:

To provide an optional approach to community development with provisions to permit more efficient utilization of land and of public services;

To encourage innovations in development (residential and non-residential), so that the growing demand for housing and other development is adequately achieved by greater variety in type, design, and layout of structures;

To conserve and efficiently utilize open space and environmental amenities;

To encourage flexible land development which will provide additional options towards the preservation of environmentally sensitive areas;

To encourage more efficient use of public facilities that are required in association with new development;

To permit a mixture of land uses (including non-residential development), which will provide even more flexibility for land development.

(a) DEVELOPMENT STANDARDS

(1) Eligibility

No application for Tentative Approval of a Planned Residential Development shall be considered for approval unless the following conditions are in compliance:

- A. PRD is a permitted use in the R-2 Zoning District and as a Conditional Use within the R-1 District.
- B. The PRD shall consist of a minimum contiguous land area within each of the following zoning districts:

<u>Zoning District</u>	<u>Minimum Area</u>
R-1	100 Acres
R-2	50 Acres

- C. The land area under consideration should not include any portion of land located within existing rights-of-way and land that has been previously developed. The area shall not be considered contiguous if it is divided by an existing street exceeding sixty (60) feet in width of ultimate right-of-way.
- D. The PRD shall be served by a public water supply system and public sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and certified operational by the appropriate authorities before the occupancy permits are issued.
- E. A minimum of thirty (30) percent of the gross area of the PRD shall be set aside as common open space. The location, character, management, and utilization of the common open space must comply with the specifications under Section 511.1(c) (Open Space Standards).
- F. The PRD shall conform to the Environmental Performance Standards.

(2) Permitted Uses

- A. Residential dwelling units as single-family detached, single family semi-detached, single family attached (townhouses), and apartments.
- B. Non-residential uses of recreational, commercial, office, and institutional character to the extent they are designed and intended primarily to serve the residents of the PRD. The commercial uses shall not exceed five (5) percent of the gross area of the PRD and shall be located in an inconspicuous location.

(3) Density Specifications

- A. The PRD shall not exceed the following overall gross residential density:

<u>Zoning District</u>	<u>Maximum Density</u>
R-1	1.5 dwelling units/acre
R-2	3.5 dwelling units/acre

- B. The PRD shall not exceed the net residential density for the following residential uses:

<u>Dwelling Type</u>	<u>Maximum Design Density</u>
Single Family Detached	2.5 dwelling units/acre
Single Family Semi-Detached	4 dwelling units/acre
Townhouses	6 dwelling units/acre
Apartments	8 dwelling units/acre

- C. The PRD shall comply with the following proportions for each residential use:

<u>Dwelling Type</u>	<u>Percentage of Total Units</u>
Single Family Detached	Minimum of 35%
Single Family Semi-Detached	Maximum of 25%
Townhouses	Maximum of 50%
Apartments	Maximum of 30%

(b) DESIGN STANDARDS

(1) Comprehensive Planning Considerations

- A. The PRD shall be designed with regard to the topographic and natural features of the site.
- B. The intent of a PRD is to encourage a higher quality of development and to take into consideration the overall appearance of all structures.
- C. All natural features (lakes, streams, topsoil, knolls, basins, trees, and shrubs) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable. The finished topography of the site shall adequately facilitate the PRD without excessive earthmoving and neglect for the natural amenities.
- D. The PRD shall provide a planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under Section 517 (Landscaping) of this Ordinance.

(2) Residential Site Design and Location

- A. All structures shall be designed with regard to topography and natural features of the site.
- B. The PRD should encourage architectural variations and interest in the layout and character of housing structures and setbacks.
- C. All buildings and structures shall be designed and located to enhance privacy and insure natural light for all principal rooms.

(3) Area, Yard, and Height Regulations

- A. Each of the following maximum and minimum dimensional requirements shall apply to the specified land use as indicated below, except as specifically provided in this Article or Ordinance.

<u>Minimum Regulations</u>	Single Family Detached	Single Family Semi-Det.	<u>Townhouses</u>	<u>Apts.</u>
Lot Area	12,000 sq ft	8,000 sq ft*	---	---
Lot Width	75 ft	60 ft*	20 ft*	200 ft
Bldg. Setback	30 ft	30 ft	30 ft	50 ft
Rear Yard	40 ft	40 ft	30 ft	75 ft
Side Yard	15 ft	15 ft	30 ft	50 ft
<u>Maximum Regulations</u>	<u>Detached</u>	<u>Semi-Det.</u>	<u>Townhouses</u>	<u>Apts.</u>
Building Height	40 ft	40 ft	40 ft	40 ft
Lot Coverage	20%	20%	12%	30%

\* Per Dwelling Unit

- B. In addition to the area, yard, and height regulations specified above, the following provisions will apply:

No structure shall be constructed within 40 ft. of the 100-year flood boundary on soils that have been classified as hydric, alluvial, and/or having a seasonal high water table, and on existing slopes exceeding 25 percent in grade (pre-development conditions).

No group of townhouses shall consist of more than six (6) continuous attached buildings in a single building group and no more than twelve (12) dwelling units in an apartment building group.

All multi-family structures (townhouses and/or apartments) shall be located at a minimum of one hundred (100) feet from the property lines of the PRD and one hundred fifty (150) feet from the ultimate right-of-way of any arterial or collector streets.

The horizontal distance between groups of multi-family structures shall be a minimum of sixty (60) feet between the closest structural points.

Apartment units shall not exceed one hundred fifty (150) feet in length.

- C. Residential development is subject to all relevant design standards and improvement specifications defined in the Township Zoning and/or Subdivision and Land Development Ordinances as amended or other Township Ordinances.

(4) Non-Residential Site Design and Location

- A. Non-residential development in the PRD shall be limited to neighborhood retail and service facilities, churches, community activity centers, banks, saving and loan associations, recreational facilities, and health clubs. Non-residential uses of commercial, office, or institutional nature shall be designed and intended primarily for the residents of the PRD.
- B. The non-residential uses shall not exceed five (5) percent of the gross area of the PRD.
- C. The location of non-residential uses shall be situated on a collector street and shall minimize traffic congestion.
- D. The design and architectural characteristics shall be harmonious with the integrity and values of the adjoining residential areas. All non-residential uses shall be adequately screened per section 517.
- E. The inclusion, proportion, and location of non-residential uses shall require approval of the Planning Commission and Board of Supervisors.

F. Non-residential development is subject to comply with all relevant design standards and improvement specifications defined in the Township Zoning and/or Subdivision Ordinance.

(5) Street Design Standards

A. The street system shall be designed to relate with the proposed land uses and existing adjacent streets and to minimize through traffic in the residential areas.

B. The PRD shall provide a system of collector and minor streets that will provide a safe and efficient measure of ingress and egress.

C. Points of ingress and egress should be designed and located to prevent traffic hazards and/or congestion.

D. The street system shall be designed to create a separation for automobile and pedestrian traffic. The location of all residential, commercial, recreational, and open space should be analyzed to provide a safe circulation pattern.

E. All means of ingress and/or egress from a PRD to any public street or state highway shall be located at an intersection or at least two hundred (200) feet from any intersecting street(s) and shall be designed to conduct traffic circulation in a safe and efficient manner, except where existing conditions make this requirement impractical and where the applicant can demonstrate that a deviation from this standard is safe. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Township.

F. In addition to the above specifications, the PRD should comply with all technical requirements for streets, conforming to the policies of the Maxatawny Township Subdivision and Zoning Ordinances. This includes all specifications and requirements for street widths, grades, horizontal curves, vertical curves, intersections, sight distances, access restrictions, cul-de-sac's, names of streets, and construction materials.

G. The Board of Supervisors or Planning Commission, if



designated, may request the developer (depending on size, location, and magnitude of the PRD) to perform a traffic study to analyze the traffic circulation patterns and volumes at pre- and post- development conditions.

H. All streets located within the PRD shall be offered for dedication to the Township by the developer.

(6) Parking Design and Loading Area Requirements

A. There shall be two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet for each dwelling unit with aisles a minimum of twenty (20) feet wide.

B. There shall be one (1) off-street parking space measuring ten (10) by twenty (20) feet for each one hundred (100) square feet, or portion thereof, of commercial floor area devoted to patron use with the requirements specified generally for parking areas herein.

C. Parking areas shall be arranged to prevent through traffic to other parking areas.

D. Parking areas shall be screened from adjacent structures, access road, and/or traffic arteries. The developer shall utilize landscaping, earth berms (not exceeding 6 feet in height), and/or decorative walls (not extending 6 feet in height).

E. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.

F. No more than fifty (50) parking spaces shall be accommodated in any single parking area.

G. All off-street parking shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences or approved non-glare fixtures must be used.

H. All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding, and other inconveniences.

I. Every building or structure used for commercial purposes shall provide one (1) off-street truck loading space for the

first 10,000 square feet or less of gross floor area plus a minimum of one (1) additional off-street truck loading area for each additional 40,000 square feet of gross floor area.

- J. An off-street truck loading space shall have a minimum of fifteen (15) feet in width, a minimum of sixty (60) feet in length, and a minimum clear height of fourteen (14) feet.
- K. All parking areas shall be a minimum of twenty feet (20) from all structures, access roads, and traffic arteries.
- L. In addition to the above specifications, the PRD shall comply with all other parking and loading specifications under this Ordinance. All off-street parking and loading areas shall not be construed as part of the common open space.

(7) Street Lighting and Sign Standards

- A. All streets, parking areas, buildings, and areas of high pedestrian use shall be adequately lighted. This schematic lighting plan should not irritate, distract, and/or inconvenience the PRD residents or adjacent property owners.
- B. Outdoor signs shall be designed to be harmonious with the characteristics of the PRD. The character, size, and shape of all outdoor signs shall be reviewed by the Board of Supervisors and Planning Commission, at the time of request for Final Approval. The designated body reserves the right to reject any or all outdoor signs.
- C. All street lighting, signs, and furniture shall be designed and located so they do not interfere with the character and integrity of the PRD.
- D. In addition to the above specifications, the PRD should comply with all other specifications for street lighting, signs, and furniture in the Township Zoning and Subdivision Ordinances.

(8) Sanitary Sewage Disposal

- A. The PRD will be served by a public sewage disposal system.

- B. The sanitary sewage system shall be designed and constructed in accordance with all Pennsylvania Department of Environmental Protection, and Township guidelines and standards that govern sewage disposal.
- C. All residential and non-residential buildings shall be serviced by a public sewage disposal system.
- D. All preliminary planning and engineering of the proposed sewage system shall be submitted with the Tentative Development Plan.
- E. The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for all sewage disposal facilities and techniques. This approval shall be submitted with the Final Plan.
- F. The sewage disposal system shall be certified operational by the Pennsylvania Department of Environmental Protection and all other authorities before building permits are issued.
- G. Suitable agreements shall be established for the operation and maintenance of all sewage disposal components.

(9) Water Supply

- A. The PRD will be serviced by a public water system. Where accessible, public water will be the primary source of supply and community water will be an alternative to unaccessible public water supplies.
- B. All residential and non-residential buildings shall be serviced by public or community water.
- C. All preliminary planning and engineering for the proposed water supply system shall be submitted with the Tentative Development Plan.
- D. The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for the water supply system. This approval shall be submitted with the Final Plan.
- E. The water supply system shall provide a satisfactory supply of water to each unit, with adequate main sizes, water supply, and pressure that will meet the specifications

of the Township.

- F. The developer of the PRD will substantiate that the water supply system will provide adequate fire protection.
- G. The water supply system shall be certified operational by the Pennsylvania Department of Environmental Protection before occupancy permits are issued.
- H. Suitable agreements shall be established for the operation and maintenance of all water supply components.

(10) Solid Waste Management

- A. Exterior storage areas for refuse stations and recycling shall be completely secured and screened. All containers shall be air-tight, vermin-proof, and have adequate storage capacity to accommodate the projected volume of solid waste.
- B. The PRD shall have a plan for the storage and removal of solid waste. This plan shall be in accordance with all applicable Township Ordinances.

(11) Storm Water Management

- A. The PRD shall have a plan for storm water management. This storm water management plan shall be submitted with the Tentative Plan.
- B. All storm run-off and drainage systems shall be designed and installed in accordance with the Storm Water Management Regulations specified by the Township Subdivision and Land Development Ordinance.

(12) Erosion and Sediment Control

- A. The PRD shall have a plan for erosion and sediment control. All plans shall comply with the rules, regulations, and guidelines as set forth by the Pennsylvania Department of Environmental Protection in Title 25, Chapter 102.
- B. The erosion and sediment control plans shall be approved by the Pennsylvania Department of Environmental Protection and/or the County Conservation District.

(13) Landscaping and Tree Conservation

- A. Landscaping shall be regarded as an essential feature of every PRD in order to enhance the appearance and marketability of housing, for screening purposes, and for erosion and sediment control.
- B. All parking areas (interior and periphery) shall be adequately landscaped in accordance with this Ordinance.
- C. Conservation of existing trees is encouraged. The developer should attempt to preserve the existing trees and incorporate them into the overall concept of the PRD.
- D. In addition to the above specifications, the PRD shall comply with all specifications under this Ordinance.
- E. A generalized landscaping plan shall be required and submitted with the Tentative Development Plan. A detailed landscaping plan, illustrating the spacing, sizes, and specific types of landscaping material is required with the Final Development Plan. The landscaping plan is subject to municipal review and approval.

(14) Natural Amenities and Environmental Considerations

- A. The PRD shall be designed to be congenial with all natural and physical characteristics of the site. All natural features (waterways, topography and vegetation) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable.
- B. No structure shall be constructed within forty (40) feet of the 100-year flood boundary, on soils that have been classified as hydric, alluvial and/or having a seasonable high water table, and on slopes exceeding 25 percent in grade (pre-development conditions).
- C. The developer of the PRD shall be obligated to conduct the following analysis:

Topographical Analysis - Identify slope areas over twenty-five (25) percent in pre-development conditions.

Soil Analysis - Identify soils that are alluvial, hydric (high water table), unsuitable for development, susceptible to

erosion, and/or are associated with aquifer recharge.

Hydrological Analysis - Identify the 100-year flood boundary, wetlands, bodies of waters, (streams, rivers, lakes), and all natural drainage patterns.

Geological Analysis - Identify sinkhole, karst formations, outcroppings, shallow bedrock areas, and/or aquifer recharge zones.

Geotechnical Analysis - Determine through core boring samples the structural stability for development.

- D. The Board of Supervisors shall have the right to waive, add to, or modify any of the above specifications and requirements when the applicant can demonstrate that the modifications are not applicable and will not be detrimental to the PRD.
- E. Significant natural features shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.
- F. In addition to the above specifications and requirements, the PRD shall comply with all specifications under The Environmental Performance of this Ordinance.

(15) Curbs and Sidewalks

- A. The PRD shall be designed to provide curbs and sidewalks throughout the proposed development. The Tentative Plan shall depict the precise locations for all curbs and sidewalks that are proposed throughout the PRD.
- B. All proposed curbs and sidewalks within the PRD shall be designed in accordance with the standards and specifications of the Township Subdivision and Land Development Ordinance.

(c) OPEN SPACE STANDARDS

(1) Requirements and Specifications

- A. A minimum of thirty (30) percent of the gross area of the PRD shall be set aside as common open space.
- B. The common open space shall be planned as a contiguous

area located for maximum benefit for all residents of the PRD.

- C. Significant natural features shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.
- D. A minimum of forty (40) percent of the common open space shall be utilized for the development of active recreation facilities and shall meet the approval of the Board of Supervisors or Planning Commission, if designated. The utilization of the common open space shall correspond to the size and character of the PRD.
- E. In addition to the above specifications, the PRD shall comply with Recreational Use Regulations and Improvement Specifications.

(2) Management and Maintenance

- A. The developer of the PRD shall make arrangements, provisions, and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.
- B. The developer of the PRD shall have the following options for ownership, management, and maintenance of the common open space:

Retain ownership and responsibility for the management and maintenance; or Dedicate the land to a homeowners' association which is comprised of all the residents of the PRD; or dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.

- C. If the common space is dedicated to a homeowners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, and it shall be submitted with the Tentative Development Plan. The provisions shall include, but not be limited to, the following:

The homeowners' association must be established before any lots or units are sold.

Membership shall be mandatory for each home buyer



and any successive buyer.

The open space restrictions must be permanent.

The association shall be responsible for the liability insurance, taxes, and the maintenance of the open space and recreational facility.

The association shall employ an adequate staff to manage and maintain the common open space.

The homeowners' association shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.

The association shall adjust the assessment to comply with additional and/or modified demands.

The Township may supervise the operation management and maintenance of the common open space.

- D. The common open space that is not dedicated to the Township shall be guaranteed by a restrictive covenant describing the open space and its operation and maintenance shall be for the enjoyment (passive or active) of the PRD residents and/or adjacent property owners. The developer shall file an agreement stipulating restrictions for the utilization of the common open space with the Final Development Plan.
- E. The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Township need not require, as a condition of the approval of the PRD, that land proposed to be set aside for common open space be dedicated or made available to public use. The provisions may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space, and that such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township.
- F. In the event that the organization established to own and

maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof.

- G. If the deficiencies set forth in the original are not corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
- H. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the PRD. The organization shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for the succeeding year if the Board of Supervisors or its designated agency shall determine that such organization is ready and able to maintain said common open space. If the Board of Supervisors or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- I. The decision of the Board of Supervisors or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitations, as is provided for zoning appeals by the Act, as amended.
- J. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and

shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the Office of the Prothonotary of the County, upon the properties within the PRD affected by the lien.

(d) IMPROVEMENT SPECIFICATIONS

(1) General Requirements

- A. Physical improvements of the proposed PRD shall be provided, constructed, and installed as shown on the Final Development Plan. The improvements shall comply with all specifications regarding Contracts and Improvements Guarantees of the Township Subdivision Ordinance.
- B. All applicable Municipal Ordinance and/or Regulations that pertain to improvements shall be enforced.

(e) APPLICATION, SUBMISSION AND REVIEW PROCEDURES

(1) Pre-Application Conference

- A. The applicant shall convene informally with the Board of Supervisors or Planning Commission, if designated, at a regularly scheduled meeting.
- B. The applicant shall verbally explain all intentions for the PRD.
- C. The Board of Supervisors or Planning Commission, if designated, shall apprise the applicant of local and municipal and state ordinances, laws, procedures, fees, and regulations that are applicable to the PRD.

(2) Application for Tentative Approval

- A. The applicant shall furnish documentation depicting compliance with all standards and criteria for the PRD.
- B. An application for Tentative Approval of the Development Plan for a PRD shall be filed by or on behalf of the landowner.
- C. The application for Tentative Approval shall be filed by the landowners in such form, upon the payment of such a reasonable fee, and with such officials of the Township as

shall be designated in the provisions adopted pursuant to this Section.

D. All planning, zoning, and subdivision matters relating to the planning, use, and development of the PRD and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Board of Supervisors or the Planning Commission, if designated.

E. The provisions shall require only such information in the application as is reasonably necessary to disclose to the Board of Supervisors, or the Planning Commission, if designated:

The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

The density of land use to be allocated to parts of the site to be developed;

The location and size of the common open space and the form of organization proposed to own and maintain the common open space;

The use and the approximate height, bulk, and location of buildings and other structures;

The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;

The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities;

The provisions for parking of vehicles and the location and width of proposed streets and public ways;

The required modifications in the municipal land use regulations otherwise applicable to the subject property;

The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and

In the cases of Development Plans, which call for development over a period of years, a schedule showing the proposed time within which applications for Final Approval of all sections of the PRD are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

- F. The application for Tentative Approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.
- G. The application for Tentative and Final Approval of a Development Plan for a PRD prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required pursuant to the Township Subdivision and Zoning Ordinance.

(3) Public Hearing

- A. Within sixty (60) days after the filing of an application for Tentative Approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors or the Planning Commission, if designated, in the manner prescribed in Article VII of this Ordinance.
- B. The Board of Supervisors or the Planning Commission, if designated, may continue the hearing from time to time and where applicable, may refer the matter back to the Planning Commission for a report provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- C. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent Sections in this Article prior to Final Approval by the Board of Supervisors. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article VII of the Township Zoning Ordinance.

(4) The Findings

- A. The Board of Supervisors or Planning Commission, if

designated, within sixty (60) days following the conclusions of the public hearing provided for in this Ordinance or within one- hundred eighty (180) days after the date of filing of the application, whichever occurs first, shall, by official written communication to the landowners, either:

Grant Tentative Approval of the Development Plan as submitted;

Grant Tentative Approval subject to specified conditions not included in the Development Plan as submitted; or

Deny Tentative Approval to the Development Plan.

- B. Failure to so act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions the landowners may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such agency of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event the landowner does not notify the Board of Supervisors within said period, Tentative Approval of the Development Plan, with all conditions, shall stand as granted.
- C. The granting or denial of Tentative Approval shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, and shall set forth particularly in what respects the Development Plan would or would not be in the public interest including but not limited to, findings of facts and conclusions on those matters as required in the Act, as amended. A copy of the written resolution shall accompany the official written communications to the landowner as provided under this Section.

(5) Status after Tentative Approval

Where Tentative Approval has been granted, the same shall be noted on the Township Zoning Map and the Development Plan shall have the status established by, and be subject to, the

provisions of Section 710 of the Act, as amended.

(6) Application for Final Approval

A. An application for Final Approval may be for all the land included in a Development Plan or, to the extent set forth in the Tentative Approval, for a section thereof. Said application shall be made to the Township within the time or times specified by the official written communication granting Tentative Approval. The application shall include any drawings, specifications, covenants, easements, performance bond, or such other requirements as may be specified by the Ordinance, as well as any conditions set forth in the official written communication at the time of Tentative Approval. A public hearing on an application for Final Approval of the Development Plan, or part thereof, shall not be required provided the Development Plan, or the part thereof, submitted for Final Approval, is in compliance with the Development Plan theretofore given Tentative Approval and with any specified conditions attached thereto.

B. In the event the application for Final Approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written communication of Tentative Approval, the Township shall grant such Final Approval to the PRD, as required by the Act, as amended.

C. In the event the Development Plan as submitted contains variations from the Development Plan given Tentative Approval, the Governing Body may refuse to grant Final Approval and shall, within the time frame specified by the Act, as amended, so advise the landowner in writing of said refusal setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either;

Refile his application for Final Approval without the variations objected to; or

File a written request with the approving body that it hold a public hearing on his application for Final Approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for Final Approval, or within 30 additional days if



the time for applying for final approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this article for public hearings on applications for Tentative Approval. Within 30 days after the conclusion of the hearing, the approving body shall by official written communication either grant Final Approval to the Development Plan or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases arising under this section, be in the form and contain the findings required for an application for Tentative Approval set forth in this Ordinance.

- D. A Development Plan, or any part thereof, which has been given Final Approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the Office of the Recorder of Deeds before the development shall take place in accordance therewith. Upon the filing of record of the Development Plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions specified, of said PRD or of that part thereof, as the case may be, that has been Finally Approved, no modification of the provisions of said Development Plan, or part thereof, as Finally Approved, shall be made except with the consent of the landowner. Upon approval of a Final Plan, the developer shall record the plan and post financial security (Contracts and Agreements) in accordance with the Township Subdivision Ordinance.
- E. In the event that a Development Plan, or a section thereof, is given Final Approval and thereafter the landowner shall abandon such plan or the section thereof that has been Finally Approved, and shall not notify the approving body in writing or, in the event the landowner shall fail to commence and carry out the PRD in accordance with the time provisions specified (after Final Approval has been granted), no development or further development shall take place on the property included in the Development Plan until after the said property is reclassified by

enactment of an amendment to the Municipal Zoning Ordinance in the manner prescribed for such amendments.

(f) ADMINISTRATION AND REVIEW

- (1) Issuance of permits and all matters pertaining to administration of the plan as Finally Approved shall be the responsibility of the Township Zoning Officer in accordance with Township regulations.
- (2) Upon application of the landowner, showing compliance with the requirements of Final Approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.
- (3) The provisions of Article VII (Administration and Enforcement) of the Township Zoning Ordinance shall be fully applicable to the plan as Finally Approved insofar as the provisions of this Article and the conditions of Final Approval. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports thereon to the Board of Supervisors in order to assure compliance with the provisions of this Article and the conditions of Final Approval.
- (4) A PRD shall be designed in accordance with the Design Standards and Regulations of Article VII and the Township Subdivision Ordinance unless a waiver is granted or there is a conflict between them. In the case of a conflict Article VII of the Township Zoning Ordinance shall govern.
- (5) Any person, partnership, or corporation, who or which has violated the PRD provisions and specifications under Article VII of this Ordinance shall be subject to all enforcement remedies in accordance with the Act, as amended.

Section 512. Recreational Use Regulations

The following standards and controls shall apply to all recreational uses, including government, non-profit, private or community recreational uses:

- (a) All active outdoor recreational areas shall be set back 50 feet from all lot lines.
- (b) No buildings shall be constructed within 50 feet from any lot line.
- (c) No buildings or impervious surfaces shall be constructed on lands, which have been classified and identified in the Environmental Performance

Standards.

- (d) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the neighborhood from inappropriate noise, light, and other disturbances.
- (e) Land areas, which are not designated for buildings and impervious surfaces shall be planted with an adequate all-season ground cover which is consistent with this Ordinance.
- (f) Driveway or access street shall be located no closer than 100 feet from the intersection of any Township, State, or private street and comply with Section 508.1(i) of this Ordinance. The intersections and interior traffic circulation pattern shall be designed to prohibit through traffic and minimize substantial traffic congestion and hazards. All roads designed for interior circulation shall be constructed in accordance with all applicable Township Standards and specifications.
- (g) Parking facilities shall be required and designed in accordance with all Township Standards, Specifications and Section 508.
- (h) All parking areas, driveways, and/or streets shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas.
- (i) A land development plan shall be required for all proposed recreational sites in accordance with requirements of Act 247, as amended. In addition, all applications shall comply with applicable standards and specifications provided within the Township Zoning and Subdivision Ordinance.
- (j) No commercial activity shall be permitted except for the charging of admission, sale of refreshments or prepared food, rental or sale of athletic equipment, or such other purpose as is clearly incidental to the permitted recreational use.

Section 513.

Intensive Agricultural Regulations

Intensive Agricultural shall be prohibited in all other Zoning Districts unless specifically set forth in Article IV of this Ordinance.

- (a) Agricultural activities that exceed the standards and provision specified shall be construed as Intensive Agriculture.

- (b) All Intensive Agricultural activities shall be conducted on lands that exceed 50 acres in size.
- (c) The raising and ownership of horses, cattle, and/or livestock shall not exceed four (4) animals per acre or 2000 lbs. per acre, whichever is more restrictive.
- (d) The raising and ownership of poultry shall not exceed 500 birds per acre or 2000 lbs. per acre, whichever is more restrictive.
- (e) The raising and ownership of rabbits, guinea pigs, ferrets, hamsters, rodents, or similar animals, shall not exceed a total of 250 per acre or 2000 lbs. per acre, whichever is more restrictive.
- (f) No farm or other accessory outbuilding shall be constructed closer than 200 feet to any residential property line.
- (g) No more than one (1) dwelling unit shall be permitted on lands on which agricultural activity is considered dominate.
- (h) The display and sale of farm products shall be permitted provided that at least 75 percent of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 25 feet from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with this Ordinance.
- (i) All areas utilized for grazing purposes shall be completely fenced in.
- (j) The cultivation of mushrooms shall be construed as an Intensive Agricultural activity.
- (k) Piggeries and Mink Farms shall be construed as an Intensive Agricultural activity.
- (l) Solid and liquid wastes shall be stored in an enclosed storage facility and disposed of in a manner to avoid creating insect or rodent problems on a bi-weekly basis.
- (m) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into or onto the ground permitted and/or mandated by another ordinance of the Township.
- (n) Composting on a commercial basis is prohibited. Any on-site composting shall be limited to use on the premises upon which such compost is made

and must be inspected by the Township at the cost of the Owner.

- (o) All manure storage areas must be covered and manure removed every two weeks and must be inspected by the Township at the cost of the Owner.
- (p) Any on-site land application of waste must be approved by the local, state, and/or federal regulatory agencies prior to the granting of the Use.

513.1 Additional Area and Bulk Regulations

- (a) 

Minimum front yard	300 feet
Minimum side yard (each side)	200 feet
Minimum rear yard	200 feet
Maximum extent of impervious surface	2%
Maximum building height	45 feet
- (b) No new barns, animal shelters, stables, feed yards, or manure storage areas shall be located closer than 300 feet from all residential dwellings (except the dwelling of the owner or lessee) and from existing restaurants and existing office uses.
- (c) No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas shall be located closer than 200 feet from all property lines and residential dwellings (except the dwelling of the owner or lessee).
- (d) Any area used for the keeping of animals or livestock shall be separated by a fence and setback 50 feet from any lot line.
- (e) Whenever a lot accommodating a use permitted in this district abuts a residential district or existing residential use or existing restaurant or existing office use along a side or rear lot line, the owner shall provide a landscaped screen in conformance with Section 517 between the permitted use and the residential district or existing residential use or existing restaurant or existing office use.

Section 514 Commercial Campgrounds

- (a) The minimum area for such uses shall be twenty five (25) acres.
- (b) The application for special exception use shall be accompanied by three (3) copies of a detailed development plan for the site. One copy will be retained for use by the Zoning Hearing Board; a copy will be forwarded by the Zoning Hearing Board to the Planning Commission and Township Engineer for review and comment prior to the hearing on the Special Exception use.

- (c) Permanent structures in the area shall be limited to one residence, one retail store with sales limited to items for the convenience of campers, and accessory structures including an office, maintenance buildings, public showers, restrooms, laundry, and storage areas. All such structures shall be located no less than two hundred (200) feet from any property line and the nearest public road right-of-way line.
- (d) A fifty (50) foot wide buffer yard shall be provided adjacent to all property lines and public road right-of-way lines. The buffer yard shall contain suitable plantings of vegetation, which create an effective screen. In addition, the buffer yard shall meet all pertinent standards specified under this Ordinance.
- (e) No campsite shall be located closer than one hundred (100) feet from any adjoining property line or public road right-of-way line.
- (f) No less than ten (10) percent of the gross site area shall be devoted to recreational facilities including children's play areas and adult recreation areas.
- (g) Campsites for both tents and recreational vehicles shall be limited to ten (10) sites per acre.
- (h) The minimum area of a campsite shall be two thousand five hundred (2,500) square feet and shall be so dimensioned, improved, and arranged that when occupied no part of any unit including accessory attachments shall be within ten (10) feet of any designated campsite lot line.
- (i) Roads and accessways shall be provided in such a manner so that ingress and egress for each campsite lot can be had without encroaching or entering upon any other campsite lot.
- (j) Each campsite shall be occupied by only one unit be it tent, trailer, or camper.
- (k) No permanent structures shall be permitted on any campsite lot other than fireplaces.
- (l) Occupancy at a Campsite shall only be permitted between the months of March through November. All camping units unoccupied for a period of 1 month shall not be permitted to remain on the campsite. Occupancy at a Campsite shall not be permitted in the months of December, January, and February.
- (m) Recreational vehicles may be stored on the grounds in a designated storage area, screened by a buffer yard from view of abutting properties

and public roads. The buffer yard shall meet all pertinent standards specified under this Ordinance.

- (n) No part of any campground area shall be used for non-residential purposes, except those purposes required for the district serving and well-being of the campground customers and the management and maintenance of the campground.
- (o) The development plans, proposed and submitted in accordance with the Township Subdivision and Land Development Ordinance, shall indicate campsites, parking, roads, utilities, sewage disposal facilities, recreation areas, permanent buildings, and any other significant features thereof.
- (p) A fire protection plan approved by the local fire chief having jurisdiction thereover shall be submitted with the development plans.

Section 515

Tourist, Bed and Breakfast, Rooming or Boarding Houses

- (a) A Tourist, Bed and Breakfast shall be permitted only in a single family detached, owner-occupant who actually lives and sleeps at the dwelling unit. The principal use shall remain that of a single family detached residential dwelling unit.
- (b) A Tourist, Bed and Breakfast shall not have more than five (5) rental units and shall not house more than ten (10) guests.
- (c) Each house shall contain complete washing and bathing facilities and a central kitchen with complete cooking facilities. No cooking facilities of any kind shall be permitted in any rental unit.
- (d) A minimum of one (1) off-street parking space shall be required for each occupant and each rental unit plus one (1) off-street parking space for each employee
- (e) The applicant shall provide documentation that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities comply with all applicable ordinances, regulations, and laws of the Township and/or the Commonwealth of Pennsylvania.
- (f) No commercial or institutional operations (i.e., sale of food, liquor, or goods to the public, other than guests) are allowed.
- (g) Tourist, Bed and Breakfast shall be limited to the employment, on the premises, of not more than two (2) paid or unpaid employees or assistants at any one time including the property owner.



Section 515.1

Boarding and Rooming Houses

- (a) All boarding and rooming houses shall be conducted in single-family detached dwellings legally existing as of the effective date of this Ordinance.
- (b) Not less than five thousand (5,000) gross square feet of lot area shall be provided for each rental unit.
- (c) The residential character of the front facade of the dwelling shall be maintained.
- (d) All sewage and water facilities shall be inspected by the Township Sewage Enforcement Officer and shall comply with all applicable PADEP regulations.
- (e) One (1) off-street parking space shall be provided for each rental unit.
- (f) There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than two (2) square feet on each side. If illuminated, lights shall not glare towards other properties.
- (g) All floors above ground level shall have a direct means of emergency escape to ground level.
- (h) Meals shall be offered only to registered tenants.

Section 516

Mobile Home Foundation Requirements

Each mobile home shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration, or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed and sealed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift.

Section 517

Landscaping

- (a) Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Township prior to planting. The type and density of planting shall adequately provide the screening effect required year-round. Complete plans

showing the arrangement of all buffer yards and the placement, species, and size of all plant materials and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Township to ascertain that the plans are in conformance with the terms of this Ordinance.

- (b) Plant materials used in screen planting shall be at least six (6) feet in height when planted.
- (c) The screen planting shall be maintained permanently and plant material, which does not live, shall be replaced within six (6) months.
- (d) The screen planting shall be so placed at maturity it will not be closer than three (3) feet from any street or property line.
- (e) A clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.

#### Section 518

#### Group Home

- (a) This use is to encompass living arrangements for a group of persons who might otherwise be confronted with institutionalization. The purpose of this use is to create a setting, which most nearly approximates traditional family living arrangements for handicapped, elderly, disabled persons, and others and to offer persons facing institutionalization an alternative whereby they can be placed in a family setting as nearly normal as possible, and thereby, enter into the mainstream of society. Groups contemplated by this use include, but are not limited to: group homes for the mentally handicapped, physically handicapped, emotionally handicapped, and elderly. Due to the fact that it is the intent of this use to create traditional familial living arrangements, all group home structures should have the appearance of single-family or other traditionally residential structures.
- (b) In addition to any other applicable provisions of the zoning ordinance, the following standards must be met in order to qualify for this use:
  - (1) The number of persons living in such a group home shall not exceed ten (10). Support staff, which does not reside at the group home residence, shall not be included in the maximum number of ten (10). It is the intent of this section that any number in excess of ten (10) persons actually residing at the subject premises would tend to decrease the familial concept, detract from effective family interaction, and would tend to create an institutional atmosphere.

- (2) If any group home use is to be operated by a group, organization, corporation, etc. that is subject to state or local regulation, then said group, organization, corporation, etc., must comply with all appropriate regulations of any governmental agency authorized to regulate said group, organization, corporation, etc. Proof of compliance with all applicable regulations shall be furnished to the Township Zoning Officer at the time of the submission of the Zoning Application.
  - (3) Side and rear lot lines shall be visually secluded from adjacent properties via an evergreen planting screen.
  - (4) All group homes shall have a minimum of two thousand five hundred (2,500) square feet of building area, exclusive of building area covered by a garage or other similar building. For group homes housing more than six (6) residents, an additional one hundred and twenty-five (125) square feet shall be required for each additional resident above six (6). (Maximum number of residents is ten [10]).
  - (5) There shall be 24-hour supervision by a person trained in the field for which the group home is intended.
  - (6) Any medical or counseling services conducted on the lot shall be limited to the care of the residents.
- (c) The group home activity shall not be related to criminal rehabilitation or treatment, housing of the criminally insane and/or persons primarily in the group home because of current serious alcohol or drug addiction, nor persons prone to violence.
  - (d) A Special Exception or Conditional Use approval shall be contingent upon the manner of operation and nature of the group home. If the type of client or operation should significantly change, a new application shall be submitted for a Special Exception or Conditional Use.
  - (e) A statement setting forth full particulars on the operation to be conducted and to include any needed approvals of the Pennsylvania Departments of Health, Labor and Industry, Aging, and Public Welfare shall be filed with the Township where applicable.
  - (f) The group home shall notify the Township within 14 days if there is a change in the type of clients in the home, or if State certification expires or is withdrawn.
  - (g) Utilities: Both public water and public sewer service shall be provided.

Section 519

Professional Office/ Research Park

- (a) Office/Research Parks shall be in single ownership, consist of harmonious land uses, structures, and services.
- (b) Permitted uses shall include business, professional or governmental offices, laboratory and research facilities, and accessory uses associated with Office/Research Parks.
- (c) Retail business and service establishments are permitted provided they are designed and intended primarily to serve the employees within the Office/Research Park.
- (d) All means of ingress and/or egress to the Park shall be located at least 400 feet from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner.
- (e) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (f) Lighting for buildings, signs, accessways, and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
- (g) All lot lines shall be screened by an aesthetic low shrubbery and street tree buffer yard landscaping.
- (h) Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be air-tight, vermin-proof, and have adequate storage capacity to accommodate the projected volume of solid waste. No such storage area will be permitted within 30 feet from any lot line.
- (i) All signs shall be consistent with Section 507 of this Ordinance.
- (j) All proposed Office/Research Parks shall conform to the individual area, yard, and height regulations that are specified in this Ordinance.
- (k) All proposed Office/Research Parks, including all expansions, additions and/or revisions are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance.
- (l) All parking lots shall be landscaped.

- (a) Elderly housing shall include a form of residential use that is designed and operated for mature adults with or without certain support facilities, provided:
- (1) Each applicant for permission to build and/or operate such housing shall submit to the governing body for its approval a proposed set of regulations to control such operation, including definition of age and income limitations of residents, any other restrictions to be placed upon the residents or their activities, admissions procedures, and security provisions, and setting forth the policy to be used in determining the amount of rental and other charges to the residents. The applicant must show, in order to qualify, that single prospective residents of apartment housing have attained the age of at least fifty-five (55) years or that families to occupy such units are elderly families (i.e., families whose heads or their spouses are at least fifty-five (55) years of age or are under a disability as defined in Section 223 of the Social Security Act or in Section 1025 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970). A statement shall also be included with each application setting forth what particular features and facilities are being provided to serve specifically the needs and interests of the elderly.
  - (2) The tract to be used for this purpose shall not exceed twenty (20) acres in area.
  - (3) The tract shall have ready access, by means of streets with sidewalks or alternate walkways for pedestrian circulation.
  - (4) All design and dimensional standards set forth in this Ordinance shall apply for all housing types permitted.
  - (5) Building length: The maximum length of any building shall be two hundred (200) feet.
  - (6) Maximum building coverage including accessory structures of net land area: 20%.
  - (7) Maximum dwelling units per net acre: 12.
  - (8) Parking shall be subject to the provision of Section 508 of this Ordinance and 1.1 spaces per dwelling unit shall be provided.
  - (9) Utilities: Both public water and public sewer service shall be provided.

- (10) Maximum building height: Forty Five (45) feet.
- (11) Minimum common open space area shall equal building coverage.
- (12) Minimum distance between buildings: Fifty (50) feet.
- (13) Minimum yard dimensions:
  - Front yard - 50 feet
  - Side yard - 100 feet
  - Rear yard - 100 feet

Section 521

Homestead Farming

- (a) Homestead farming applications: The following provisions shall be applicable to all farms within Maxatawny Township AP and AP1 Zoning Districts. Applications shall require complete subdivision review.
  - (1) In addition to the principal single-family detached dwelling, a farmer shall be permitted to subdivide ancillary residential lots for the children or other members of the farmer's family.
  - (2) Ancillary farm residential lots may not exceed two (2) in number in addition to the principal farm dwelling.
  - (3) For each ancillary farm residential lot there shall be set aside five (5) contiguous acres for non-developmental purposes by means of a conservation easement in perpetuity.
  - (4) Each ancillary farm residential lot shall be a minimum of one (1) acre and a maximum of one (1) acre.
  - (5) Each ancillary farm residential lot shall be immediately adjacent and contiguous to the principal farm dwelling.
  - (6) Each ancillary farm residential lot shall be adjacent to a private street designed to Township specifications, which shall provide access to a public street. Such private street does not have to be installed and constructed at time of final subdivision approval.
  - (7) No ancillary farm residential lot shall be sold by the owner or rented, leased or utilized by any third party non-family member of the principal owner unless said private street is installed and constructed to Township specifications and approved by the Board of Supervisors.

(8) Creation of the ancillary farm residential lot must follow the Township Subdivision Regulations.

(b) Additional semi-detached dwelling. As an alternative to creating ancillary farm residential lots, the owner of a principal farm dwelling may construct one (1) additional attached dwelling unit to the principal farm dwelling to be utilized by family members of the owner and one (1) ancillary farm residential lot. The additional attached dwelling unit shall not be considered a separate dwelling for subdivision and zoning purposes and shall not be sold separately, from the principal farm dwelling. Also, septic system approval must be obtained prior to dwelling unit expansion.

(1) There shall be set aside five (5) contiguous acres for non-developmental purposes by means of a conservation easement in perpetuity.

Section 522

Agricultural Industry

(a) Agricultural Industry uses, shall be carried on in a completely enclosed building, except for off street parking and loading facilities including storage.

(b) Area and bulk regulations

1) Minimum Lot Size - 50 acres

2) Minimum Yard Dimensions - 100 feet (all)  
- 300 feet from existing adjoining residential dwelling unit lot.

3) Maximum Impervious Coverage - 10 %

4) Maximum Height - 50 feet

5) Minimum Buffer Yard - 20 feet

(c) The requirements of Section 501.10 of this Ordinance.

(d) Landscaping per Section 517 of this Ordinance.

Section 523

Assisted Living; Personal Care Home

(a) The purpose of this use is to create a setting, which provides independent living arrangements for persons who need assistance with activities of daily living. The intent of this use is to offer persons facing possible



institutionalization, an alternative whereby they can live in a setting as nearly normal as possible, and thereby, continue to maintain their independence and exercise decision making and personal choice. Assisted living shall be limited to "Basic Assisted Living Residence, Extended Assisted Living Residence and Specialty Assisted Living Residence". Assisted living housing shall include a form of residential use that is designed and operated for mature adults with or without certain support facilities, provided:

- (1) Each applicant for permission to build and/or operate such housing shall submit to the governing body for its approval a proposed set of regulations to control such operation; including organizational mission, service programs, any other restrictions to be placed upon the residents or their activities, admissions procedures, security provisions, proof of conformance to applicable state regulations and guidelines and setting forth the policy to be used in determining the amount of rental and other charges to the residents. The applicant must show, in order to qualify, that single prospective residents of apartment housing have attained the age of at least fifty-five (55) years or that families to occupy such units are elderly families (i.e., families whose heads or their spouses are at least fifty-five (55) years of age). A statement shall also be included with each application setting forth what particular features and facilities are being provided to serve specifically the needs, interests and individuality of the residents.
  - (2) There shall be 24-hour supervision and assistance provided.
  - (3) Basic Assisted Living Residence, Extended Assisted Living Residence and Specialty Assisted Living Residence must be completely separated and contained in separate buildings.
  - (4) Common retail and personal service facilities included in the building shall be limited to 1000 square feet of floor area or 10% of the gross square foot of the building, whichever is greatest and shall be limited to use by residents and their occasional guests.
  - (5) Approval shall be contingent upon the manner of operation and nature of the facility. If the type of client or operation should significantly change, a new application shall be submitted for approval.
- (b) Area and Bulk Regulations
- (1) Maximum Dwelling Units per Net Acre: 15

- (2) Maximum Dwelling Units per Floor: 50
- (3) Minimum Tract Size: 5 acres
- (4) Minimum Lot Width: 250 feet
- (5) Minimum Yard Dimensions:
  - Front yard - 50 feet
  - Side yard - 100 feet
  - Rear yard - 100 feet
- (6) Maximum Impervious Coverage including accessory structures of net Lot area: 50%
- (7) Maximum Building Coverage including accessory structures of net Lot area: 20%
- (8) Maximum Building Height: 45 Feet
- (9) Maximum Building Length: 300 feet
- (10) Minimum Distance between Buildings:
  - between facing fronts (facades) 50 feet
  - between facing rear walls 80 feet
  - between front (facade) facing side wall or rear wall 75 feet
  - between all others 25 feet
- (11) Minimum floor area per dwelling unit:
  - 1 bedroom/studio apartment 200 sq.ft.
  - 2 bedroom apartment 300 sq.ft.

(c) In addition to any other applicable provisions of the zoning ordinance, the following standards must be met in order to qualify for this use:

- (1) The tract shall have ready access, by means of streets and sidewalks per Township standards and alternate walkways for pedestrian circulation.
- (2) Preliminary Architectural renderings, models or photos are required. Front building facades shall be a minimum of 60% masonry type construction.
- (3) Buffer Yard: A 20 foot buffer yard with screening along the Lot

width shall be required between the proposed building(s) and any abutting residential dwelling unit that is within 125 feet of the proposed building(s).

- (4) Minimum passive recreation open space area shall equal 20% of the total land area with appropriate landscaping, outdoor seating, garden areas, picnic areas and paths or trails.
- (5) Minimum Parking: One (1) space per two (2) dwelling units shall be provided, as well as one (1) space per each employee on the largest shift. In addition, parking shall be provided at one (1) parking space per four (4) beds for visitor parking. These parking spaces shall be reserved. Development of these parking spaces may be required or waived at the discretion of the Township Supervisors.
- (6) Lighting: No outdoor light within 200 feet of a residential lot line shall be placed at a height exceeding 20 feet. All lighting shall be properly directed downward and inward on the property and shielded to avoid glare onto any residential lot or roadway.
- (7) Landscaping: Conservation of existing trees is encouraged. The developer should attempt to preserve the existing trees and incorporate them into the overall concept of the development. All parking areas (interior and periphery) shall be adequately landscaped. A generalized landscaping plan shall be required and submitted with the Preliminary Land Development Plan. A detailed landscaping plan, illustrating the spacing, sizes, and specific types of landscaping material is required with the Final Development Plan. The landscaping plan is subject to municipal review and approval.
- (8) Utilities: Both public water and public sewer service shall be provided.
- (9) Storage of Trash and Rubbish: Exterior storage areas for trash, rubbish, and recycling shall be completely secured and screened from view on three sides with evergreen plantings and all trash, rubbish, and recycling shall be contained in airtight, vermin-proof containers and have adequate storage to accommodate the projected volumes of solid waste. One accessory building not more than eight (8) feet in height and not more than four hundred (400) square feet in size must be conveniently erected for each building for the storage of trash, rubbish, and recycling containers but such building shall be screened with evergreen plantings on at least three (3) sides and shall comply with all setback and other requirements of this section. Interior storage areas for trash,

rubbish, and recycling shall be kept in an orderly and sanitary fashion at all times.

- (10) Fire Safety: The applicant shall prove that the proposed height will be safe in terms of fire protection. This shall include showing that adequate fire equipment is available to reach the proposed height or that the building will be equipped with an adequate sprinkler system.

#### Section 524

#### Self-Storage Facility (Mini-Warehouse Facility)

- (a) All storage buildings shall be of uniform architectural features. Each building end facade shall be 100% architectural masonry type construction. Within each building group, no more than 10 consecutive storage unit fronts shall have the same setback. Each building group storage units, shall have a minimum of two (2) changes in storage front wall plane type.
- (b) All storage units shall be waterproof.
- (c) Building length: The maximum length of any building shall be two hundred (200) feet.
- (d) Minimum distance between ends of buildings: Thirty (30) feet.
- (e) Minimum distance between buildings: Twenty-Five (25) feet.
- (f) The entire self-storage facility is to be surrounded by a fence or wall, located no closer than the required lot setbacks and at least six (6) feet in height with an aesthetically pleasing controlled access and security features.
- (g) The entire self-storage facility fence is to be screened pursuant to Section 517.
- (h) A minimum 50 feet of stacking distance must be provided in front of the controlled access.
- (i) The facility shall have a safe and ready access defined by curbing and a minimum 100 feet long, 10 feet wide acceleration/deceleration lane.
- (j) Parking: 1 space per 10 storage units plus 1 space per each employee shall be provided. All parking spaces are to be located within the storage facility fence.
- (k) Nothing shall be stored in the interior traffic isles, required off-street parking areas, loading areas, or accessways.

- (l) Except for stormwater controls, the entire self-storage facility located within the fence shall be paved with a minimum of six (6) inches of stone base, two (2) inches of binder and one and one half (1 ½) inches of wearing course.
- (m) Lighting: All lighting structures are to be contained within the fence, be no more than 12 feet high and shielded from view by all adjoining uses and roads.
- (n) Storage facility shall not occur on areas with a slope in excess of 15% or within the 100-year floodplain.
- (o) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- (p) Outdoor storage shall be limited to vehicles, boats and trailers. All such items stored out-of-doors must be licensed and inspected if applicable. No "junk vehicles" shall be stored and major bodywork and repairs are prohibited.
- (q) Maximum building coverage of the lot is 50%.

Section 525

Animal Hospital, Kennel and Veterinary Facility

- (a) A kennel shall be considered as a commercial Establishment, structure, lot or portion of a lot in which 4 or more domesticated pets more than 6 months old are kept for the purpose of breeding, boarding, sale and/or show
- (b) The minimum area shall be 5 acres.
- (c) No animal shelter shall be located within 200 feet of a property line.
- (d) The sewage disposal system and water supply system shall be sized and permitted for the proposed use. The storage of any manure or animal waste shall be kept in an enclosed structure and located at least 200 feet from any property line. A plan for manure management shall be submitted to the Township for review and approval.
- (e) Retail sales of related items shall be limited to a maximum floor area of 1,000 square feet. Shows and/or competitions, which occur on the property, shall be limited to one per year.
- (f) The perimeter of the operation shall be enclosed with a fence with a minimum of 8 feet with gates.

- (g) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be heard within any adjacent principal building.
- (h) No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. Runs for dogs shall be separated from each other by a visual barrier a minimum of 4 feet in height, to minimize dog barking.
- (i) The owner/operator of the operation shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.
- (j) Any outdoor animal pens, stalls or runways shall be located within the rear yard.
- (k) The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

Section 526

Single Family Developments

The intent of this section is to provide an alternative for development by permitting more efficient utilization of public facilities so to conserve the rural open areas of the Township.

- (a) A single-family development shall contain only one-family dwelling-detached buildings.
- (b) The minimum area for a single-family development shall be ten (10) acres.
- (c) The maximum permitted density for a single-family development shall be 1.5 dwelling units per acre.
- (d) The single-family development must be served by public sewage.
- (e) Each one-family dwelling detached building must be located on a separate lot.
- (f) The minimum lot size for each one-family dwelling detached building shall be a one-half (1/2) acre.
- (g) The minimum lot width shall be one hundred (100) feet.
- (h) The minimum yard dimensions for each lot shall be as follows:

Front yard      40 feet  
Each side yard 20 feet

Rear yard 40 feet

- (i) The maximum impervious coverage for each lot shall be twenty-five (25) percent.
- (j) The maximum building coverage for each lot shall be ten (10) percent.
- (k) The maximum building height for each lot shall be thirty-five (35) feet.

Section 527

No Impact Home Based Business

No-Impact Home-Based Businesses are permitted as a use by right in all districts, except that such permission shall not exceed any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.



- (a) A minimum lot size of 5 acres.
- (b) On-site 24 hour security and management shall be provided.
- (c) On-site amenities such as a fitness center, meeting rooms, study areas and indoor recreational facilities shall be permitted within the building and shall not exceed a total of 25% of the floor area.
- (d) Off street parking shall be provided at a minimum rate of 0.56 spaces per Bed. Required parking spaces shall be provided on the same Lot as the building served or in suitably designed central parking areas with parking spaces specifically marked for each tenant that are under the care and control of the Owner, Developer, Homeowner's Association and/or Condominium Association.
- (e) All parking spaces shall be constructed and ready for use prior to the opening of dormitories.
- (f) The minimum yard dimensions for each lot shall be as follows:
  - (1) Along public streets the set backs shall be 20 feet from buildings and 15 feet for parking areas.
  - (2) Side yard setbacks shall be 20 feet for buildings and for parking areas.
  - (3) Rear yard setbacks shall be 20 feet for buildings and 5 feet for parking areas.
- (g) The Township reserves the right to confirm proof of matriculation consistent with the definition of Dormitory;
- (h) The Dormitory management shall coordinate an emergency evacuation plan, including the provision for placement of students due to the evacuation of the dormitory with the Township EMS coordinator. A copy of the coordinated plan shall be filed with the Township and Kutztown Fire Company prior to the opening of the dormitory.
- (i) All appropriate fire protection features (including the placement of such hydrants constructed in the proximity of the new dormitory facility) and the planning for placement of shall be included in each unit and approved by the Kutztown Fire Company or Fire Marshall.
- (j) A traffic study shall be submitted as part of the hearing process, which shall indicate the existing level of service at impacted intersections within

the Township and potential impact to those intersections based upon the Dormitory and any proposed improvements that will mitigate such impact.

- (k) During the Land Development phase of the Dormitory, the Applicant shall demonstrate a traffic design for the necessary improvements set forth in its traffic study and install such improvements prior to the opening of the Dormitory that will maintain the same level of service as existing at the time of conditional use submission. In the event improvements may interfere with the Township's traffic plan or are necessary as part of neighboring development, the Township may modify this requirement as necessary.
- (l) All parking lots shall be screened from view at all property lines or install a full privacy fence and shall be appropriately lighted.
- (m) Rules of Conduct, including appropriate penalties, shall be distributed to each resident. A copy of the Rules of Conduct shall be provided to the Township Zoning Officer prior to the opening of the dormitory or whenever the Rules are updated. The Township may, but not be obligated to, enforce said rules at the facilities if any prohibited conduct constitutes a nuisance for other Township residents.
- (n) All requirements of Section 504.10 shall apply to Dormitory Uses in addition to the requirements set forth in this Section, unless said provisions otherwise conflict with Section 528.

Section 529

Accessory Apartments.

- (a) Only one accessory apartment may be permitted within a single-family detached dwelling or on a single-family detached lot.
- (b) The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
- (c) Except for an exterior stairway, the exterior architectural character of the principal dwelling shall not be altered in a manner that departs from the primary feature of the building as a single-family detached dwelling unit.
- (d) One additional off-street parking space(s) shall be required. No vehicle(s) associated with the accessory apartment shall be parked within the street right-of-way.
- (e) The applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the district in which the lot is located and architectural compatibility.

- (f) The accessory apartment shall be occupied by a maximum of two (2) people.
- (g) For sewage disposal and water supply and all other utilities, the accessory apartment shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
- (h) If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the accessory apartment will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.

Section 530

Accessory Farm Dwelling

- (a) No more than one (1) accessory farm dwelling shall be permitted on a farm.
- (b) The minimum lot area and building setback requirements of the respective zoning district shall apply to the principal and accessory farm dwellings individually.
- (c) The off-street parking requirements of this Ordinance shall apply to both the principal and the accessory farm dwelling.
- (d) All water supply and sewage disposal facilities shall be approved by the appropriate agencies prior to the issuance of a building permit for the accessory farm dwelling.
- (e) The location of the accessory farm dwelling must also conform to the requirements of the applicable Subdivision and Land Development Ordinance.
- (f) The subdivision of an Accessory Farm Dwelling shall not be permitted unless it satisfies all criteria as an independent Principal Use.

Section 531

Active Adult Community

- (a) Uses - An Active Adult Community may include some or all of the following uses:
  - (1) Residential dwelling units which are restricted to occupancy by households where the resident(s) is/are 55 years or older, including:

- A. Single family detached dwellings.
  - B. Two-family dwellings, including single-family semi-detached dwellings and two family detached dwellings.
  - C. Single family attached dwellings (Townhouse).
  - D. Multiple family dwellings, including Apartments.
- (b) Congregate facilities where the applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the Active Adult Community, including:
- (1) Dining facilities.
  - (2) Recreational facilities.
  - (3) Worship facilities.
  - (4) Maintenance shop, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the Active Adult Community.
- (c) Accessory uses customarily incidental to an Active Adult Community.
- (d) Design Requirements. All Active Adult Communities shall meet the following minimum requirements.
- (1) The minimum tract size for development as an Active Adult Community shall be ten (10) acres.
  - (2) Building Height - 40 feet.

Section 532

Adult-Related Facilities

- (a) An adult-related facility shall not be permitted to be located within one thousand (1000) feet of any other adult related facility.
- (b) No adult-related facility shall be located within two hundred (200) feet of any residentially-zoned land or residential dwelling.
- (c) No establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:

- (1) Amusement Park.
  - (2) Camp (For Minors' Activity).
  - (3) Child Care Facility.
  - (4) Church or other similar religious facility.
  - (5) Community Center.
  - (6) Museum.
  - (7) Park.
  - (8) Playground.
  - (9) School.
  - (10) Other Lands Where Minors Congregate.
- (d) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
- (e) No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- (f) Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- (g) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- (h) Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

- (i) No adult-related facility may change to another adult related facility, except upon approval of an additional conditional use.
- (j) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (k) No unlawful sexual activity or conduct shall be permitted.
- (l) No more than one adult-related facility may be located within one building or shopping center.

Section 533

Amusement Arcade

- (a) All activities shall take place within a wholly-enclosed building.
- (b) The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.
- (c) A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 508 of this Ordinance.
- (d) A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

Section 534

Amusement and/or Theme Parks

- (a) Amusement and/or theme parks may include any of the following uses, provided that each use (1) is sized, designed and located to only serve employees and guests of the park, (2) relies upon the circulation and parking facilities of the park, (3) has signage that is oriented to those employees and guests of the park, and (4) is owned, operated and maintained by the park:
  - (1) Museums, including tours of historic properties.
  - (2) Public parks, playgrounds and recreational facilities.
  - (3) Public or private conservation areas for uses for the conservation of open space, water, soil, and wildlife resources, including State or County-sponsored agricultural and/or conservation districts.
  - (4) Zoos.

- (5) Lodging for guests and employees.
- (6) Riding stables and related facilities (but not including horse racing).
- (7) Arboretums.
- (8) Commercial tennis, racquetball, and similar facilities, whether indoors or outdoors.
- (9) Agricultural, horticultural, and forestry-related uses, as regulated by this Ordinance.
- (10) Hotels and motels.
- (11) Bed and breakfasts and country inns.
- (12) Fast-food restaurants and snack bars.
- (13) Amusement arcades.
- (14) Public or private utility service structures.
- (15) Public or nonprofit fire services or public or nonprofit emergency services.
- (16) Indoor or outdoor theaters and auditoriums.
- (17) Information centers.
- (18) Campgrounds in accordance with the requirements listed in Section 514 of this Ordinance.
- (19) Taverns, restaurants, and nightclubs.
- (20) Amusement exhibits and rides.
- (21) Miniature golf courses.
- (22) Sports and/or amusement arenas.
- (23) Retail sales and/or rental of goods and services provided that such sales or rentals are related to or accessory to any of the commercial recreation uses listed above.
- (24) Health and fitness clubs.



(25) Accessory uses customarily incidental to the above permitted uses.

(b) Special Review Process - Prior to the issuance of a building permit for any of those uses permitted under this Section, the applicant must comply with the following two-stage review process:

Stage 1 - Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any use or development, the applicant shall submit a Concept Master Plan for Special Exception approval by the Zoning Hearing Board in accordance with Article VIII of this Ordinance. The requirements of this Section shall be used as the specific criteria for evaluating the special exception application. Such Concept Master Plan shall be submitted by the Applicant and shall include a textual and/or graphic description of the following items:

- (1) The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
- (2) The types and mixture of uses proposed for the land to be included within the proposed use (a schematic drawing of proposed use types shall be provided).
- (3) The road network contained upon the land to be included within the proposed use including major points of access, intersections, and any traffic improvements proposed to accommodate the proposed use.
- (4) The name, location, centerline, and present right-of-way width of all abutting streets.
- (5) Physical characteristics of the site, including:
  - A. Areas with slopes exceeding fifteen percent (15%).
  - B. One hundred (100) year floodplains.
  - C. Alluvial soils, wetlands, ponds, and streams.
  - D. Sinkholes, caves, vistas, or other significant geologic features.
  - E. Endangered or threatened species habitats.
  - F. Archeological resources.
  - G. Historic Sites.

H. Significant stands of mature trees.

- (6) Any regional facilities that are proposed and will serve more than one lot/use within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, and waste water facilities.
  - (7) Other information illustrating that the basic concept of the proposed uses is well-integrated, functional, efficient and attractive.
- (c) Stage 2- Site Development Plan - As part of the granting of a zoning permit for a use proposed and contained in the Concept Plan, the Zoning Officer shall review a site plan submitted by the applicant to determine that it complies with the approved Concept Master Plan, and any applicable regulation. Upon determining non-compliance, the Zoning Officer may reject the permit for cause and/or may require additional review by other Township Officials or their agents. Such site plan shall include, but not be limited to, the following:
- (1) Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance.
  - (2) A textual and graphic description of how the proposed use(s) complies with the concept master plan approved for the proposed development, plus any conditions of approval attached to the grant of the Concept Master Plan.
- (d) Minimum Lot Area Requirement - Unless otherwise specified, the permitted uses shall have a minimum lot size of twenty-five (25) acres. For the purposes of this Section, a "Use" can include several businesses that are developed in a coordinated fashion (e.g. joint parking lots, access drives, loading areas, landscaping, signage, etc.) that function as one development site and satisfies all of those requirements imposed upon this Zone.
- (e) Minimum Lot Width - Five hundred feet (500').
- (f) Minimum Lot Depth - One thousand feet (1,000').
- (g) Off-street parking spaces shall be provided at the rate equal to that required by Section 508 of this Ordinance. For parks that require more than three hundred (300) off-street parking spaces, up to fifty percent (50%) of the total number of spaces can be provided in a dust-free, non-paved surface if:

- (1) The applicant can adequately demonstrate that a maintenance plan will be employed that prevents excessive dust and erosion; and
- (2) Adequate measures will be employed to prevent the spreading of mud onto adjoining roads.

No direct access between a non-paved parking lot and an adjoining road shall be permitted. The applicant shall be required to demonstrate those measures that will be employed to prevent vehicles from crossing and/or parking on adjoining properties that are not part of the park.

- (h) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads, during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion.
- (i) Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- (j) Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distances equal to their height, plus an additional fifty-feet (50'). Furthermore, such structures shall not be used for occupancy, unless there is qualified evidence that there are sufficient emergency rescue capabilities available for the desired height from the "first-due" fire company.
- (k) The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, litter, dust, and pollution. All lighting shall comply with Sections 501.13 of this Ordinance.
- (l) Any outside pedestrian waiting lines shall be provided with a means of shade.
- (m) Any use involving the keeping of wild and/or dangerous animals shall require the submission of qualified expert testimony that demonstrates sufficient care for, and containment of, such animals.

Section 535

Retail Establishments

535.1 The applicant shall prove to the satisfaction of the Board of Supervisors that any outdoor lighting will be placed such that it shall not create a glare on any surrounding properties and shall not create a significant nuisance to existing and future dwellings.

535.2 Any retail store or retail portions of a shopping center having a floor area greater than 49,999 square feet shall comply with the following guidelines:

- (a) Facades shall be articulated to reduce the massive scale and the uniform, impersonal appearance and to provide visual interest that will be consistent with the community's character and scale.
- (b) Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive effects and recognize local character. Building facades shall include a repeating pattern that shall include one or more of the following elements: (1) color change, (2) texture change, (3) material module change, or (4) expression of architectural or structural bay through a change in plane or no less than 12 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
- (c) Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- (d) Exterior building materials and colors should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Predominant exterior building materials shall be high quality materials and shall include, without limitation: (1) brick, (2) wood, (3) sandstone or other native stone, (4) tinted, texture, concrete masonry units, and/or (5) stucco.
- (e) Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. Each building shall have clearly defined, highly visible customer entrances featuring no less than three of the following: canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows,

architectural details such as tile work and moldings integrated into the building structure and design, or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- (f) Where approval as a special exception or conditional use is required, the approving body shall attach such restrictions and/or conditions as are appropriate to ensure compatibility with the zoning district and neighborhood in which the use is located.
- (g) Waste holding (dumpster) areas shall be screened with a minimum eight feet (8') high screen if either natural or manmade materials.

Section 536

Antique, Flea and/or Farmer's Markets and/or Farm Stands.

- (a) The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above.
- (b) The retail sales area shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
- (c) Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area.
- (d) Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Section 508 of this Ordinance.
- (e) All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- (f) Any exterior lighting shall be arranged and designed so as to comply with Section 501.13 of this Ordinance.
- (g) Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

Section 537

Aquaculture.

- (a) Minimum lot size - Twenty (20) acres.

- (b) The applicant shall provide evidence of sufficient water supply and waste water disposal so as not to adversely impact ground water supply and quality or surface discharge water supply.
- (c) A hydrologic study shall be provided to the satisfaction of the Township and to evidence no adverse impact to adjoining property water sources.
- (d) The subject site shall have access to a collector or arterial road.
- (e) All wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
- (f) The loading and unloading of trucks shall be restricted to the hours between 6 am and 10 pm.
- (g) Where wastewater pretreatment is required by the EPA, PaDEP or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with DEP regulations.
- (h) The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.
- (i) The use shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.
- (j) A fifty foot (50') buffer zone shall be provided along all property lines and a fence of a type, construction, and size as shall be adequate to protect the public health, safety, and welfare shall be constructed at the fifty (50') foot buffer line.

Section 538

Auction/ Auction Houses

- (a) Parking Requirements
  - (1) One (1) parking space per 100 sq. ft. of gross floor area shall be required.
  - (2) One (1) off-street loading space shall be required.

(b) Supplemental Regulations

- (1) No parking area shall be located within the required front, side or rear yards.
- (2) The retail sales areas shall be set back at least fifty (50) feet from all property lines and no part of the auction shall be located within two hundred (200) feet of any land within any adjacent residential property.
- (3) Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- (4) A sign identifying the Use shall be permitted in accordance with the provisions of Section 507.
- (5) Temporary signs advertising a particular sale event shall be permitted in accordance with the provisions of Section 507. Such temporary sign shall be erected not more than 15 days prior to, and removed not more than one (1) day after the scheduled sale event.
- (6) Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of working plan for the cleanup of litter.
- (7) The servicing, reconditioning, demolition, or junking of vehicles is prohibited.
- (8) Except as provided above, all other pertinent provisions of this ordinance shall apply.

Section 539

Church and Related Uses

- (a) No parking or loading area shall be located within 5 feet of the Township right-of-way.
- (b) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
- (c) House of Worship:
  - (1) Minimum lot width - Two hundred feet (200').



- (2) Maximum permitted lot coverage - Fifty percent (50%), unless a greater percentage is permitted elsewhere within this Ordinance.
  - (3) All houses of worship shall have direct vehicular access to an arterial or collector road.
  - (4) Side yard setback - Fifty feet (50') on each side.
  - (5) All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.
  - (6) Maximum height restrictions shall not apply to places of worship.
  - (7) Minimum distance between buildings shall be twenty feet (20').
- (d) Church Related Residences (Parsonages, Convents, etc.):
- (1) All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.
  - (2) All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences within the underlying zone.
- (e) Church-Related Educational or Day-Care Facilities:
- (1) All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship.
  - (2) If education or day-care is offered below the intermediate level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas, unless the applicant can demonstrate that such parking lots are not in use during play periods. Outdoor play areas shall not be located within the front yard, and must be set back ten feet (10') from all property lines. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
  - (3) Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
  - (4) Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the

site.

- (5) All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.
- (6) Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) persons enrolled, plus one (1) parking space for each employee.

(f) Cemeteries:

- (1) All burial plots and facilities shall be in accordance with the appropriate setbacks of the governing zoning district.
- (2) In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
- (3) With the exception of service to a church located on the same lot, no public water or sewer facilities shall be permitted in the tract.
- (4) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

Section 540

Clubhouses or Lodges for Fraternal or Social Purposes,  
Membership Clubs; Fraternity and Sorority Houses

- (a) Clubhouses or Lodges for Fraternal or Social Purposes, Membership Clubs
  - (1) That any such club is incorporated pursuant to the provisions of a Membership Corporation or unincorporated associations approved by the Township Supervisors; and catering exclusively to members and their guests.
  - (2) That such Use shall occupy a lot with an area of not less than twenty-five (25) acres and such use, buildings and parking/loading shall be setback and buffered, a minimum of one hundred (100) feet from all lot lines or ultimate public street right-of-way line.
  - (3) That such membership club use does not involve petroleum based powered mechanical equipment.

- (4) Recreational use regulations pursuant to Section 512(c) through (i) shall also apply to this Section.
  - (5) Gun clubs for trap and target use shall occupy a lot with an area of not less than fifty (50) acres, 200' road frontage with 100 foot front setback, 200' side setback and 500' rear setback.
- (b) Fraternity and Sorority Houses
- (1) All outdoor recreation/activity areas shall be setback at least fifty feet (50') from any property line.
  - (2) Screening shall be provided along any adjoining residentially zoned property.
  - (3) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
  - (4) That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
  - (5) When determined to be applicable by the Township Zoning Officer, the provisions of Section 540(a) of this Ordinance shall apply.
  - (6) Fraternity and Sorority Houses shall also comply with (b) through (i) and (l) and (m) of Section 528 of this Ordinance.
  - (7) Fraternity and Sorority Houses shall demonstrate bona fide affiliation with the public or private educational institution and proof of good standing with same.

Section 541

Commercial Conversion

- (a) Only single-family detached dwellings that existed on the effective date of this Ordinance may be converted to include a commercial shop, salon, or office. Such commercial uses shall be limited to that area of the building, as it existed on the effective date of this Ordinance.
- (b) The applicant shall furnish evidence that any alterations, improvements, or other modifications proposed to the building will be accomplished in a manner that complements its residential character.

- (c) The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- (d) The applicant shall obtain any necessary land development approvals.
- (e) All commercial off-street parking and/or loading areas shall be screened from adjoining residences and Lots.
- (f) One (1) sign shall be permitted which is no larger than six (6) square feet and is affixed to the building.

Section 542

Commercial Livestock Hauling

- (a) The use must have been in existence on the effective date of this Ordinance.
- (b) Except for livestock raised on the property, no livestock shall be stored or transported to or from the site.
- (c) All service and/or repair activities shall be conducted within a completely enclosed building.
- (d) All exterior storage of vehicles used in the hauling operation shall be set back at least fifty feet (50') from adjoining street lines and property lines, and shall be covered in an all-weather and dust-free surface.

Section 543

Communication Towers and Cell Site Antennas

- (a) The following standards shall be applicable to the siting, installation, and construction of communication towers and antennas:
  - (1) Antenna Permit Fee - The Applicant shall pay to the Township and annual Permit Fee as set by resolution of the Board of Supervisors.
  - (2) Location - The applicant shall be required to demonstrate, using technological evidence, that the communication tower must be located where it is proposed.
  - (3) Height - The applicant must demonstrate that the communication tower is the minimum height required to function satisfactorily. Maximum height of the tower shall not exceed two hundred feet (200'), including antenna. Accessory facilities shall meet the height requirements of the zoning district in which it is located.

- (4) Structure Design - The applicant shall demonstrate that the proposed communication tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference. An engineer's certification shall be provided as to structural capacity in accordance with the provisions of this ordinance.
- (5) Fence - A fence shall be required around the communication tower and other equipment. The fence shall be eight feet (8') in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
- (6) Landscaping - The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building):
- A. An evergreen screen shall be required to surround the fence. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
- B. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (7) Parking Spaces - If the communication tower is fully automated, one (1) off-street parking space shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any even, may not be less than one (1) off-street parking space.
- (8) Other Permitted Uses - All other uses associated with the communicating tower such as a business office, transmission studio, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.
- (9) Accommodating Use - In order to reduce the number of communication towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services. Prior to proposing the construction of a new tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing tower or structure within

close proximity of the chosen site. Space for township communication systems shall be made available at no cost.

- (10) Building Permit - The applicant shall obtain a building permit in accordance with the Township requirement prior to commencement of construction or any modification of any communication tower.
- (11) Federal Communication Commission - If the use of the communication tower requires licensing by any state or federal agency, including but not limited to the Federal Communication Commission, the applicant shall present evidence that it has obtained such a license.

The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; 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 Communications Tower and Communications Antennas.

- (12) Painting/Lighting - Communication towers shall be painted with silver or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees to lessen visual impact. All support structures shall meet all applicable Federal Aviation Administration regulations. No communication tower may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.
- (13) Annual Certification - In January of each year an inspection shall be performed by an independent engineer acceptable to the township and paid by the Applicant. Verification shall be provided to the Township Zoning Officer that there have been no changes in the operating characteristics of the commercial

communication tower or antenna as approved at the time of conditional use application, including at a minimum:

- A. Direction of the signal.
- B. Frequency, modulation and class of service.
- C. Transmission and maximum effective radiated power.
- D. Manufacturer, type and model of equipment.
- E. Height of the antenna.
- F. Name, address and emergency telephone number of the operator.
- G. Copy of current FCC license.
- H. Review of all reasonable requests of shared use of the tower.

(14) Removal - The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. Any antenna or tower that is not operated, and for which there is no intent or attempt to operate, for a continuous period of time of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days after receipt of notice from Maxatawny Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna, at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users have abandoned the tower or antenna.

(15) Setback - The set back of the tower from all property lines and existing street right-of-way lines shall be no less than the height of the tower. All guy wire anchors shall be setback a minimum of forty feet (40') from property lines and existing street rights-of-way. No more than one (1) tower shall be permitted on a site. The setback may be reduced to one-half (1/2) the height of the tower plus antenna if all property owners within the fall zone of the total height of the tower and antenna provide a recordable release indemnifying Maxatawny Township.

(16) Separation Distance - All communication towers shall be located a least one-half (1/2) mile from any other communication towers.



- (17) Signs - No portion of any communication tower or antenna shall be used for a sign or other advertising purpose.
  - (18) Land Development Plan - A full Site Plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for communication tower sites showing the communication tower, buildings, fences, buffering, access, and any accessory structures. Said plan shall be in accordance with all applicable Subdivision and Land Development Ordinance requirements.
  - (19) Occupancy Permit - Prior to a Certificate of Use and Occupancy being issued, the applicant shall provide an Engineer's Certification that the tower is constructed as designed and shall submit the same to the Zoning Officer.
  - (20) All transmission towers shall utilize "stealth technology" to the greatest extent possible in the design of the towers. Said design criteria shall include but not be limited to having the intent to camouflage or hide the tower and draw the least amount of visual attention to the tower as possible.
- (b) Antenna. An antenna that is attached to an existing communication tower, smoke stack, water tower, farm silo, or other tall structure, shall conform to the following regulations:
    - (1) That the height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet.
  - (c) All other uses associated with the cell site antenna such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site unless the use is otherwise permitted in the zoning district in which the cell site is located.

Section 544

Contractor's Office/Shop

- (a) Construction vehicles and equipment shall be stored within enclosed structures.
- (b) A ten (10) foot buffer yard, shall be provided along side and rear lot lines unless a larger buffer yard is required under other provisions of this Ordinance.
- (c) Off-street parking shall be provided in accordance with the requirements of Section 508

- (d) No outdoor storage of supplies inventory, or materials, used in the contractor's operation shall be permitted.
- (e) Any activities that produce noxious dust, odor, light, or noise, perceptible at the property line are prohibited.

Section 545

Convenience Store

- (a) The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the store.
- (b) A minimum of one (1) parking space for each seventy-five (75) square feet of gross floor area shall be provided. In addition, any accessory uses shall also require those spaces required by Section 508 of the Ordinance.
- (c) Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and continuously implement a working plan for the cleanup of litter and debris.
- (d) The subject property shall have a minimum width of one hundred twenty-five feet (125').
- (e) The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, playground, library, hospital, or nursing, rest or retirement home.
- (f) All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least fifty feet (50') from any street right-of-way line.
- (g) All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100'), and oriented away from any adjoining residential properties.
- (h) All automated teller machines shall be located, or contain convenient parking spaces, so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
- (k) Any external lighting shall be arranged and/or screened to comply with those regulations contained within Sections 501.13 and 517 of this Ordinance.
- (l) The applicant is required to demonstrate compliance with all applicable State requirements imposed upon the proposed use.

- (a) Convention centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g. shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention center, and not the general public:
- (1) Offices.
  - (2) Hotels and Motels.
  - (3) Meeting rooms and auditoriums.
  - (4) Banquet and social halls.
  - (5) Restaurants (excluding fast food restaurants).
  - (6) Taverns and nightclubs.
  - (7) Indoor theaters and arenas.
  - (8) Sports stadiums.
  - (9) Retail shops and concessionaires.
  - (10) Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses).
  - (11) Commercial day-care facilities.
  - (12) Information centers and booths.
  - (13) Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts, and other similar events.
- (b) Minimum Required Lot Area - Ten (10) acres.
- (c) All uses shall be served by both public sewer and public water utilities.

- (d) The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road.
- (e) Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Section 508 of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation, and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, the Board of Supervisors can require the applicant to revise and/or provide additional on-site parking space.
- (f) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion.
- (g) Any outside pedestrian waiting lines shall be provided with a means of shade.
- (h) The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. Any light generated on the site must comply with Sections 501.13 of this Ordinance.
- (i) Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted.
- (j) Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
- (k) The convention center is eligible to utilize signage applicable to shopping centers, as listed in Section 507 of this Ordinance.

- (l) All uses within the convention center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

Section 547

Conversion Apartments

- (a) Conversion shall be authorized only for large buildings that have little economic usefulness as single-family dwellings or other conforming uses (i.e., schools, industrial buildings, barns) erected prior to the adoption of this Ordinance.
- (b) The conversion apartment shall contain a minimum of 350 and a maximum of 875 square feet of habitable floor area; however, no conversion apartment shall occupy more than forty percent (40%) of the area of the single family dwelling unit nor reduce said unit to less than 700 square feet of habitable floor area.
- (c) A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.
- (d) There shall be no exterior evidence of the conversion apartment except for the existence of an entrance that is separate and private from that of the single-family dwelling.
- (e) If the facility is not connected to public sewer, documentation of Township Sewage Enforcement Officer approval of the on-lot sewage disposal system is required.

Section 548

Day Care Facilities

- (a) Commercial Day Care facilities are subject to the following criteria:
  - (1) An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (not poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilions.
  - (2) Enrollment shall be defined as the largest number of students

and/or children under day care supervision at any one time during a seven-day period.

- (3) Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that the passengers do not have to cross traffic lanes or adjacent to the site.
- (4) One off-street parking space shall be provided for each six (6) students enrolled, plus one (1) parking space for each employee.

(b) Family Day Care is subject to the following criteria:

- (1) All family day care facilities shall be conducted within a detached single-family dwelling.
- (2) A family day care facility shall offer care and supervision to no more than four (4) different minors during any calendar day.
- (3) All family day care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use issued by the Pennsylvania Department of Public Welfare.
- (4) An outdoor play area no less than four hundred (400) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be setback at least twenty-five (25) feet and screened from any adjoining residentially-zoned property. A six-foot-high fence shall completely enclose the outdoor play area. Any vegetative materials located within the outdoor area shall not be of a harmful type (not poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade such as a tree(s) or pavilion.

(c) Adult Daycare is subject to the following criteria:

- (1) Full licensure by the State, if required.
- (2) Regulations to include constant supervision during all hours of operation.
- (3) Shall not be related to rehabilitation of convicted felons, treatment of the criminally insane, or to treatment for serious drug and alcohol addiction.

Section 549

Drive-Thru Service Facility

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

- (a) Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.
- (b) All drive-thru window-lanes shall provide sufficient space to stack vehicles waiting to transact business and shall be separated from the parking lot's interior driveways by the use of curbs and/or planting islands.
- (c) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impacts on adjoining properties.
- (d) Any exterior seating/play areas shall be completely enclosed by a minimum three-foot high fence.

Section 550

Dry Cleaner, Laundry and Laundromat

- (a) Public sewer and water shall be used.
- (b) All activities shall be conducted within a completely enclosed building.
- (c) During operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining Residential Zones shall be kept closed.
- (d) Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.
- (e) Self-service Laundromats shall require one off-street parking space for each two (2) washing machines; other laundry related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area.

Section 551

Elder Cottage Housing Units (ECH)

- (a) Purpose and Legislative Intent - It is hereby declared a matter of legislative declaration and belief that the increasing numbers of elderly persons in the Township are in need of suitable forms of housing which would allow for the elderly to remain as independent as possible, while maintaining a close connection to the members of their family. It is the intent of the Board of Supervisors to provide for such housing by special exception since this is an acceptable form of alternative housing for the elderly if properly limited.



(b) General Requirements of ECH Units

- (1) At least one of the proposed occupants of the Elder Cottage Housing Unit ("ECH Unit") shall be a blood relative or adopted relative of the owner or one of the owners of the lot where the ECH Unit is to be situated.
- (2) At least one occupant of the ECH Unit shall be at least sixty-two (62) years of age.
- (3) There shall be no more than two (2) occupants of the ECH Unit. Such occupants shall be married to each other or shall be both blood relatives of one of the occupants or shall be an adopted relative of the owner or one of the owners of the lot. In no event shall a nurse be deemed to be an occupant of the ECH Unit when that said nurse is providing medically necessary nursing care for the occupant or one of the occupants of the ECH Unit.
- (4) The owner or at least one of the owners of the lot shall live either in the principal dwelling unit or ECH Unit on a permanent basis.
- (5) The right to utilize the ECH Unit shall terminate upon any one of the following events; (1) the death of the occupants of the ECH Unit, (2) the date of the conveyance or other transfer of the lot by the owner or owners, (3) the failure to comply with any of the requirements specified herein, or (4) the failure to comply with any of the conditions imposed by the Zoning Hearing Board.
- (6) Upon termination under Section 551 (b)(5), the owner or owners shall give written notice of such event to the Zoning Officer within ten (10) days of the date thereof. The ECH Unit, as well as any breezeways, attachments, and connections thereto shall be removed from the lot within one hundred twenty (120) days of said date of termination.
- (7) The date of termination under Section 551(b) (5) or (b) (6) shall be the date of receipt of written notice of said failure to comply. The owner or owners of the lot shall have thirty (30) days from said date to cure all violations specified in said written notice. In the event that compliance is not accomplished within said thirty (30) day period, then the ECH Unit, as well as any breezeways, attachments and connections thereto shall be removed from the lot within one hundred twenty (120) days of the date of termination.
- (8) One off-street parking space shall be provided for each motor vehicle owned by the proposed occupant or occupants, which

parking spaces shall meet all requirements of this Ordinance.

(c) Location, Size, Height and Area Requirements

- (1) The ECH Unit shall have a minimum floor area of two hundred (200) square feet and a maximum floor area of eight hundred (800) square feet.
- (2) The ECH Unit shall not exceed sixteen (16) feet in height measured from the bottom of the main floor to highest point of the roof.
- (3) The ECH Unit shall not be permanently attached to the existing dwelling unit nor shall the ECH Unit be located more than fifty feet (50') from the existing dwelling unit.
- (4) The ECH Unit shall be located in the rear of the lot unless the Zoning Hearing Board determines that it would be impractical to so locate the ECH Unit due to sewage, drain fields, or surface water drainage, in which event the ECH Unit may be located in the side yard. The ECH Unit, when located in the rear of the lot, shall comply with all side yard, rear yard and lot coverage requirements of the Zoning District wherein the lot is located. The ECH Unit, when located in the side yard, shall comply with all front yard, side yard, rear yard and lot coverage requirements of the Zoning District wherein the lot is located.

(d) Design Requirements

- (1) The ECH Unit shall be constructed of materials which allows for the removal of the unit upon an event of termination such that the lot can be restored to its original condition prior to removal.
- (2) No permanent walls, fences or other similar structures shall be installed, provided that the ECH Unit may be temporarily connected to the existing dwelling unit by the construction of a breezeway subject to the approval of the Zoning Hearing Board.
- (3) The exterior of the ECH Unit shall be compatible with the architecture of the existing dwelling unit, as determined by the Zoning Hearing Board.
- (4) The ECH Unit shall be designed in such a manner so that the existing sewer and water service may be utilized for servicing the ECH Unit without providing additional sewer or water facilities. All such designs shall be subject to the approval of the Township Sewage Enforcement Officer.

- (e) Additional Regulations - In rendering its decision, the Zoning Hearing Board shall consider the following general provisions for all ECH Units permitted by Special Exception:
- (1) The compatibility of the use, structure or development with the purpose and intent of the applicable zoning district and with the Comprehensive Plan of the Township.
  - (2) The suitability of the site for the use, structure or development.
  - (3) The compatibility of the use, structure or development with the existing adjacent properties, with the community as a whole, and with the anticipated development in the foreseeable future.
  - (4) The effect the use, structure or development will have on existing streets, transportation patterns, public services and public facilities, and the logical and economical extension of such streets, services and facilities.
  - (5) The compatibility of the site for on-lot sewer and water facilities.
  - (6) The importance of the use, structure or development and the availability of alternate locations.
- (f) Application Procedures - In addition to all other requirements of this Ordinance, all property owners who desire to install an ECH Unit on a lot shall submit a written application to the Zoning Hearing Board, which shall contain the following information:
- (1) The names and addresses of all owners of the lot.
  - (2) The names and addresses of the proposed occupants of the ECH Unit, as well as a statement of their relationship to the owners of the lot.
  - (3) A plan of the lot showing the dimensions and location of all existing structures on the lot, as well as all paved areas and square footage of the existing dwelling unit.
  - (4) A floor plan for the ECH Unit, as well as a drawing depicting where the same shall be located on the lot.
  - (5) An architectural drawing showing the design and landscaping of the ECH Unit in conjunction with existing dwelling unit.
  - (6) A description of the water and sewer systems to be utilized for the purpose of serving the ECH Unit.

- (7) The decision of the Zoning Hearing Board granting approval shall specifically prescribe all of the conditions applicable to the ECH Unit, including those herein enumerated, and shall be acknowledged in writing by the applicant before a permit is issued.

Section 552

Excavation Contractor Shop

- (a) Outdoor storage of construction equipment shall be limited to operable equipment. Derelict and inoperable equipment shall be stored within enclosed structures.
- (b) The storage area for construction equipment shall be surrounded by a fence of a minimum eight (8) feet high with a locked gate which shall secure the area from unauthorized access.
- (c) A ten (10) feet buffer yard shall be provided alongside and rear lot lines unless a larger buffer yard is required under other provisions of this Ordinance.
- (d) No excess material shall be stored outdoors on the site.
- (e) Hours of operation on site shall be limited to daylight hours within 1000' of any residence or residential zone.

Section 553

Farm Equipment Sales and Service

- (a) Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.
- (b) Minimum lot areas shall be one (1) acre with the maximum lot area being five (5) acres.
- (c) Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
- (d) Structures shall be located at least fifty (50) feet from all property lines.
- (e) The maximum lot coverage shall be not greater than twenty (20) percent.
- (f) Screening and/or landscaping as may be determined by the Board of Supervisors shall be provided.
- (g) All driveways, parking areas, and loading zones shall be surface and

maintained in a manner prescribed by the Board of Supervisors. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

- (h) No service of privately-registered automobiles shall be permitted, except on an incidental basis. Repairs and service shall be limited to agricultural equipment and implements.
- (i) No fuel sales are permitted.
- (j) The Applicant shall demonstrate that the proposed type and location of the facility is necessary for the agricultural community.
- (k) Service and/or repair activities shall be generally conducted within a wholly enclosed building.
- (l) No outdoor storage of junked or discarded vehicles, parts, equipment, or other salvage materials used is permitted.
- (m) Any outdoor storage of supplies, materials, and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
- (n) All exterior equipment storage areas shall be screened from adjoining residentially zoned properties.
- (o) The Board may require additional screening.

#### Section 554

#### Farm Related Business

- (a) The applicant must provide evidence that the proposed Use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than the distribution of goods produced on the farm. Some examples of farm-related businesses (if suitably-sized) include, but need not be limited to:
  - (1) Sales or repair of agricultural equipment.
  - (2) Blacksmith shops, farriers.
  - (3) Butcher shops.
  - (4) Grain mills.

- (5) Processing of locally-produced agricultural products.
  - (6) Those Uses set forth in Section 502.2 of this Ordinance.
  - (7) Feed supply, fuel, and fertilizer distributors.
  - (8) Small Engine Repair Shop
  - (9) Welding shops.
- (b) Uses shall have a minimum lot size of one (1) acre. A farm-related business use shall occupy no more than three (3) acres.
  - (c) No part of a farm-related business shall be within two hundred feet (200') of any land within a residential zone, nor one hundred feet (100') of any existing residence (including a farm dwelling).
  - (d) Road classification must be appropriate for the expected type of volume of road traffic that will be generated by the proposed use.
  - (e) The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty feet (50') from the street right-of-way. In addition, another fifty feet (50') gravel section shall be located just beyond the paved apron.
  - (f) Any outdoor storage of supplies, materials, and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
  - (g) One sign shall be permitted for a farm-related business in accordance with Section 507.
  - (h) Vegetative screening must be provided in accordance with Section 517 of this Ordinance when a farm-related business abuts any property used principally for residential purposes. Certain pieces of apparatus used for farm-related businesses, which create noxious dust, odor, light, or noise, shall require greater setbacks and vegetative screening, as determined by the Board of Supervisors.
  - (i) Any building constructed for use by the farm-related business (unless uniquely suited to that business), shall be of a type so that it can be converted to agricultural use, in the event the farm-related business is discontinued (e.g., barn or shed).
  - (j) In the event the proposed Use includes criteria as set forth in Article V of

this Ordinance, the Applicant must satisfy those criteria as well as the provisions of this Section.

- (k) The Owner shall not employ more than two persons who do not reside on the Property.
- (l) No fuel sales shall be permitted as part of a Farm Related Business Use.

Section 555

Funeral Home and Mortuary

- (a) If the facility is not connected to public sewer, documentation to the Township Sewage Enforcement Officer and DEP of approval of the on-lot sewage disposal system is required.
- (b) The Applicant shall submit a plan to demonstrate that sufficient off-street parking will be provided to prevent traffic back-ups onto adjoining roads.
- (c) The Township may require screening.
- (d) The Applicant shall furnish expert testimony that the disposal of human remains, and related chemicals and materials, shall be in accordance with applicable laws and standards.
- (e) The Zoning Hearing Board can attach conditions which it feels are necessary to protect nearby properties, the intent of the Zoning Ordinance and/or the general public welfare.

Section 556

Parking Garage/Parking Compound

Reserved.

Section 557

Golf Related Uses

557.1. Golf courses are subject to the following criteria:

- (a) General Regulations - In addition to the detailed regulations below, all conventional and miniature golf courses and driving ranges shall comply with the following:
- (b) All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.
- (c) All lighting facilities for night play shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- (d) The applicant shall submit a plan for controlling noise, litter, and hours of



operation.

- (e) As a condition of approval, the Board may specify hours of operation and may require protective mesh fencing when necessary to provide protection to abutting properties and roads.

557.2. Golf Courses - Conventional

- (a) Minimum lot area: Twenty (20) acres.
- (b) All greens shall be set back not less than fifty feet (50') from all lot lines.
- (c) All buildings and accessory uses shall be set back at least one hundred feet (100') from all lot lines.
- (d) All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads.
- (e) The applicant shall perform a water analysis to demonstrate that any water use shall not have adverse effects on existing or future adjacent water wells.
- (f) All vehicle roadways shall be designed to minimize conflicts between automobiles and golf carts.

557.3. Golf Courses - Miniature - Stand-Alone Use

- (a) Minimum lot area: One (1) acre.
- (b) All parking shall be set back not less than twenty five feet (25') from any residential district.
- (c) The Township may require screening.

557.4. Golf Driving Ranges - Stand-Alone Use

- (a) Minimum lot area: Five (5) acres.
- (b) All buildings and accessory uses shall be set back at least one hundred feet (100') from all lot lines.
- (c) There shall be a minimum setback of one hundred feet (100') from the field of play to any adjacent property line or street right-of-way.
- (d) All outdoor storage of maintenance equipment shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads.

- (e) All parking shall be set back not less than twenty five feet (25') from any residential district.

Section 558

Health and Recreation Club, Fitness Center, Tennis and Athletic Club

- (a) Off-street parking shall be provided, as required by the combination of elements comprising the health club, including accessory uses.
- (b) All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines.
- (c) Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
- (d) All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 501.13 of this Ordinance.
- (e) Minimum Lot Area - Three (3) acres.
- (f) Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.
- (g) All outdoor recreation facilities shall be setback at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines and 100 feet from any residentially zoned properties.
- (h) Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
- (i) All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets in accordance with Section 501.13.
- (j) Any outdoor swimming pool shall be entirely enclosed with a good quality chain link or wooden fence with a minimum height of six feet (6').
- (k) The maximum total building coverage shall be twenty-five percent (25%).
- (l) All such uses shall comply with all applicable government regulations, specifically State Fire Safety Regulations.

Section 559

Heavy Equipment Sales, Service and/or Repair Facility

- (a) All service and/or repair activities shall be conducted within a completely enclosed building.
- (b) Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) shall be determined and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed Use falls within acceptable levels, as regulated by applicable laws and ordinance.
- (c) All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- (d) All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties.
- (e) All exterior storage/display areas shall be covered in an all weather, dust-free surface.
- (f) The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles on the property is prohibited.
- (g) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential property or Residential Zones.
- (h) All vehicles shall be repaired and removed promptly from the premises.

Section 560

Heliport, Helipad, Helistop

- (a) The use can be considered as an accessory use on the same lot as another permitted use in the district provided that it complies with all other applicable provisions.
- (b) The approach zone to any proposed landing pad shall be in accordance with the regulations of applicable Federal and/or State agencies.
- (c) There shall be no existing flight obstructions such as towers, chimneys or other tall structures within the proposed approach zones.
- (d) Any building, hangar or structure shall be located a sufficient distance away from the landing pad in accordance with the recommendations of

applicable Federal and/or State agencies.

- (e) Building heights in approach zones shall be limited to provide a clear path to and from the useable landing pad.

#### Section 561

#### Home Improvement and Building Supply Store

- (a) All outdoor storage and display areas and retail sales shall be screened from adjoining roads and properties.
- (b) The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above.
- (c) Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area.
- (d) All exterior retail sales areas shall include a dust-free surface and a completely enclosed minimum six-foot (6') high fence.
- (e) The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 501.13 of this Ordinance.
- (f) Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building.

#### Section 562

#### Hospitals and Related Uses

- (a) Minimum lot size shall be five (5) acres.
- (b) All buildings shall be at least one hundred feet (100') from any street or Lot Line.
- (c) Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
- (d) Emergency entrances shall be located on a building wall which faces away from adjoining residential properties, or separated by at least three hundred feet (300') from residentially-zoned properties.

- (e) The Applicant shall submit a Traffic Impact Report.
- (f) Public sewer and public water utilities shall be required.
- (g) Adequate provision shall be made for the collection, disposal, and recycling of garbage, trash, and medical and hazardous waste.
- (h) Where more than one (1) of the uses enumerated in Section 562(i) below are proposed, either at one time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment.
- (i) Permitted Uses:
  - (1) Commercial day-care facilities.
  - (2) Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
  - (3) Health and fitness clubs.
  - (4) Hospitals and hospices.
  - (5) Intermediate care and skilled nursing facilities.
  - (6) Medical and dental offices.
  - (7) Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient-care facilities.
  - (8) Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
    - A. Administrative offices.
    - B. Automobile parking lots and parking garages.
    - C. Housing for students, employees, and their families in accordance with the standards of the Zone.
    - D. Helistops (See Section 560).
    - E. Lodging facilities for patients and their families in

accordance with the provisions of the Zoning District in which the Use is located.

- F. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
- (9) Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients, and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within this Zone.
- (10) Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues.
- (j) Specific Requirements for Selected Accessory Uses:
- (1) Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The heliport shall be set back a minimum of three hundred feet (300') from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards.
- (2) Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.
- (k) Maximum Permitted Height - Sixty feet (60') for hospitals. All other buildings related to said Hospital Use shall be subject to the height regulations in the Zoning District.

- (a) Both public sewer and public water shall be required.
- (b) The following accessory uses may be approved as part of the special exception application:
  - (1) Auditorium.
  - (2) Barber and beauty shops.
  - (3) Tavern or night club.
  - (4) Gift Shop.
  - (5) Meeting facilities.
  - (6) Recreational uses and swimming pools.
  - (7) Sauna, spa, or steam room.
  - (8) Valet shop.
  - (9) Other similar retail sales and personal services.
- (c) The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building.
- (d) One freestanding restaurant, tavern, or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
  - (1) The proposed restaurant, tavern, or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take out services shall be permitted.
  - (2) No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
  - (3) If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering, and hours of operation.
  - (4) Sufficient off-street parking spaces shall be provided and located to conveniently serve the freestanding restaurant, tavern, and/or



nightclub, without interfering with required off-street parking associated with the hotel use.

- (e) Hotel or motel units shall not be used as Apartments for non-transient tenants, shall not contain more than two (2) rooms (excluding bathrooms or kitchens) and shall not be connected by interior doors in groups of more than two (2) units each.
- (f) Each hotel or motel room unit shall have an area of at least three hundred (300) square feet. Each hotel or motel unit shall have a bath facility with at least one shower or bath, toilet facility and sink.
- (g) Each hotel or motel shall have an office.
- (h) One apartment with or without kitchen facilities for the use of the hotel or motel manager or caretaker and family within the hotel or motel building is a permitted accessory use.
- (i) Waste holding (dumpster) shall be located and maintained pursuant to Section 505.11 and 504.8 of this Ordinance.
- (j) The applicant shall provide a plan for the control of trash, noise, loitering and parking.
- (k) Casino/Gambling Uses shall be prohibited.

Section 564

Hunting, Fishing, Skiing, and Boating Resorts.

- (a) Minimum required lot area - Ten (10) acres.
- (b) Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- (c) Any observation towers or ski lifts exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty feet (50').
- (d) The applicant shall furnish evidence for an approved system for sewage disposal and water supply.
- (e) The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. The Applicant must also

demonstrate, with qualified expertise, compliance with applicable requirements of Section 501.10 of this Ordinance.

- (f) Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 508. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking area shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- (g) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion.

Section 565

Industrial and Manufacturing Uses.

- (a) The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - (1) The nature of the on-site processing operations; the materials used in the process; the products produced; and the generation and methods for disposal of any by-products.

Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect, and all materials and wastes are properly disposed of on a regular basis.

Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner shall so inform the Zoning Officer,

and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

- (2) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial/ manufacturing process, the total number of employees on each shift, and an overall needed site size.
  - (3) Any environmental and/or traffic impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance.
- (b) The use shall meet all of the performance standards of Section 501.10. The applicant shall submit appropriate information on how compliance will be ensured.

Section 566

Junk Yard

- (a) The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
- (b) No garbage or organic waste shall be stored.
- (c) Whenever any motor vehicle or part thereof shall be received in the junk yard, and shall not be held for resale as an operating unit, all gasoline and oil shall be removed from the motor vehicle or part thereof.
- (d) The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting purposes.
- (e) The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation of stagnant water upon the premises.
- (f) All junk yards shall be completely surrounded, except at entrances, by an evergreen planting screen of a minimum height of six feet (6') which shall be backed by a fence of at least six feet (6') in height. The fence shall contain gates at all entrances which shall be locked except during operating hours.
- (g) No materials shall be stored less than fifty feet (50') from any public street

or Lot Line.

- (h) No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junk yard, provided that in no case shall materials be stacked to a height exceeding ten feet (10').

Section 567

Laboratories

(a) Medical Laboratories.

- (1) The minimum lot size shall be one (1) acre.
- (2) An inventory of biohazard, toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.
- (3) Satisfactory provisions shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke). Toxic and biohazard materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.

(b) Research Laboratories - Scientific/Research.

- (1) The minimum lot size shall be two (2) acres.
- (2) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces pursuant to Section 517 of this Ordinance.
- (3) An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.
- (4) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.

Section 568

Lawn and Garden Sales and Service

- (a) Such uses may include the distribution, sales and/or servicing of lawn and garden equipment and supplies.

- (b) All area and bulk requirements of the relevant zoning district shall apply with the following exceptions:
  - (1) The minimum lot area (principal and accessory uses) shall be five (5) acres.
  - (2) The building setback shall be at least 50 feet from any lot or street line.
  - (3) No accessory building utilized in connection with the lawn and garden sales and service may be located in any required side or rear yard.
  - (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

Section 569

Mass Transportation Depot

- (a) The Applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed off-street parking spaces. The Applicant shall also present credible evidence that the number of "oversized," off-street parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- (b) The subject property shall have a minimum of two hundred feet (200') of road frontage.
- (c) The subject property shall be located no closer than two hundred feet (200') from any Residential Zones and/or property containing a residence, school, day-care facility, park, playground, library, hospital, nursing, rest, or retirement home, or medical residential campus.
- (d) All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line.
- (e) Access driveways shall be a minimum of twenty-four feet (24') and a maximum of thirty-six feet (36') wide. All access drives onto the same road shall be set apart at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.

- (f) Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant.
- (g) All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- (h) The outdoor storage of unlicensed and uninspected vehicles is prohibited.
- (i) The Applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards.
- (j) The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival.
- (k) Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
- (l) The Applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 570

Municipal Buildings, Fire Stations and Similar Facilities

- (a) The requirements of this Section shall not apply to Municipal Uses as defined in this Ordinance as those owned or operated by the Township of Maxatawny or an Authority created by Maxatawny.
- (b) Governmental buildings, Fire Stations and similar uses shall comply with all bulk and lot regulations of the Zoning District in which the Use is located.
- (c) In addition to the above, Fire Stations are also subject to the following:
  - (1) All buildings shall be at least fifty feet (50') from any street or lot line.
  - (2) The Township may require that adequate measures be taken to avoid frequent and severe noise conflicts with any abutting residences.

- (3) The Station shall have adequate and safe access onto a public street.
- (4) The station shall be sited only after an adequate study of long-term emergency station needs of all emergency service providers in the Township

Section 571

Night Club

- (a) No part of the subject property shall be located within two hundred feet (200') of any residentially zoned lands or residential property.
- (b) The Applicant shall furnish evidence that the proposed Use will not be detrimental to the use of adjoining properties owing to hours of operation, light, and/or litter.
- (c) The Applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- (d) A working plan for the clean-up of litter shall be furnished and implemented by the applicant.
- (e) A 40 feet wide buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential lot.
- (f) The structure of a commercial nightclub shall be setback a minimum of 250 feet from the lot line of any residential use or residential district.
- (g) The parking lot shall be appropriately screened as determined by the Zoning Hearing Board in the case of Special Exceptions and by the Governing Body in the case of Conditional Uses.
- (h) The use shall comply with all general non-residential performance standards including, but not limited to, Section 501.10 of this Ordinance.

Section 572

Nursing Convalescent and Retirement Homes.

- (a) Minimum lot size shall be five (5) acres.
- (b) All buildings shall be at least one hundred feet (100') from any street or lot line.
- (c) The Applicant shall furnish evidence for an approved means of sewage disposal and water supply.



- (d) Off-street parking lots and loading areas shall be screened from adjoining residential uses and residentially zoned lands.
- (e) Licensing - Per the State of Pennsylvania.
- (f) Maximum Impervious Coverage. 70 percent, unless a more restrictive requirement is stated elsewhere.
- (g) The use shall provide a minimum of 20 percent of the site suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- (h) The density shall not exceed more than one resident or bed per 1000 square feet of net Lot Area.

Section 573

Off-Road Vehicle Tracks

- (a) The use shall meet all of the performance standards of Section 501.10. The Applicant shall submit appropriate information on how compliance will be ensured.
- (b) Any area where off road vehicle engines will be run, warmed-up, or tested shall be setback a minimum of three hundred (300') feet from all lot lines of any existing residential dwelling or residentially zoning land.
- (c) The Use shall be completely surrounded by a buffer yard as required by Section 517.
- (d) Lighting perceptible beyond the property line shall be minimized in accordance with Section 501.13.
- (e) Noise and dust shall not be perceptible beyond the boundary.
- (f) Minimum Lot Area - 20 acres.
- (g) Maximum site slope shall be eight percent (8%).
- (h) Specific testimony must be provided from a professional engineer regarding the safe driving speed for the proposed track.

Section 574

Off-Track Betting Parlors.

- (a) An off-track betting parlor shall not be permitted to be located within one thousand feet (1,000') of any other off-track betting parlor.

- (b) No off-track betting parlor shall be located within one thousand feet (1,000') of any residentially-zoned land or residential dwelling unit.
- (c) No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
  - (1) Amusement Park.
  - (2) Camp (for minor activity).
  - (3) Child-care facility.
  - (4) Church or other similar location for religious congregation.
  - (5) Community Center.
  - (6) Museum.
  - (7) Park.
  - (8) Playground.
  - (9) School.
  - (10) Other land where minors congregate.
- (d) The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor to the closest point on the property line of said land use.
- (e) No more than one (1) off-track betting parlor may be located within one (1) building or shopping center.
- (f) The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
- (g) The Applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.

- (h) A working plan for the cleanup and recycling of litter shall be furnished and implemented by the Applicant.
- (i) Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant, and snack bar areas.
- (j) All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein.

Section 575

Outdoor Sales and Service

- (a) This Section does not apply to motor vehicle sales.
- (b) The outdoor display and retail sale of merchandise shall not extend into any required setbacks and shall not interfere with the safe and efficient flow of pedestrian or vehicular traffic.
- (c) All exterior retail sales areas shall include a dust-free surface.
- (d) All exterior retail sales areas shall be screened from adjoining properties.
- (e) All exterior lighting and/or exterior amplified public address systems shall be designed and arranged so as to prevent objectionable impact off the site.
- (f) The outdoor sales and display area shall comply with all building, yard, height, and area requirements of this Ordinance.
- (g) The area devoted to outdoor sales and display shall be considered to be buildings for all purposes under this Ordinance.
- (h) The location of outdoor displays on sidewalks, under canopies, or other areas immediately in front of the building's storefront shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight feet (8') wide.
- (i) In no case shall the location of such display areas exceeding one thousand (1000 sq. feet) square feet occur within any area used for vehicular circulation, required parking, and loading, nor emergency vehicle access (e.g., fire lanes). Display areas exceeding one thousand (1000 sq. feet) square feet can only be allowed if the time for their permit and operation does not exceed thirty (30) days.
- (j) The Applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display.

- (k) The Applicant shall depict any intended display areas upon any permits and/or plans required by the Township.

Section 576

Personal Use Airport and Commercial Use Airport

- (a) Prior to use of the airport, notification shall be made to the Federal Aviation Administration (FAA) of the intention to establish an airport and the FAA shall indicate it has no objection.
- (b) Prior to use of the airport, the site shall be inspected and approved for licensing by the Bureau of Aviation, Pennsylvania Department of Transportation.
- (c) No night landings or take-offs shall be permitted.
- (d) No commercial use shall be made of the airport or any airplane using the Airport.
- (e) Runways shall be a minimum of five hundred feet (500') from property lines and public roads.
- (f) Only the owner of the airport shall use the airport.
- (g) Minimum runway length shall be 1200 feet, however, if greater minimum is required by the Bureau of Aviation, such greater minimum shall be required.
- (h) Minimum runway primary surface width and runway landing surface width shall be in accordance with Bureau of Aviation requirements.
- (i) Each runway shall have obstruction free approach surface in accordance with Bureau of Aviation requirements.
- (j) The Airport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation and the National Fire Protection Association.
- (k) An aerial photograph or drawing of a scale no less than one inch equals two hundred feet (1"=200') indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half (1/2) mile of the proposed airport site shall be submitted to the Township.

- (l) The permit to operate the Airport shall be revoked if:
  - (1) The Bureau of Aviation revokes its license.
  - (2) The FAA withdraws its approval.
  - (3) The site becomes or is operated in violation of this Ordinance or the rules and regulations of the Federal Aviation Administration or the Pennsylvania Bureau of Aviation.

Section 576.1 Commercial Airport.

In addition to the provisions of Section 576 above, Commercial Airports shall be subject to the following:

- (a) Prior to use of the airport or heliport, notification shall be made to the Federal Aviation Administration (FAA) of the intention to establish an airport and the FAA shall indicate it has no objection.
- (b) Prior to use of the airport or heliport, the site shall be inspected and approved for licensing by the Bureau of Aviation, Pennsylvania Department of Transportation.
- (c) The airport or heliport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Department of Transportation and the National Fire Protection Association.
- (d) The permit to operate the airport or heliport shall be revoked if:
  - (1) The Department of Transportation revokes its license.
  - (2) The FAA withdraws its approval.
  - (3) The site becomes or is operated in violation of this Ordinance or the rules and regulations of the Federal Aviation Administration or the Pennsylvania Department of Transportation, or is operated in a manner different than approved by the Pennsylvania Department of Transportation or the Township Supervisors.
- (e) Airport or heliport facilities shall be subject to the following conditions:
  - (1) All front and side yards shall be suitably and attractively landscaped meeting the approval of the Township.
  - (2) If there is more than one principal building or use on a single lot,

the minimum distance measured at the closest point between any two buildings or group of buildings, shall be at least fifty (50) feet.

- (3) A twenty (20) foot wide open area free of structures shall be provided and screened where the tract being developed is adjacent to a residential district or an existing residential use. However, in no case shall any landing surface for a heliport be located closer than three hundred (300) feet from any existing residential dwelling. An open area free of structures of at least twenty (20) feet shall be provided on all sides of use, except where paving is required for direct access onto the taxi way or run way.
- (4) Each use shall comply with the parking standards found in Section 508.
- (5) All construction and improvements to the airport facility shall be approved through a land development procedure in full compliance with subdivision and zoning review, including soil and erosion approval.
- (6) The noise resulting from engine testing shall not be permitted between the hours of 8:00 P.M. to 7:00 A.M. weekdays, and 9:00 P.M. to 9:00 A.M. Saturdays, Sundays and holidays.
- (7) Lot Area - 20 Acres Minimum

#### Section 577

#### Processing of Farm Products

- (a) The processing facility is located on the same lot and accessory to the principal agricultural use of the site.
- (b) A majority of the materials to be processed have been grown or raised on the subject property.
- (c) No butchering, slaughtering, or rendering uses shall be permitted.
- (d) Retail sales of the processed products shall be limited to a display area not to exceed 600 square feet.
- (e) All processing activities shall be conducted within a wholly-enclosed building which is located behind the building setback line.
- (f) All off-street parking and loading areas shall twenty five (25') feet from the building setback line.





Section 581

Retail Sales of Manufactured Products Produced on Site

Retail sale of manufactured products produced and/or assembled on the premises is permitted as an accessory use to a permitted manufacturing product or process, subject to the following criteria:

- (a) Retail sales areas that are part of a manufacturing facility shall be limited to thirty-five percent (35%) of the total gross floor area of the facility and shall not exceed 5,000 square feet for each retail use.

Section 582

Riding Club, Riding School and/or Horse Boarding Stable

- (a) Minimum lot area - Ten (10) acres.
- (b) Any structure used for the boarding of horses shall be setback at least two hundred feet (200') from any property line.
- (c) All stables shall be maintained so to minimize odors perceptible at the property line.
- (d) All outdoor training or show facilities or areas shall be setback one hundred feet (100') from all property lines.
- (e) All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four feet (4') high fence, which will be located at least ten feet (10') from all property lines.
- (f) All parking compounds and unimproved overflow parking areas shall be setback at least ten feet (10') from adjoining lot lines. Unimproved overflow parking areas shall also provide a temporary fence delineating such occasional parking facilities and preventing the parking environment or movement of vehicles across neighboring properties.

Section 583

Solid Waste Disposal and Processing Facility and Solid Waste Management Facility

- (a) Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
- (b) The Applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.

- (c) All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- (d) All driveways onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, a fifty-foot (50') long gravel section of driveway should be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels.
- (e) Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the clean-up of litter shall be submitted to the Township.
- (f) Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- (g) The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer.

A water feasibility study shall include the following information:

- (1) Calculations of the projected water needs.
- (2) A geologic map of the area with a radius of at least one mile from the site.
- (3) The location of all existing and proposed wells within 1000 feet of the site, with a notation of the capacity of all high-yield wells.
- (4) The location of all existing on-lot sewage disposal systems within 1000 feet of the site.
- (5) The location of all streams within 1000 feet of the site and all

known point sources of pollution.

- (6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- (7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
- (8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (h) The Applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
- (i) A minimum one hundred foot (100') wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- (j) The operation of a transfer station and/or recycling facility shall not be permitted unless a permit for such facility has been issued by the Pennsylvania Department of Environmental Protection. All facilities shall be operated in accordance with the Pennsylvania Solid Waste Management Act and the rules and regulations of the Pennsylvania Department of Environmental Protection.
- (k) No operation of a transfer station shall be carried out on a lot less than 20 acres or within two hundred (200) feet of any property line of the facility or within two hundred (200) feet of any public street.
- (l) A chain link fence of a minimum height of eight (8) feet shall be erected along all boundary lines of the area which is used as a transfer station. The fence shall not contain openings greater than three (3) square inches and shall contain, at all entrances, gates which shall be locked except during operating hours.
- (m) A buffer yard shall be maintained along all boundaries of the facility, except at entrances. All buffer yards shall include a planted landscape screen composed of both a low level and a high level screen. The species and spacing of trees shall be approved by the Township Zoning Officer and shall be such to constitute an effective screen. The high level screen

shall consist of a combination of evergreen and deciduous trees with no deciduous specimen less than eight (8) feet in height when planted and not more than twenty-five (25) feet apart on center. Evergreen trees shall be no less than six (6) feet in height when planted. The low level screen shall consist of evergreen trees not less than six (6) feet in height when planted and spaced at intervals of not more than ten (10) feet on center. The low level screen shall contain two (2) staggered rows not more than ten (10) feet apart. The operator shall maintain the planted screen and replace any plant material, which does not live survive.

- (n) No radioactive and/or hazardous waste shall be stored.
- (o) All solid waste management facilities shall be operated in accordance with the Pennsylvania Solid Waste Management Act, Act 101, and the rules and regulations of the Pennsylvania Department of Environmental Protection.
- (p) The minimum lot size for a Solid Waste Management Facilities shall be twenty-five (25) acres.
- (q) No waste disposal or processing for a Solid Waste Management Facility shall be located closer than two hundred (200) feet from any property line of the solid waste management facility or within one hundred (100) feet of any public street.
- (r) Intentionally omitted.
- (s) A buffer yard shall be maintained along all boundaries of the Solid Waste Management Facility, except at entrances. Whenever possible, the Solid Waste Management Facility shall utilize the existing natural vegetation for screening. Where new vegetation must be planted, the species and spacing of trees shall be approved by the Township Zoning Officer and shall be such to constitute an effective screen. All screening shall be consistent with the following standards: All buffer yards shall include a planted landscape screen composed of both a low level and a high level screen. The high level screen shall consist of a combination of evergreen and deciduous specimens less than eight (8) feet in height when planted and no more than twenty-five (25) feet apart on center.

Evergreen trees shall be no less than six (6) feet in height when planted. The low level screen shall consist of evergreen trees not less than six (6) feet in height when planted and spaced at intervals of not more than ten (10) feet on center. The low level screen shall contain two (2) staggered rows not more than ten (10) feet apart. The operator shall maintain the planted screen and replace any plant material, which does not live within one (1) year of initial planting.

- (t) Except in the case of a Township-operated Solid Waste Management Facility, the operator shall post security with the Township to cover the cost to repair, reconstruct, or resurface any public roads maintained by the Township which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the landfill operations. In lieu thereof, the operator may enter into an agreement with the Township to make an annual contribution to be used in the maintenance of said roads.
- (u) All Requirements detailed by Section 501.11 of this Ordinance except that the Zoning Officer has the full discretion to approve the required landscaping, including natural buffer, as outlined in (s) above.

Section 584

Schools

State licensed nursery schools, elementary schools, middle schools, junior high schools, or senior high schools as well as Commercial and private schools, including vocation and mechanical trade schools, are subject to the following criteria:

- (a) All buildings shall be at least one hundred feet (100') from any street or lot line.
- (b) Minimum distance between buildings shall be twenty feet (20').
- (c) Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
- (d) Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

Section 585

Septage and Spent Mushroom Compost Processing and/or Commercial Mushroom Operations

- (a) Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak-proof and vector-proof.
- (b) The Applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- (c) All Uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back-up onto public roads.

- (d) All driveways onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, a fifty-foot (50') long gravel section of driveway should be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels.
- (e) The unloading, processing, and transfer of septage and spent mushroom compost shall be continuously supervised by a qualified facility operator, and such area shall be screened from all roads and adjoining properties.
- (f) Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PaDEP regulations.
- (g) The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quality of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- (h) In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township and Authority engineers.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

- (1) Calculations of the projected water needs.
- (2) A geologic map of the area, with a radius of at least one mile from the site.
- (3) The location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells.

- (4) The location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site.
  - (5) The location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution.
  - (6) A determination of the long-term safe yield based on the geologic formation(s) underlying the site.
  - (7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  - (8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (i) A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip.
  - (j) The Applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site, and safe through-movement on the existing road.
  - (k) Any structure used for the storage, building, loading, processing, and/or packaging of spent mushroom compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any properties adjacent to Residential Zones and residential dwellings.

Section 586

Shooting Range

- (a) Shooting Range Operations:
  - (1) May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  - (2) Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.



- (3) The storage of live ammunition shall only occur in an approved secure vault.
  - (4) Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
  - (5) Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision.
  - (6) Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
  - (7) Shall limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 9 p.m.
- (b) A Development Plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
  - (c) The firing range, including the entire Safety Fan, shall be enclosed with a eight-foot (8') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inches (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA, KEEP OUT!".
  - (d) Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
  - (e) All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
  - (f) All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way.

- (g) Off-street parking facilities shall be provided with a ratio of one and one-half (1-1/2) spaces per firing station, but not less than one (1) space for each four (4) seats.
- (h) No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within an adjacent Residential District or residential dwelling.

Section 587

Slaughtering, Processing, rendering and Packaging of Food Products and their By-Products

- (a) Minimum lot area - Five (5) acres.
- (b) Public sewer and public water facilities shall be utilized.
- (c) All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely enclosed building.
- (d) All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.
- (e) The Applicant shall furnish a working plan for animal containment and for the recovery of escaped animals which minimize the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.
- (f) All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
- (g) The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals.
- (h) The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.
- (i) The loading and unloading of trucks shall be restricted to the hours between 6 AM and 10 PM.
- (j) No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line, nor within five hundred feet (500') of any adjacent Residential Zone or residential dwelling.

- (k) All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include the minimum fifty feet (50') wide landscape strip.
- (l) Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PaDEP regulations.
- (m) All unusable animal by-products shall be stored indoor in leak- and vector proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.
- (n) The Applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.
- (o) All Uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back up onto public roads.
- (p) All driveways onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, a fifty-foot (50') long gravel section of driveway should be placed just beyond the preceding two hundred (200') feet paved section to help collect any mud that may have attached to a vehicle's wheels.

Section 588

Surface Mining Activity and Quarry Activity

- (a) The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. Said plans shall show or describe the following:
  - (1) The Use to which the land was put prior to the commencement of surface mining.
  - (2) The Use which is proposed to be made of the land following reclamation.

- (3) The manner in which topsoil and subsoil will be conserved and restored.
  - (4) Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
  - (5) A complete planting program.
  - (6) A timetable for the accomplishment of each major step in the reclamation plan.
- (b) Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
  - (c) The subject property shall be screened from any adjoining residentially occupied or residentially zoned land.
  - (d) The Applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
  - (e) Removal of forests or timber is prohibited without prior approval of the governing body.
  - (f) The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.
  - (g) There shall be no operations of any kind on Sundays or legal holidays. Within 1,000 feet of any residence there shall be no operation between 7 P.M. and 7 A.M., prevailing local time.
  - (h) Where any open excavation will have a depth of 10 feet or more and a slope of more than 30 degrees, there shall be a substantial fence, approved by the governing body, with suitable gates where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than 50 feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the governing body.
  - (i) That portion of access roads located within 100 feet of any lot in residential use or lot zoned for residence shall be provided with a dustless surface.
  - (j) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects

upon surrounding properties.

- (k) Before Conditional Use approval is granted, a site plan for rehabilitation showing both existing and proposed final contours, shall be submitted and approved by the governing body. After any such operations, the site shall be made reusable for a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be re-spread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two feet or to original thickness, whichever is less. Fill shall be suitable material approved by the governing body.
  
- (l) The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. Said plans shall show or describe the following:
  - (1) The use to which the land was put prior to the commencement of surface mining.
  - (2) The use, which is proposed to be made of the land following reclamation.
  - (3) The manner in which topsoil and subsoil will be conserved and restored.
  - (4) Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
  - (5) A complete planting program.
  - (6) A timetable for the accomplishment of each major step in the reclamation plan.
  
- (m) The monthly filing with the Township of copies of any and all reports which set forth the current status of reclamation work performed and activities undertaken to implement Storm Water Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies.

When verified in writing by the governmental agency or body having jurisdiction, a noncompliance with any approved Reclamation Plan, Erosion and Sediment Control Plan, or Storm Water Management Plan

shall be grounds for issuance of a notice to stop work until such noncompliance is corrected.

- (n) An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Municipality and the Berks County Soil Conservation District for appropriate review and comment. Such plans shall be designed to prevent adverse effect from water run-off, erosion, and sedimentation on adjoining streams, properties and streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received in lieu of such plans if they have been prepared to cover such subject matter.
- (o) A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation, which will be used by trucks entering and leaving the site, shall be submitted to the Municipality. The plan shall state that:
  - (1) All such roadways shall be maintained and constructed by the operator so that truck travel on them will not result in the spread of dust beyond the property lines of the mining operation.
  - (2) All such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operation will not deposit any amount of mining products, dirt, mud or other substances on public roads.
- (p) No surface mining operations which will result in the creation of an elevation difference in excess of ten (10) feet between the surface of the mine and any adjacent property or public road shall be carried out within two hundred (200) feet of such a property, nor within two hundred (200) feet of such public road.
- (q) No storage of products, by-products, overburden, or cover material shall be permitted to reach a height in excess of fifty (50) feet. No such storage shall be permitted within one hundred fifty feet (150') of a property line of the mining operation or a public road.
- (r) All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania the Federal Government and the Township. Blasting shall not be permitted between 5 P.M. and 8 A.M. and shall not be permitted on Sundays and legal holidays.

Notice of all blasting operations shall be given to the Township Secretary and the occupants of all properties within a radius of three quarters (3/4) of a mile of the location of blasting at least twenty-four (24) hours prior to

the commencement of the blasting.

- (s) Compliance with all other state, federal and local requirements pertaining to surface mining activities, air pollution, and noise shall be required. When a license is required from the State, a copy of such license shall be filed with the Township along with evidence that any bond required for completion or the reclamation plan has been filed with the State.
- (t) The minimum lot size for any surface mining operation shall be twenty (20) acres.
- (u) Planting screens to screen mining operations from all adjoining properties shall be placed along the property lines of the mining operation.
- (v) No substances which can harm persons, animals, vegetation, or other forms of property shall be dispersed beyond the property lines of the mining operation.
- (w) A hydrologic study shall be submitted to the Township, which shall indicate the impact of the mining activity on ground water supplied and quality in the area of the operations.
- (x) Mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies or nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply.
- (y) Before Conditional Use approval is granted, the owner or his agent shall execute a certified check made payable to the Township or a bond sufficient in the opinion of the governing body to secure the rehabilitation of the site in accordance with the Plan referred to in Section (k) herein. Any such bond shall be approved by the governing body as to form, sufficiency, and manner of execution. The amount of such bond may be reduced when, in the opinion of the governing body, upon a public hearing, a lower amount will be sufficient to accomplish its purpose. In the event the owner or his agent does not fulfill the conditions of the bond, the Township shall, after due notice to the operator and to his bonding or surety company and upon their failure to comply with the terms of the site plan approval, proceed to rehabilitate the premises in accordance with the plan prescribed above, either with its own forces or by contract, and shall charge the costs to the owner, his agent, or his bonding or surety company.



Section 589

Taverns

- (a) The subject property shall be screened from any adjoining residentially occupied or residentially zoned land.
- (b) The Applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
- (c) The Applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

Section 590

Temporary Farm Employee Housing

- (a) For each farm, either one (1) mobile home or one (1) accessory Farm Dwelling is permitted for the use of farm workers (and their families), who are employed by the owner of the farm, for such time as the employee works the land of the owner.
- (b) All such units shall be located within the rear yard of the farm dwellings and shall further comply with all setback requirements imposed upon single-family detached dwellings.
- (c) Housing pursuant to this Section shall be subject to the Township's Rental Inspection and Rental Permit Ordinance.
- (d) The mobile home shall be occupied at least thirty (30) days a year by at least one person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within one hundred and twenty (120) days.

Section 591

Theater and Auditorium/Community Center

- (a) A theater/auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (b) The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (c) For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

- (d) All uses shall be served by both public sewer and public water utilities.
- (e) The Applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. Any light generated on the site must comply with Section 501.13 of this Ordinance.

Section 592

Truck or Motor Freight Terminals

- (a) The subject property shall be located no closer than five hundred feet (500') from any adjacent Residential Zone or residential dwelling and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest, or retirement home, or medical residential campus.
- (b) All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line.
- (c) Off street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. Any gates or other barriers used at the entrance to parking areas shall be setback and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- (d) All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations is prohibited.
- (e) The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.
- (f) The demolition or junking of vehicles and machinery is prohibited.

Section 593

Warehousing and Wholesale Trade Establishments

- (a) All roadways, parking and loading areas shall be paved.
- (b) No loading shall be permitted between the building setback line and the street line.
- (c) The subject property shall be located no closer than five hundred feet (500') from any adjacent property containing a residential dwelling, school, day-care facility, park, playground, library, hospital, nursing, rest,

or retirement home, or medical residential campus.

- (d) All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way.
- (e) All Uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- (f) All driveways onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, fifty feet (50') long gravel section of driveway should be placed just beyond the preceding two hundred (200') foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- (g) Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- (h) All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- (i) The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.
- (j) The demolition or junking of vehicles and machinery is prohibited.
- (k) The Applicant shall designate and reserve sufficient space on the site to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than five percent (5%) of the projected maximum number of trips per day.
- (l) The Applicant shall provide a detailed description of the proposed use in each of the following topics:
  - (1) The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, and the duration period of storage of materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - (2) The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site

size.

- (3) Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including, but not limited to, those listed in Article III of this Ordinance.

#### Section 594

#### Wholesale Fuel Distribution Stations

- (a) A fifty feet (50') buffer yard in accordance with the provisions of Section 517 shall be provided along the side and rear property lines.
- (b) All outdoor storage facilities for fuel, raw materials, and products stored outdoors shall be enclosed by a fence of a type, construction and a height of eight (8') feet as shall be adequate to protect the public health, safety, and welfare.
- (c) No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
- (d) No substance which can:
  - (1) Contaminate groundwater or surface water;
  - (2) Render groundwater or surface water undesirable as a source of water supply or recreation; or,
  - (3) Destroy aquatic life.shall be allowed to enter any groundwater or surface water.
- (e) All storage vessels shall comply with Pennsylvania and Federal Regulations and Statutes.
- (f) Spill containment facilities shall be designed and provided.

#### Section 595

#### Salvage Yard and/or Automobile Auction

- (a) No salvage shall be stored within three hundred (300) feet of an existing dwelling unless the junk is stored in completely enclosed buildings, in which case such buildings may be located not closer than one hundred

(100) feet from an existing dwelling.

- (b) No salvage shall be stored closer than one hundred (100) feet from the legal right-of-way of any public street or highway nor within one hundred (100) feet of any other lot line.
- (c) No open burning or melting of materials shall be permitted. The manner of storage, arrangement of materials, and drainage materials shall be such as to prevent the accumulation of stagnant water upon the premises.
- (d) No stored material shall be stacked to a height greater than eight (8) feet from the ground.
- (e) The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting equipment and to prevent accumulation of stagnant water on the premises.
- (f) All fluids shall be drained from any junk or scrapped vehicles into containers and removed from the premises within twenty-four (24) hours after the arrival of junked vehicles on the premises.
- (g) No garbage or organic waste shall be stored in the junk- yard.
- (h) The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
- (i) All junk yards shall be completely enclosed, except at entrances, by an evergreen planting screen of a minimum height of six (6) feet, which shall be backed by a fence at least six (6) feet in height.

The fence shall contain gates at all entrances, which shall be locked except during operating hours.

Section 596

Agricultural Education Research Facility

- (a) Any agricultural education research facility shall occupy a lot with an area of not less than ten (10) acres.
- (b) All buildings shall not exceed 20% of the area of the lot.
- (c) All buildings shall be set back a minimum of 100 feet from all lot lines.
- (d) That the exterior lighting shall be shielded from the view of all surrounding streets and lots.

- (e) Environmental standards pursuant to Section 501.10.

Section 597                      Condominium Ownership, Homeowner's Association Ownership

- (a) Any process of maintenance of commonly owned land shall meet the requirements of the Municipalities Planning Code. Any condominium or homeowner's association agreement shall be reviewed by the Township and require approval prior to recording of the deeds. Any such agreement shall be filed as part of the subdivision or land development plan.
- (b) Any development of or conversion to condominiums shall be required to meet the requirements and processes of the Township Subdivision and Land Development Ordinance which includes, but not limited to, curbs and sidewalks.
- (c) To avoid substantial increases in homeowner association fees after purchase, the Township may require that an applicant proposing such a system prepare a detailed estimate of the long-term costs per household of maintaining all commonly-owned land and facilities. This estimate should be provided to each buyer prior to purchase.

Section 598                      Gasoline Filling and/or Service Station

- (a) Vehicular ingress and egress shall be located no closer than 100 feet from any intersecting streets.
- (b) Exterior storage areas for trash including but not limited to tires, cans, parts and rags shall be contained within one accessory building for each main building.
- (c) No gasoline, kerosene, or diesel pumps, air hoses, bays or islands shall be located within twenty (20) feet of the street right-of-way.
- (d) All lot lines abutting residences along the sides or rear shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a maximum height of seven (7) feet and a minimum height of four (4) feet.
- (e) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a completely enclosed building. This requirement shall not be construed to mean kept closed at all times.
- (f) All canopies must be a minimum of 10 feet from the ultimate street right-of-way line and all property lines.





paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are subject to the following criteria:

- (1) All service and/or repair activities shall be conducted within a completely-enclosed building.
  - (2) All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
  - (3) No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted.
  - (4) All exterior vehicle storage areas shall be screened from adjoining residential properties.
  - (5) For all uses not involving vehicle sales, the storage of unlicensed vehicles on the property is prohibited.
- (b) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within adjacent residential zones.
  - (c) All vehicles shall be repaired and removed from the premises promptly.
  - (d) The demolition or junking of motor vehicles is prohibited.
  - (e) The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
  - (f) All lighting shall be designed and constructed so as to comply with Section 510.13 of this Ordinance.
  - (g) Motor vehicle sales auctions and/or motor vehicle parking or storage compounds shall be subject to the following criteria:
    - (1) All exterior areas used for the sale, parking and/or storage of motor vehicles shall be completely enclosed by a six feet (6') high fence, which shall be subject to the zoning district's setback requirements imposed upon off-street parking lots.
    - (2) Access drives shall be governed by the provisions of the Township Subdivision Regulations for a distance of one hundred feet (100') from the edge of the street right-of-way. All areas shall include a nonpaved, all-weather, dust-free surface.

- (3) Vehicles may be parked and/or stored in a horizontally-stacked configuration; however, no vehicles shall be located more than one hundred feet (100') from a minimum eighteen feet (18') wide on-site access drive.
- (4) All lighting shall be designed and constructed so as to comply with Section 501.13 of this Ordinance.

## ARTICLE VI

### NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDING

#### Section 601

#### Statement of Intent

- (a) Within the Districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities such as Lots, Structures, Uses of Land, Uses of Structures or Land and Structures in combination which, if lawful before this Ordinance was adopted or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.

It is not the intent of this Ordinance that non-conformities shall not be used as grounds for adding other Structures or Uses prohibited elsewhere in the same district.

- (b) To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition shall be deemed to be actual construction, provided that work shall be carried on diligently.
- (c) Non-conforming Uses are declared by this Ordinance to be incompatible with Permitted Uses in the districts involved. A Non-conforming Use of a Structure, a Non-conforming Use of Land, or a Non-conforming Use of a Structure and Land in combination shall not be extended or enlarged after adoption of this Ordinance by attachment on a building or premises, or by the addition of other Uses, of a nature which would be prohibited generally in the district involved.

#### Section 602

#### Non-Conforming Lots of Record

- (a) Any Lot shown on a recorded Subdivision and/or Land Development Plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the District in which it is located may be used

for a Use permitted by the regulations of that District provided that all yard, height, coverage and open space requirements of the District shall be met, further subject to 602(b); provided, however, that when a subdivider has had an application for approval of a Preliminary or Final Subdivision and/or Land Development Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the Subdivider to commence and complete any aspect of the approved Preliminary and/or Final Plan within such time periods as permitted by the MPC, as amended.

- (b) Any Lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent Amendments thereto which does not meet the minimum size or width requirements of the District in which it is located may be used for any Use permitted in that District provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more Lots, combination of Lots, or portions of Lots with continuous frontage in single ownership are of record at the time of passage or amendment to this Ordinance, and if all or part of the Lots do not meet the requirements established for Lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said Parcel shall be used or sold in a manner which diminishes compliance with Lot width and/or area requirements established by this Ordinance, nor shall any division of any Parcel be made which creates a Lot with width or area below the requirements stated in this Ordinance.

## Section 603

### Non-Conforming Uses of Land

Lawful Uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become Non-conforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

- (a) Extension

Such Non-conforming Use may be extended or increased by not more than 25% of the existing Non-conforming Use at the effective date of adoption of this Ordinance.

- (b) Discontinuance

Whenever a Non-conforming Use has been discontinued for a period of six (6) consecutive months, such Use shall not thereafter be reestablished. Any future Use shall be in conformity with the provisions of this Ordinance.

(c) Changes or Moving of Use

A Non-conforming Use, if changed to a Conforming Use, shall not thereafter be changed back to any Non-conforming Use. A Non-conforming Use may, by Special Exception, be changed to another Non-conforming Use provided that the Zoning Hearing Board shall find that the proposed Use is equally appropriate or more appropriate in the District than the existing Non-conforming Use.

(d) Additional Structures or Buildings

No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such Non-conforming Use of Land.

Section 604

Non-Conforming Structures or Buildings

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become Non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the Lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

(a) Enlargement

Such Non-conforming structure or building may not be enlarged or increased after the adoption of this Ordinance provided that the extension conforms with such yard regulations, and with all other regulations set forth in this section and other applicable sections of this Ordinance.

A Non-conforming structure or building which does not conform with the front yard regulations of the district in which it is located may be extended no more than twenty five (25%) percent of the existing gross floor area, provided that the extension will not extend farther into the front yard than the existing non-conforming building, and will not be closer to the side property line than the required side yard distance, or the front yard distance if the extension is toward the side street of a corner lot.

(b) Moving of Structure or Building

No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

(c) Damage, Destruction or Demolition

Such non-conforming structure or building which is destroyed or partially destroyed by fire, explosion, etc., to an extent rendering it physically unsafe, as declared by the Building Inspector, or demolished or removed by the owner, shall not be repaired, restored rebuilt or reconstructed to a non-conforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance, provided however, if reconstruction in such a case begins within 3 months after destruction, partial destruction demolition or removal occurs, the same non-conforming structure or a structure less non-conforming may be reconstructed.

(d) Discontinuance

Whenever a Non-conforming structure or building has been vacated for a period of six (6) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

(e) Change of Use

A Non-conforming structure or building, if changed to a conforming structure or building, shall not thereafter be changed back to any non-conforming use except if the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the previous non-conforming use and thereby grant a special exception.

Section 605

Non-Conforming Uses of Structures or Buildings

Lawful Uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become Non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

(a) Extension

A Non-conforming Use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the District in which the structure or building is located. However, such extension of a Non-conforming Use shall not exceed twenty-five (25%) percent of the gross floor area occupied by said Non-conforming Use at the time such non-conforming use became Non-conforming.

(b) Change of Use

A Non-conforming Use, if changed to a conforming Use shall not thereafter be changed back to any non-conforming use except if the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the previous non-conforming use and thereby grant a special exception.

(c) Discontinuance

Whenever a non-conforming use of structure or building or portion thereof has been discontinued or abandoned for six (6) consecutive months such structure or building or part thereof shall not thereafter be used for a non-conforming use.

(d) Damage, Destruction or Demolition

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the permitted non-conforming use of the structure or building provided. Destruction is defined as damage to an extent rendering the structure physically unsafe as declared by the Building Inspector. However, if construction begins within 3 months after destruction or partial destruction occurs, the same Non-conforming Use may be carried on.

Section 606

Unsafe or Unlawful Structures or Buildings

If a Non-conforming Structure or building or portions thereof containing a Non-conforming Use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which such structure or building is located.

Section 607

Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a Special Exception in a District under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another Non-conforming Use) shall not be deemed a Non-conforming Use in such District, but shall without further action be considered a conforming Use.



Section 608

Movement and Replacement

- (a) A building or structure containing a Non-conforming Use or a Non-conforming building or structure may be replaced by a new building or moved to another location on the same Lot, provided that the building or structure shall comply with all area, yard and height regulations and general regulations applicable to the District in which it is located.
- (b) A Non-conforming Mobile Home may be replaced by another mobile home provided there is no change in land ownership or occupancy.

Section 609

Registration

After the enactment of this Ordinance, the Zoning Officer may assemble and maintain a listing of Non-conforming Uses and Structures, if authorized to do so by the Board of Supervisors.

## ARTICLE VII

### ADMINISTRATION & ENFORCEMENT

#### Section 701 Enforcement

##### 701.1 Zoning Officer

A Zoning Officer shall be appointed by the Governing Body to administer and enforce this Zoning Ordinance. The Zoning Officer may not hold any elective office in the Township.

##### 701.2 Duties and Powers of Zoning Officer

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and the amendments thereto and he shall have such duties and powers as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

- (a) Receive applications for and issue zoning permits, grading permits and sign permits as permitted by the terms of this Ordinance.
- (b) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as they remain in existence.
- (c) Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
- (d) Issue permits for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- (e) Be responsible for keeping this Ordinance and the Official Zoning Map up-to-date so as to include all amendments thereto.
- (f) Issue certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- (g) Identify and register nonconforming structures and uses created as a result of the adoption of this Ordinance or created as a result of amendments thereto.
- (h) After inspection, declare structures physically unsafe and uninhabitable

due to lack of repairs or maintenance until such structure or building is rebuilt, repaired or restored in conformity with the regulations of the Zoning District and Building Ordinance.

- (i) Enforce conditions placed upon such uses as conditional uses, special exceptions and/or variances.

#### 701.3 Notice of Violations

The Zoning Officer shall serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation.

#### Section 702 Zoning Permit/Building Permit

- (a) No building, structure, earthmoving (grading) or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use, without a permit issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception, variance, or upon written order from the Governing Body in the form of a conditional use or as otherwise provided for by this Ordinance, any applicable laws or any Court of competent jurisdiction. No such permit shall be issued by the zoning officer until any and all outstanding township fees relating to issues other than the permit which have been incurred by the applicant or against the applicant's property are paid in full to the township.
- (b) No person shall expand or change a nonconforming use, nor add to a nonconforming structure, nor change the use of land on which a nonconforming use or structure is situated, until the Zoning Officer issues a zoning permit authorizing such activity.

#### 702.1 Form of Application

All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information:

- (a) Actual dimensions and shape of the lot to be built upon or altered;
- (b) The exact size and location on the lot of buildings, structures, or signs existing, proposed extensions thereto, and/or to be constructed thereon;
- (c) The number of dwelling units, if any, to be provided;

- (d) Parking spaces provided and/or loading facilities;
- (e) Statement indicating the existing or proposed use;
- (f) In the case of new construction, additions or replacements, the height of structures, buildings, earthmoving (grading) or signs;
- (g) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance. (i.e. - County Soil Conservation, D.E.P., PADOT, etc.)

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Zoning/Building/Grading Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such forms as the Zoning Officer may prescribe.

The Zoning/Building/Grading Permit, when issued, must be posted on the property in plain view for public inspection with the proper weather cover or weatherproof construction.

All construction requires inspection by the Zoning Officer. The Zoning Officer must be notified twenty-four (24) hours prior to construction of each required inspection step.

#### 702.2 Expiration of Zoning/Building/Grading Permit

A zoning permit shall expire three (3) months after the date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within said three (3) months period, said permit shall expire one (1) year from date of issuance thereof. If work described in any zoning permit has begun within said three (3) months period, and said permit work is not complete within one (1) year from date of issuance thereof, said zoning permit may be renewed for only one (1) additional year.

#### Section 703 Certificate of Use and Occupancy

A Certificate of Use and Occupancy shall be required upon the completion of the work for which a Zoning/Building/Grading Permit was issued. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a Certificate

of Use and Occupancy has been issued except in the case of performance standards as required in Section 703.2

703.1 Form of Application

The application for a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

703.2 Issuance of Certificate of Use and Occupancy

The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

A Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

In zoning districts in which performance standards are imposed, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when upon re-inspection by the Zoning Officer it is determined that the facility is in compliance with all performance standards.

Section 704 Schedule of Fees, Charges, and Expenses

The Governing Body shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, conditional uses and appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body by resolution.

Section 705 Conditions of Permit

The Zoning Officer shall not issue a zoning permit unless the following condition have been met or are satisfied:

- (a) The Use, Building, structure or Lot conform to the provisions of this Section, except for:
  - (1) Variance to this Ordinance granted or special exceptions allowed and approved by the Zoning Hearing Board as here in before set forth.
  - (2) Legal nonconforming buildings or uses existing prior to the enactment of this Section.

- (b) Written approval, where required, from Zoning Hearing Board and/or Governing Body with all conditions required through either a variance application, special exception or conditional use.

Section 706

Amendments

The provisions of this Ordinance and boundaries of zoning districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Governing Body of the Municipality pursuant to the procedure outlined by the Act including those for general zoning amendments, curative amendments, substantive validity challenges and/or similar processes

ARTICLE VIII

ZONING HEARING BOARD

Section 801 Creation-Appportionment-Organization

801.1 Creation of Board

The Governing Body hereby creates a Zoning Hearing Board, herein referred to as the Board consisting of three (3) residents and two (2) alternates of the Municipality and up to two alternates appointed by the Governing Body pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and as herein provided.

801.2 Appointment

One member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of three years. Members of the Board shall hold no other office in the Municipality except that no more than one member may also be a member of the Planning Commission.

801.3 Removal

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Governing Body, taken after the member has received fifteen days advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.

801.4 Vacancies

Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of the vacated term.

801.5 Compensation and Expenditures for Services

The members of the Board shall receive such compensation as shall be fixed by the Governing Body, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body. Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.



801.6            Organization

The Board may promulgate such rules and forms for its procedure, not inconsistent with this and other Ordinances of the Municipality and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law. The Board shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.

801.7            Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

801.8            Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be immediately filed with the Secretary of the Governing Body. The Board shall submit an annual report of its activities each year to the Governing Body.

Section 802                            Hearings

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board but where two (2) members are disqualified to act in a particular matter, the remaining members may act for the Board. The Board may appoint a hearing officer from its own membership or an independent attorney, to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision or finding of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- (1)    The Zoning Hearing Board shall fix a reasonable time for the hearing of the appeal, give notice to the public, the applicant, the Zoning Officer, and such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the

hearings may apply to the court of common pleas for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas. Notice to the public shall be in accordance with the provisions of this Ordinance. Notice to others herein provided for shall be by mail mailed to the designated persons or agency not less than fifteen (15) days prior to the date of the hearing.

- (2) The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- (3) The parties to the hearing shall be the Municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (4) The chairman or acting chairman of the Board or the hearing officer presiding 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.
- (5) 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 all adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The Board or the hearing officer, as the case may be, shall keep stenographic records of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- (8) The Board 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, and shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to be present.

- (9) The board 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 forty-five (45) days after the last hearing before the board 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 act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing, as provided in subsection (1) above, 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. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- (10) 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 not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

## Section 803

## Function of the Zoning Hearing Board

The Zoning Hearing Board shall have the following powers:

### 803.1 Appeals from the Zoning Officer: Interpretation and Review

- (a) To hear and decide appeals where it is alleged by the appellant that the

Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.

- (b) Nothing contained herein shall be construed to deny the appellant the right to proceed directly to court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure sections 1091 to 1098 relating to mandamus.

803.2 Challenges to the Validity of Zoning Ordinance or the Official Zoning Map

The Board shall hear challenges to the validity of this Ordinance or the Official Zoning Map except as indicated in Section 609.1 and Section 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in section 802. At the conclusion of the hearings, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

803.3 Unified Appeals

When the Board has jurisdiction over zoning matters pursuant to section 803.1, 803.2 and 803.4, the Board shall also hear all appeals, which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in section 802. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

803.4 Variances

To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application to the Zoning Officer. The Board may grant a variance provided 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, of 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 circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of such land, structure, or building;
- (c) That such unnecessary hardship has not been created by the appellant, subsequent to the adoption of this Ordinance, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land, structure, or building;
- (d) That for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of land or buildings and that the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue;
- (e) 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.

The existence of non-conforming uses of land, structures, or buildings in the same or other zoning districts, shall in or of itself not be considered grounds for the granting of a variance.

In addition, economic gain or economic hardship shall not be considered grounds for a variance.

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

#### 803.5 Special Exceptions

To issue upon application, only such special exceptions to the terms of this Ordinance upon which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when

specifically authorized by the terms of the Ordinance shall be subject to the following standards and criteria:

- (a) Such use shall be one, which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.
- (b) Such permits shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- (c) Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- (d) Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.
- (e) Such use shall not adversely affect the character of the zoning district, nor the conversion of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (f) Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- (g) Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof, which has been adopted by the Governing Body.

All applications for special exception shall be submitted to the Planning Commission and Board of Supervisors for its review and recommendations.

#### Section 804

#### Procedures for Application to the Zoning Hearing Board

The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In the event the procedure set forth in this Ordinance shall be in conflict with or contrary to the procedure set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedure set forth in the latter shall prevail.



Applications and appeals together with the required filing fee, as established by the Governing Body, shall be submitted to the Zoning Officer.

804.1 Parties Appellant Before the Zoning Hearing Board

Appeals under Section 803.1 and proceedings to challenge the Ordinance under Section 803.2 may be filed with the Board in writing by the landowner affected, by an officer or agency of the Municipality, or any person aggrieved. Requests for a variance under Section 803.5 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

804.2 Time Limitations.

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Municipality, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

Section 805 Stay of Proceedings

Upon filing of any proceeding referred to in Section 804.1 and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.





- (b) Determine that the proposed use will serve the best interest of the Township.
- (c) Be guided in its study, review and recommendations by sound standards of land development practice where applicable and Section 905 of this Ordinance

Section 904

Procedures

The Board of Supervisors shall hold a public hearing upon an application for a conditional use within sixty (60) days after the Board of Supervisors receives the filing of said application. The remaining procedures for processing conditional use applications shall be governed by the conditional use procedures set forth in the Pennsylvania Municipalities Planning Code.

Upon receipt of application and proposed site plan the Planning Commission shall review the conditional use request with the owner, developer or agent prior to the public hearing.

The administrative costs of the public hearing shall be borne exclusively by the applicant in accordance with the administrative fee procedures of the Municipalities Planning Code which shall include the costs of advertisement, notification of property owners, legal and engineering review, and stenographic fees in accordance with Section 907 of this Ordinance.

The Zoning Officer shall report in writing to the Planning Commission and/or the Board of Supervisors stating whether the proposed Conditional Use complies with this Ordinance.

Timing. The Board of Supervisors shall not act to approve or deny a conditional use application unless: a) the Supervisors have received the reports of the Zoning Officer and the Planning Commission or b) unless a period of at least sixty (60) days has passed from the date of the application.

Section 905

Standards for Review of Proposed Conditional Use.

In any instance where the Board of Supervisors is required to consider request for a conditional use in accordance with express standards and criteria, the burden shall be on the Applicant to provide the Board with all the information necessary to evaluate the Conditional Use. The Applicant shall demonstrate to the Board's satisfaction that:

- (a) The proposed use shall meet all specific standards and regulations for eligibility which appear in the Section/ Article of this Ordinance authorizing the proposed conditional use as well as demonstrate ability to comply with 501.10.

- (b) The size, scope, extent and character of the conditional use desired is consistent with the plan for future land use in Maxatawny Township and with the spirit, purpose and intent of this Ordinance.
- (c) The suitability of the property for the use desired, and the new or expanded use, if approved, will be susceptible to regulation or restriction by appropriate conditions and safeguards.
- (d) Where pertinent, the effects of the proposal with respect to congestion on the roads or highways, the most appropriate use of land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services will not have a substantially adverse effect thereon.
- (e) The proposed change is reasonable in terms of the logical, efficient and economical extension of public services and facilities including, but not limited to, public water, sewers, police and fire protection, transportation and public schools.
- (f) The natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water and/or sewer service, and any other alterations to the site's predevelopment condition shall be consistent with Township goals, practices and plans in there regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.
- (g) The character and type of development in the area surrounding the location for which the request is made and the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the current or future use of the surrounding property or from the character of the zoning district.
- (h) Development of highway frontage insofar as possible has been designed so as to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal access roads or on roads perpendicular to the highway.
- (i) The probable effects of the proposed development on highway congestion have been considered and adequate access arrangements are provided in order to protect major highways from undue congestion and hazard. Each applicant for conditional use shall establish the effect of the proposed development on the reserve capacity of the public roads and road intersections providing access to and in the area of the subject property.

- (j) Consider the impact upon on-site and adjacent historic resources.
- (k) The Board shall, in addition to such other consideration and determinations as may be required by law and other provisions of this Ordinance impose such conditions, in addition to those as are necessary to assure that the intent of this Ordinance is complied with, and which are reasonably necessary to safeguard the health, safety, morals and general welfare of the residents of the Township at large and residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, preservation of open space, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive and hazardous elements and compliance with Township Act 167 Ordinance for the subject area.

Section 906

Effect of Conditional Use Approval

Any use for which a conditional use permit may be granted shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

Section 907

Fees

Fees required in the administration of this Ordinance shall be paid in accordance with the provisions of the fee resolution as shall be adopted by the Township Supervisors, and shall be paid into the Township Treasury. Each applicant for a permit, appeal, special exception, variance, conditional use or amendment shall, at the time of making application, pay the requested fee as set forth in the required Ordinance or resolution.

ARTICLE X  
ALTERNATIVE ENERGY AND DOMESTIC ANIMALS

Section 1000. Windmills and Wind Energy Systems/Wind Farms

1000.1 Definitions for Section 1000.

- (a) Facility Owner - the entity or entities having an equity interest in the WECS, including their successors and assigns.
- (b) Hub Height - the distance measured from the surface of the ground adjacent to the tower foundation to the height of the wind turbine hub, to which the blades are attached.
- (c) Landowner - any person(s) or entity owning property within the Township.
- (d) Non-participating Landowner - any landowner except those on whose property all or a portion of a WECS is located pursuant to an agreement with the Facility Owner or Operator.
- (e) Occupied Building - means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- (f) Operator - the entity responsible for the day-to-day operation and maintenance of the WECS.
- (g) Turbine Height - the distance measured from the surface of the ground adjacent to the tower foundation to the highest point on the turbine (i.e. apex of rotor blade).
- (h) Wind Energy Conversion System (WECS) or Wind Energy Facility - an electric generating facility, whose main purpose is to supply electricity consisting of multiple wind driven turbines or a single wind driven turbine unit exceeding 10 kW, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- (i) Wind Farm - An electric generation facility, whose main purpose is to supply electricity, consisting of one (1) or more Wind Energy Conversion System(s) (WECS) and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, used on-site for commercial purposes or which is sold on the open market. A

wind energy conversion system 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.

- (j) Wind Turbine (Personal Wind Turbine)- a single wind energy conversion system that converts wind energy into electricity through the use of a wind driven turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, which turbine does not exceed power generation in the amount of 10 kW. This use is intended to be utilized for personal use as opposed to a commercial use and may also be referred to as a windmill.
- (k) Zoning District (District) - one of the multiple areas within the Township with a specific designation of uses as defined within the township zoning ordinance and as referred to therein as "Zoning District".

1000.2 Applicability.

- (a) This Article shall apply to all WECS and Personal Wind Turbines within the Township that are constructed after this date. WECS constructed prior to the effective date of this ordinance shall be regulated by this Ordinance concerning any physical modifications to an existing WECS that materially alters the size, type and number of turbines or other equipment. In the case of such modifications, a permit shall be required.
- (b) Personal Wind Turbines shall be regulated pursuant to Sections 1000.3, 1000.4, 1000.5(a)1-5, 8,1000.7, 1000.8 and 1000.16 (c), 1000.17 of this Ordinance.
- (c) In addition to any other remedy at law for the enforcement of this Zoning Ordinance, all WECS shall be regulated pursuant to Sections 1000.4 thru 1000.17 of this Ordinance within the Districts as set forth in Article IV.

1000.3. Personal Wind Turbines. Personal Wind Turbines shall be permitted as an accessory use within all Zoning District(s). However, zoning and building permits must be obtained prior to the construction of the same and the same shall comply with the following:

- (a) One personal wind turbine or windmill shall be permitted per property.
- (b) Personal Wind Turbines shall not be permitted within the front yard of any property as defined by the Zoning Ordinance unless permitted by the Board of Supervisors per Section 1000.8.
- (c) Personal Wind Turbines shall not create noise which is perceptible beyond the property line.

- (d) The height of the Personal Wind Turbine shall be a minimum of 15 feet from the ground surface to the tip of the blade and the turbine height nor any position of the structure shall not be greater than the shortest horizontal distance to any property line, but cannot exceed 50 feet in height unless permitted by Board of Supervisors per Section 1000.8.
- (e) Zoning and building permit applications for a Personal Wind Turbine shall include a statement from a registered professional engineer indicating that acceptable structural engineering principles have been applied to the proposed construction of the unit which will result in a satisfactory level of safety. Such statement shall address the forces on the foundation (including live and dead loads), allowable and actual forces on cables, rods and braces, soil bearing pressures, wind loading forces and the safety factor against overturning. Wind Turbines shall be installed to resist a minimum wind load of 30 pounds per square foot of projected horizontal area and shall have a minimum safety factor against overturning of 2.0.

1000.4. Permit Requirement.

- (a) No Personal Wind Turbine, WECS, or the addition of a Wind Turbine to an existing WECS, shall be constructed or located within Maxatawny Township unless a permit has been issued to the Facility Owner or Operator, approving the construction of the facility pursuant to this Ordinance.
- (b) The Permit Applications and Permit Modifications shall be accompanied by a fee established by resolution.
- (c) Any physical modification to an existing and permitted Wind Energy Facility or Personal Wind Turbine that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification pursuant to this Ordinance. Like-kind replacements shall not require a permit modification.

1000.5. Permit Application.

- (a) The Permit Application shall demonstrate that the proposed WECS and/or Personal Wind Turbine (unless applicable only to WECS) shall comply with this Ordinance and among other things shall contain the following:
  - (1) A narrative describing the proposed WECS/Personal Wind Turbine, including an overview of the project; the project location; the approximate generating capacity of the WECS/Personal Wind Turbine, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed,



including their generating capacity, dimensions, and respective manufactures and a description of ancillary facilities.

- (2) An affidavit or similar evidence of agreement between the Landowner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the Property Owner to apply for necessary permits for construction and operation of the WECS.
  - (3) Identification of the properties on which the proposed WECS/Personal Wind Turbine will be located and the properties adjacent to where the WECS/Personal Wind Turbine shall be located.
  - (4) A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, dimensions and generating capacity of the unit, respective manufacturers description, hubs, blades, substation(s), electrical cabling from the WECS to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  - (5) Verification by owner for WECS/Personal Wind Turbines that the height of said turbine does not interfere with FAA height specifications and appropriate FAA consent has been obtained. Further, lighting, if required by FAA regulations must be the minimal amount not to disturb neighboring landowners but ensure compliance with State and Federal Aviation Guidelines.
  - (6) In the case of WECS, All other documentation required pursuant to the Township Zoning Ordinance and Subdivision Regulations concerning Conditional Use submissions and other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
  - (7) WECS shall only be permitted on properties with a minimum lot size of Twenty (20) acres and shall not be permitted on a property with an existing use.
  - (8) In the case of a WECS, documents relating to the decommissioning including a schedule for decommissioning.
- (b) In the case of WECS, within thirty (30) days after receipt of a Permit Application, the Township Code Enforcement Officer will determine whether the application is complete and advise the applicant accordingly.

Thereafter, the Procedures outlined within the Township Zoning Ordinance shall be followed concerning conditional uses, including review and comment by the Planning Commission, Zoning Officer and Township Engineer.

- (c) In the case of WECS, within sixty (60) days of a completeness determination, the Township Board of Supervisors will schedule a public hearing. The Applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials pursuant to the standards established by the Township Zoning Ordinance and the Municipalities Planning Code criteria for "Conditional Uses", including notice to all property owners located within five hundred (500) feet of the subject property line.
- (d) In the case of WECS, within forty five (45) days after the close of the hearing the Township Board of Supervisors shall make a decision to issue or deny the permit.
- (e) Throughout the permit process, the Applicant shall promptly notify the Township of any changes to the information contained in the Permit Application.
- (f) In the case of WECS, changes to the pending Application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

Section 1000.6. Design and Installation.

- (a) Design Safety Certification. The design of the WECS shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriter Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (b) Uniform Construction Code. To the extent applicable, the WECS shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
- (c) Controls and Brakes. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- (d) Electrical Components. All electrical components of the WECS shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (e) Visual Appearance; Power Lines.
  - (1) Wind Turbines shall be a non-obtrusive color such as white, off white or gray.
  - (2) WECS shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - (3) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
  - (4) On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
- (f) Warnings.
  - (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- (g) Climb Prevention/Locks.
  - (1) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
  - (2) All access doors to Wind Turbines and electrical equipment shall be locked or fenced, appropriate, to prevent entry by non-authorized persons.
- (h) Public Utility Registration. In the case of Wind Farms or WECS, the Owner/Facility Manager shall supply any approvals by the Pennsylvania Utility Commission or Notices to the Appropriate Energy provider that the appropriate permits have been issued or that the applicable energy provider has made the necessary arrangements for re-routing of transmission lines or as to grid impact with regard to the same in order to prohibit energy stoppages for any other Township residents and has the capacity to provide back-up energy to affected properties in the case of emergency.

Section 1000.7. Setbacks.

(a) Occupied Buildings.

- (1) Wind Turbines, whether as part of a WECS, Wind Farm or Personal Wind Turbine, shall be set back from the nearest Occupied Building a distance of not less than the maximum setback requirements for that Zoning District where the turbine is located or 1.1 times the Turbine Height/Structure Height, whichever is greater. These setback distances shall be measured from the center of the Wind Turbine base to the building envelope of the occupied building.
- (2) Wind Turbines, whether as part of a WECS, Wind Farm or Personal Wind Turbine, shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the highest point of the wind turbine to the nearest point on the building envelope of the Occupied Building.
- (3) All mechanical equipment and buildings associated with the operation or any WECS shall conform to all minimum building setbacks and shall be enclosed with a six (6) foot fence. The tower shall also be enclosed with a six (6) foot fence. The Board of Supervisors may waive such requirement for Personal Wind Turbines.

(b) Property Lines. All Wind Turbines, whether as part of a WECS, Wind Farm or Personal Wind Turbine, shall be set back from the nearest property line a distance not less than the maximum setback requirements for that Zoning District where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

(c) Public Roads. All Wind Turbines, whether as part of a WECS, Wind Farm or Personal Wind Turbine, shall be set back from the nearest public road a distance not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

1000.8. Waiver of Certain Requirements.

- (a) At the request of the Applicant, the Board of Supervisors may grant partial waivers of the setback requirements under Sections 1000.3(b) (height of personal wind turbines), and 1000.3(d), 1000.7(a) (Occupied Buildings), 1000.7(b) (Property Lines) and 1000.7(c) (Public Roads) of this

Ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

- (b) The Applicant shall submit a signed notarized document from the Non Participating Land Owner(s) that they are in agreement with the Applicant's request for a waiver of the requirements under Sections 1000.3(b) and Sections 1000.7(a) and 1000.7(b) of this Ordinance. This document shall stipulate that the Non Participating Land Owner(s) know of the setback and height requirements required by this Ordinance, describe how the proposed WECS/Personal Wind Turbine is not in compliance, and state the consent is granted for the WECS/Personal Wind Turbine to not be in compliance with limited sections as required by this Ordinance.
- (c) Any such waiver shall be recorded in the Recorder of Deeds in and for Berks County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the purchased property that the waiver of the setback shall run with the land and may forever burden the subject property.

1000.9. Use of Public Roads.

- (a) The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the WECS.
- (b) The Township engineer or a qualified third party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or weather permits.
- (c) The Township may bond the road in compliance with state regulations.
- (d) Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.
- (e) The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

1000.10. Local Emergency Services.

- (a) The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the designated responding fire company.

- (b) Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of the emergency response plan for the WECS.

1000.11. Noise and Shadow Flicker.

- (a) Audible sound from a WECS shall not exceed fifty five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's Property. Methods for measuring and reporting acoustic emissions from Wind turbines and WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1- 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
- (b) The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-Participating Landowner's Property.

1000.12. Waiver of Noise and Shadow Flicker Provisions.

- (a) At the request of the Applicant, the Board of Supervisors may grant partial waivers of the noise and shadow flicker requirements under Section 1000.11 of this ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to public interest.
- (b) The Applicant shall submit a signed notarized document from the Property Owner(s) that they are in agreement with the Applicant's request for a waiver of the noise and shadow flicker requirements under Section 1000.11 of this Ordinance. This document shall stipulate that the Property Owner(s) know of the sound or flicker limits in this Ordinance, describe the impact on the Property Owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
- (c) Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

1000.13. Signal Interference.

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio,



telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

1000.14. Liability Insurance/Developers Agreement.

- (a) There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least One Million (\$1,000,000.00) Dollars per occurrence and One Million (\$1,000,000.00) in the aggregate. Certificates shall be made available to the Township upon request.
- (b) The Township may require that an Applicant enter into a Developer's Improvements Agreement as established by the Township Subdivision Regulations concerning the establishment of funds to ensure the completion of construction of any WECS or Wind Farm. Said Agreement may contain terms related to additional insurance provisions, escrow of improvements costs, and construction regulations regarding to said facility, including maintenance monies for a specific period of time.
- (c) All personal wind turbines shall be insured as part of a Property Owner's homeowner's insurance and the same shall be at the sole and exclusive risk of the homeowner as the issuance of any permit by the Township does not warrant the safety or functionality of any Wind Turbine.

1000.15. Decommissioning or Discontinued Use.

- (a) The tower and generating unit shall be kept in good repair and sound condition. Should any wind energy conversion system cease to be used, the owner or operator or then owner of the land on which the wind energy conversion unit is located, shall be required to remove the same within one (1) year from the abandonment of use. The facility will be presumed to be at the end of its useful life (abandoned) if no electricity is generated for a continuous period of twelve (12) months. 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 wind energy conversion unit, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the wind energy conversion unit.
- (b) The Facility Owner and Operator shall, at its expense, complete decommissioning of the WECS, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the facility or individual Wind Turbines. The WECS or individual Wind Turbines will be presumed to be at the end of its useful life, if no electricity is generated



- for a period of twelve (12) months.
- (c) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty six (36) inches, and any other associated facilities.
  - (d) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - (e) An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
  - (f) The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty five (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
  - (g) Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
  - (h) If neither the Facility Owner or Operator, nor the landowner completed decommissioning within the period prescribed in Section 1000.15(a), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
  - (i) The escrow agent/bonding company shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

1000.16.

Safety Guidelines.

- (a) All wind Turbine generators shall be equipped with portable fire extinguishers, unless the local fire department or municipal engineer provides written documentation establishing that the same is not necessary.
- (b) Inspection and O&M Provider: The Developer/Permittee of a WECS shall cause its Operations and Maintenance Provider ("O&M Personnel") to comply with the following schedule:
  - (1) At least once every thirty-six (36) months the individual wind turbines will be inspected by O&M Personnel, or its agent, who is regularly involved in the maintenance, inspection and/or erection of the wind turbines, towers and antennas. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the wind turbine generator inspection check list provided by the Parties' respective engineers, as applicable. This is considered a major inspection.
  - (2) At least once every twelve (12) months a visual inspection from the ground shall be conducted by O&M Personnel. This inspection shall include, but not be limited to, visual inspection of wind turbine generator foundations, structures, guy and connections for evidence of settlement or lateral movement, soil erosion, condition of paint or galvanizing, rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors, wind turbine generator tower plumbness, significant variations in guy sags (i.e., guy tensions), and other material areas or matters relating to the structural integrity of the wind turbine. This is considered a minor inspection.
  - (3) In addition to the regularly scheduled major and minor inspections set forth in Sections 1000.16(b) 1 and 2 above, a minor inspection, at a minimum will be conducted if a wind turbine or its appurtenances are noted at any time to be visibly damaged. Additionally, a major inspection should be conducted, if the visible damage to wind turbine is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of a wind turbine.

(4) Developer/Permittee shall provide an annual letter to the Township certifying compliance with the inspection requirements of this Section.

(c) For Personal Wind Turbines the owner shall submit a safety report to the Township and shall include items substantially similar to those in Section 1000.16(b)1.

1000.17. Public Inquiries and Complaints.

(a) The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The same shall at all times be on file with the Township.

(b) The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquires and complaints.

(c) In the event that said Facility Owner and Operator shall fail to satisfy the public or the Township determines a nuisance exists, the Township shall have available all remedies available at law, including injunctions and/or nuisance procedures if this Ordinance is violated or if the Applicant violates any conditions of approval.

Section 1001. Solar Energy

1001.1. Purpose.

The purpose of this Section of the Ordinance is to promote the use of Solar Energy and to provide for the land development, installation and construction regulations for Solar Energy Systems in the Township subject to reasonable conditions that will protect the public health, safety and welfare.

1001.2. Classification.

This Ordinance shall prescribe the location and circumstances for the installation of Solar Energy Systems and Solar Farms pursuant to Section 1001.7.

(a) Solar Energy Systems shall be allowed in any zoning district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). This ordinance applies to Solar Energy Systems to be installed and constructed for residential or commercial use as an accessory use to a primary residential or commercial use.

(b) Solar Energy Systems that are accessory uses may be installed in conjunction with an existing primary use on any property as long as

Applicant has complied with additional criteria within this Ordinance.

1001.3. Definitions.

- (a) Solar Energy System - means any solar collector, solar thermal or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.
- (b) Solar Energy - means radiant energy (direct, diffuse, and reflected) received from the sun.
- (c) Solar Energy Farms - are systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on site.
- (d) Solar Panels - a structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy by way of a Solar Energy System.

1001.4. Applicability.

- (a) This ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the ordinance, and all applications for Solar Energy Systems for erection on existing structures or property.
- (b) Solar Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- (c) Any upgrade, modification, or structural change that materially alters the size or placement of an existing Solar Energy System shall comply with the provisions of this Ordinance.

1001.5. Design and Installation for Solar Energy Systems.

- (a) To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
- (b) The design of the Solar Energy System shall conform to applicable manufacturer standards.

- (c) The Solar Energy System shall provide power and heat for the principal use of the Property on which the Solar Energy System is located and shall not be used solely for the generation of power for the sale of energy to other users.
- (d) A Solar Energy System may be roof mounted, mounted on structure or ground mounted as set forth herein.
- (e) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the Solar Energy System provided they comply with the Township's sign regulations.
- (f) A Solar Energy System shall not be constructed until a principle building is constructed or concurrent with principal building and a building permit is issued for the Solar Energy System.

1001.6. Setbacks, Placement and Height Restrictions for Solar Energy Systems:

- (a) A Solar Energy System may be installed as long as it meets the requirements of this Ordinance and all other applicable construction codes.
- (b) Ground-mounted Solar Energy System:
  - (1) A Solar Energy System must comply with all height requirements for the zoning district where the Solar Energy System is to be installed.
  - (2) All ground arrays shall be set back a distance of 1.1 times the structure height from all property lines, building setbacks, whichever is greater or comply with the required residential district or be in conformance with the bulk standards in non-residential districts as provided herein.
  - (3) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit if more than 6 feet from structure.
  - (4) A ground-mounted Solar Energy System must comply with the accessory structure restrictions contained in the zoning district where the ground-mounted Solar Energy System is located.
  - (5) Ground mounted Solar Energy Systems shall not be considered an

accessory building.

- (6) Ground mounted Solar Energy Systems shall not be located in the required front yard setback.
- (7) Ground arrays shall be located so that any reflection is properly buffered from an adjoining property or roadway.
- (8) The surface area of a ground mounted system, regardless of the mounted angle shall be calculated as part of the overall lot coverage. Of the allowable lot coverage, the surface area of a ground mounted system shall not constitute more than twenty-five percent (25%) of the allowable lot coverage.
- (9) If a ground mounted Solar Energy System is removed, any earth disturbance as a result of the removal of the ground mounted Solar Energy System shall be graded and reseeded.

(c) Roof Mounted Systems:

- (1) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush-mounted solar panels attached to the roof surface unless solar pitch dictates need for relief to satisfaction of code officer.
- (2) Integrated or separate flush-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street, unless the proposed location prevents the system from operating as designed. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front facing installation. Front-facing installation may be permitted by waiver by Board of Supervisors in accordance with the following provisions:
  - A. The Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board of Supervisors and reviewed by the Township Engineer and any other Township Professional that the township deems necessary.
- (3) The height of roof mounted systems on the principal buildings or accessory buildings shall not extend more than three (3) feet above the finished roof peak to which it is mounted. In no instance shall any part of the system extend beyond the edge of the roof.

- (4) Solar roof mounted panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- (d) Mechanical Equipment. Mechanical equipment associated with and necessary for the operation of the Solar Energy System shall comply with the following:
- (1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen.
  - (2) Mechanical equipment shall not be located in the required front yard setback of the underlying zoning district.
  - (3) Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines.
- (e) Waivers.
- (1) Upon request, the governing body may grant waivers of the setback or height requirements, provided that the waiver will not present any undue hardships on adjoining properties.
  - (2) The governing body shall take into consideration the support or opposition of adjacent property owners in granting waivers of setback or height requirements.
  - (3) Multiple Solar Energy Systems. In the event that a property owner seeks to install more than one roof mounted or ground mounted solar energy system, the second or subsequent apparatus shall require approval by the Zoning Officer upon review and certification of the impact of the same by a registered engineer to ensure structural integrity.
- (f) General Requirements:
- (1) Abandonment and removal. Any solar panel (roof or ground) that has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
  - (2) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing



environment.

- (3) The solar energy system is subject to all requirements for interconnection from Metropolitan Edison ("Met-Ed"), or applicable utility company.

1001.7. Solar Energy Farms.

Solar farms shall be located on properties with a minimum lot size of five (5) acres in the appropriate Zoning District as set forth in Article IV of this Ordinance.

- (a) The Applicant shall demonstrate appropriate screening for the operation and demonstrate compliance with general requirements for non-residential uses within the zoning ordinance, including but not limited to environmental considerations.
- (b) The Applicant shall provide an operations agreement to the Township which shall set forth operations parameters, the name of the certified operator, inspection protocol, emergency procedures and general safety documentation.
- (c) The Applicant shall demonstrate the manner of abandonment and removal of the solar arrays that comprise the farm.
- (d) All other area and bulk regulations shall apply in the applicable Zoning District.

1001.8. Easements.

On new site development plans that propose to provide for Solar Energy Systems, the governing body of the municipality shall require, prior to the approval of the plan, a notation on the plan that restrictions have been placed on the lots in question concerning the placement of structures and vegetation as they related to the proposed Solar Energy System.

1001.9. Emergency Outages.

The owner of any Solar Energy System or Solar Farm must configure the system in a manner that a back up source of electricity is available during times of outage of the solar energy system. In the event that the operation of the solar energy system interferes with the supply of electric service to other residents of the Township, the Township may restrain operation for such interference with the health, safety and welfare of other residents.

1001.10. Connection and Operation in Conjunction with Public Electrical System (aka Supplemental System).

Nothing in this ordinance shall be construed to approve any type of solar energy system in conjunction with any electrical distribution company that is otherwise regulated by the Public Utility Commission or prescribe the terms and circumstances of operation of personal solar energy systems or solar energy farms as they pertain to public electric generation systems (i.e., MetEd or similar companies).

Section 1002

Oil and Gas

1002.1. Definitions for Section 1002 of this Ordinance.

- (a) Applicant -- Any person, Owner, Operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.
- (b) Building-- An occupied structure with walls and roof with which persons live or customarily work.
- (c) Department -- The Department of Environmental Protection of the Commonwealth.
- (d) Drilling Pad-- The area of surface operations surrounding the surface location of a well or wells.
- (e) Collector Street -- A public street or road which, in addition to providing access to abutting lots, intercepts Local Streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.
- (f) Compressor Station -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
- (g) Impoundment --
  - 1. Centralized Freshwater Impoundment --A facility used to store freshwater that services multiple well sites. This type of impoundment may be located on a well site, adjacent to a well site, or at a separate location. There are two different types of centralized freshwater impoundments that depend on the size of the facility, a Jurisdictional Freshwater Impoundment and a Nonjurisdictional Impoundment.

2. Jurisdictional Freshwater Impoundment – An impoundment used for the storage of water not located on a watercourse and which has no contributory drainage where the greatest depth of water measured at the upstream toe of the dam at maximum storage elevation exceeds 15 feet and the impounding capacity at minimum storage elevation exceeds 50 acre-feet (approximately 16.3 million gallons).
  
  3. Nonjurisdictional Impoundment – An impoundment used for the storage of freshwater or fluids or semifluids other than water, the escape of which does not pose a potential for pollution or danger to persons or property, not located on a watercourse and which does not have a contributory drainage and is less than 15 feet deep and the impounding capacity at maximum storage is less than 50 acre feet (approximately 16.3 million gallons). A nonjurisdictional dam is not regulated under the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1, 693.27 and 25 Pa. Code Chapter 105. While these dams do not require a Chapter 105 permit prior to construction, a Chapter 102 Erosion and Sediment Control Permit may be required depending on the extent of the associated earth disturbance activity.
- 
- (h) Local Street -- A public street or road designed to provide access to abutting lots and to discourage through traffic.
  
  - (i) Oil and Gas – Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an Oil or Gas Well.
  
  - (j) Oil and Gas Operations -
    - (1) Requires a well location assessment, including seismic operations, well site proportion, construction, drilling, hydraulic fracturing and its restoration associated with an oil or gas well of any depth;
    - (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
    - (3) Construction, installation, use, maintenance and repair of:
      - A. Oil and gas pipelines;
      - B. Natural gas compressor stations; and
      - C. Natural gas processing plants or facilities; and

- D. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in A, B and C, to the extent that the equipment is necessarily located at or immediately adjacent to a Well Site, Impoundment area, oil and gas pipeline, natural gas Compressor Station, or natural gas Processing Plant; and the activities are authorized and permitted under the authority of the Federal or Commonwealth agency.
- (k) Oil or Gas Well --A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting Gas, Oil, petroleum or another liquid related to Oil or Gas production or storage, including brine disposal.
- (l) Oil or Gas Well Site -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an Oil or Gas Well. This definition also includes exploratory wells.
- (m) Operator -- The person designated as the well Operator on the permit application or well registration.
- (n) Owner-- A person, who owns, manages, leases, controls or possesses an Oil or Gas Well.
- (o) Pad Drilling -- The drilling of multiple wells from a single location.
- (p) Processing Plant -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.
- (q) Storage Well -- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.
- (r) Well Pad -- The area used for development and production of Oil and Gas including buildings and structures and all activities associated with an Oil and Gas Well after drilling activities are complete.

- (s) Wellhead - A wellhead is a general term used to describe the component at the surface of an oil or gas well that provides the structural and pressure-containing interface for the drilling and production equipment. The primary purpose of a wellhead is to provide the suspension point and pressure seals for the casing strings that run from the bottom of the hole sections to the surface pressure control equipment.

1002.2            Applicability.

- (a) This ordinance applies to all Oil and Gas Well Sites, Natural Gas Compressor Stations, Storage Wells, Impoundments, Compressor Stations and Natural Gas Processing Plants that will be permitted or constructed after the effective date of the ordinance.
- (b) Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance; provided that any modification to an existing or permitted Oil or Gas Well Site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any expansion (capacity or footprint) to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require compliance with and a permit under this ordinance.

1002.3.            Compressor Stations.

- (a) Compressor Stations shall be a Permitted Use in the AP and AP1 – Agricultural Preservation District and the I – Industrial District.
- (b) Compressor Stations shall be permitted as a Conditional Use in all other Zoning Districts subject to the following conditions as well as all conditional use requirements set forth in Article IX of this Ordinance:
  - 1. The Compressor Station shall be at least 750 feet from the nearest existing building or the Compressor Station shall be at least 200 feet from the nearest lot line, whichever distance is greater; and
  - 2. The noise level at the nearest Property Line shall not exceed 60 dba or the Federal Standard, whichever is less.

1002.4.            Residential Zoning Districts.

- (a) Oil and Gas Operations shall be permitted in all residential zoning districts, including the AR- Agricultural – Residential District, subject to

the following:

1. The wellhead must be located at least 500 feet from an existing building; and
2. The edge of the well pad must be at least 300 feet from existing buildings.

1002.5. Impoundments.

Impoundments shall be a Use permitted in any Districts permitted by State Law but only if the outer edge of the Impoundment is at least 300 feet from the nearest building.

1002.6. Processing Plant(s).

- (a) A Processing Plant shall be a Use Permitted by Right in the I - Industrial District.
- (b) Processing Plant(s) shall be permitted in the AP - Agricultural Preservation District as a conditional use subject to the following criteria, in addition to the criteria in Article IX:
  1. Processing Plants shall be located at least 750 feet from the nearest building or 200 feet from the nearest Property Line, whichever is greater; and
  2. The noise level at the nearest Property Line shall not exceed 60 dba or the Federal Standard, whichever is less.

1002.7. Permit Requirement.

- (a) No Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant or an addition to an existing Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant shall be constructed or located within Maxatawny Township unless a permit under this ordinance has been issued by Maxatawny Township to the Owner or Operator approving the construction or preparation of the site for Oil or Gas Development or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.
- (b) The permit application, or amended permit application, shall be accompanied by a fee as established in the Township's schedule of fees.
- (c) Any modification to an existing and permitted Oil or Gas Well Site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the permit under this ordinance. Like-kind replacements

shall not require a permit modification.

1002.8. Permit Application.

The Applicant shall provide to the Township at the time of permit application:

- (a) A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for any or all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
  - (1) For Natural Gas Compressor Stations or Natural Gas Processing Plants, a narrative describing an overview of the project.
  - (2) The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant as determined by the County 911 addressing program for information of Emergency Responders.
  - (3) The contact information of the individual or individuals responsible for the operation and activities at the Oil or Gas Well Site shall be provided to the Township and all applicable Emergency Responders as determined by the Township. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Upon any change of relevant circumstances, the Applicant, as necessary in order to comply with this requirement, shall update such information and provide it to the Township and all applicable Emergency Providers.
  - (4) A location map of the Oil or Gas Well Site showing the Drilling Pad, planned access roads, the location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the Oil or Gas Well Site configured such that the normal flow of traffic on public streets shall be undisturbed.
  - (5) A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any major equipment and structures and all permanent improvements to the site.



- (6) A description of the transportation of materials and equipment to construct and maintain the Oil or Gas Well Site during construction, drilling and operation.
  - (7) A statement or evidence that, prior to the commencement of any activity at the Oil or Gas Well Site, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction and drilling activities. Include a description of how damage to public roads adjacent to the tract will be addressed.
  - (8) A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that the Township streets utilized by the Applicant shall remain substantially free of dirt, mud and debris resulting from site development activities; and the Applicant's assurance that such streets will be promptly swept or cleaned if significant dirt, mud and debris occur as a result of Applicant's usage.
  - (9) A statement that the Applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the Township and all Emergency Responders at least 30 days prior to drilling of an Oil or Gas Well and at least annually thereafter while drilling activities are taking place at the Oil or Gas Well Site.
  - (10) An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the Applicant. If multiple wells/Well Pads are in the same area (covered by the same emergency response agencies), evidence of a training course issued to the appropriate emergency responders in the last 12 months shall be accepted. Site orientation for each well/Well Pad shall still be required for the appropriate Emergency Responders, as determined by the Township.
- (b) Within 14 days after receipt of a permit application, the Township will determine whether the application is complete and adequate and advise the Applicant accordingly.
  - (c) If the application is complete and adequate, the Applicant shall receive its permit within 30 days following the date the application was first

submitted.

- (d) If the application is incomplete and/or inadequate the Township will notify the Applicant of the missing or inadequate material and, upon receiving said material, issue the permit within 30 days following receipt.
- (e) As a condition of permit approval, Applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and all other appropriate regulatory agencies within 30 days of receipt of such permits and plans.
- (f) Access directly to Township roads shall require a Township Driveway Permit prior to initiating any work at a Well Site.

1002.9.

Design and Installation Requirements.

- (a) Vehicular access to any Natural Gas Well, Oil Well or Well Pad shall minimize danger to traffic and nuisance to surrounding properties.
  - (1) Vehicular access to a Natural Gas Well, Oil Well or Well Pad solely via a residential street is discouraged.
  - (2) Vehicular access to a Natural Gas Well, Oil Well or Well Pad via a Collector Street is encouraged.
  - (3) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
- (b) Height.
  - (1) Permanent structures associated with an Oil and Gas Well Site, both principal and accessory, shall comply with the height regulations for the zoning district in which the Oil or Gas Well Site is located.
  - (2) Permanent structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
  - (3) There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, Pad Drilling and other accessory uses necessary for the actual drilling or re-drilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an Oil or Gas Well or Pad Drilling.

(c) Screening and Fencing.

- (1) Security fencing shall not be required at Oil or Gas Well Sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
- (2) Upon completion of drilling or redrilling in Residential or Commercial Zones, security fencing consisting of a permanent chain link fence shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site. The Township may use its discretion to determine whether fencing requirements shall be enforced in other zones.
- (3) Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access Oil and Gas Well Sites by foot may be allowed, as necessary.
- (4) The Township First Responders shall be given means to access Oil or Gas Well Sites in case of an emergency. Applicant must provide County 911 Communications Center necessary information to access the Well Pad in case of an emergency.
- (5) Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
6. In construction of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.

(d) Lighting.

- (1) Lighting at the Oil or Gas Well Site, or other facilities associated with Oil and Gas Drilling Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.
- (2) Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security

lighting.

(e) Noise.

- (1) The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.
- (2) Operators shall make reasonable efforts to address any noise complaints received by the Township within 24 hours following receipt of notification.
- (3) Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

Section 1003

Domestic Animals

The following standards shall apply to the keeping of domestic animals on residential parcels of land containing less than eleven (11) acres.

(a) Dogs and cat

- (1) A Maximum of three (3) dogs and (3) cats are permitted without restrictions.
- (2) Litters of puppies or kittens up to six (6) months in age as permitted provided the following conditions are met:
  - A. Maintaining dogs and cats shall be on a non-commercial basis.
  - B. The area within which a shelter and/or exercise pen is maintained must be suitably grassed and enclosed and located in the rear yard within all yard setbacks and no closer than fifty (50) feet to the nearest neighbor's dwelling.
  - C. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

(b) Other small domestic animals in the AP, AP1 and AR Districts

- (1) A maximum total of twelve (12) animals are permitted providing the following conditions are met:
  - A. Small domestic animals shall include those animals which can be kept outdoors in pens, and could also be kept indoors. These animals include rabbits, guinea pigs, domestic and exotic birds, and chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons.
  - B. When raised or kept outdoors, small domestic animals shall be kept within the rear yard area.
  - C. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.
  - D. The area within which a shelter and/or exercise pen is maintained must be suitable grassed and enclosed and located in the rear yard within all yard setbacks and no closer than fifty (50) feet to the nearest neighbor's dwelling.
  - E. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

(c) Other small domestic animals in the remaining Districts

- (1) A maximum total of twelve (12) animals are permitted providing the following conditions are satisfied:
  - A. Small domestic animals shall include those animals which can be kept exclusively indoors, and include animals such as rabbits, guinea pigs, domestic and exotic birds. Fowl such as chickens, turkeys, geese, ducks, and pigeons shall not be permitted.
  - B. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.
  - C. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

(d) Large domestic animals

- (1) Large domestic animals shall include animals of the bovine,

equine, swine, and sheep families, as well as llamas, emus, ostriches, and the like.

- (2) The following standards are applicable to the keeping of large domestic animals for the purpose of recreation and/or personal enjoyment.
  - (A) In the AP, AP1 and A-R districts containing a single family dwelling, a minimum open space lot area of two (2) acres shall be required for the first large domestic animal. Additional large domestic animals may be kept on the property at a density of one (1) animal per additional two (2) open space acres.
  - (B) In the R-1, R-2, NC, C-1, L-I and I districts, the keeping of large domestic animals shall be permitted by conditional use approval by the Board of Supervisors. There shall be a minimum open space lot area of four (4) acres for the first large domestic animal. Additional large domestic animals may be kept on the property at a density of one (1) large domestic animal per additional four (4) open space acres.
  - (C) Maintaining large domestic animals shall be on a non-commercial basis and strictly as an incidental use.
  - (D) The open space area within which large domestic animals are kept shall be grassed and enclosed by a fence and located in the rear yard. Any structure used shall be at least sixty (60) feet from any lot line and no closer than one hundred (100) feet to the nearest neighbor's dwelling.
  - (E) The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.
  - (F) The owner of large domestic animals shall be subject to Sections 513(l) through (p) of this Ordinance.

## ARTICLE XI

### MISCELLANEOUS

#### Section 1101 Appeals

Proceedings for securing review of any ordinance, decision, determination or order of the Governing Body, its agencies or officer adopted or issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

#### Section 1102 Remedies

In case any building, structure, or land is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Governing Body, or, with its approval, an officer of the Municipality, in addition to other remedies, may institute in the name of the Municipality any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation.

#### Section 1103 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality 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 district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The court of common please, 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.



Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 1104 Public Utilities Corporation Exempted

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 1105 Municipal Exemption

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by Maxatawny Township or Municipal Authority created by Maxatawny Township for the convenience or welfare of the public after review by the Governing Body.

Section 1106 Severability

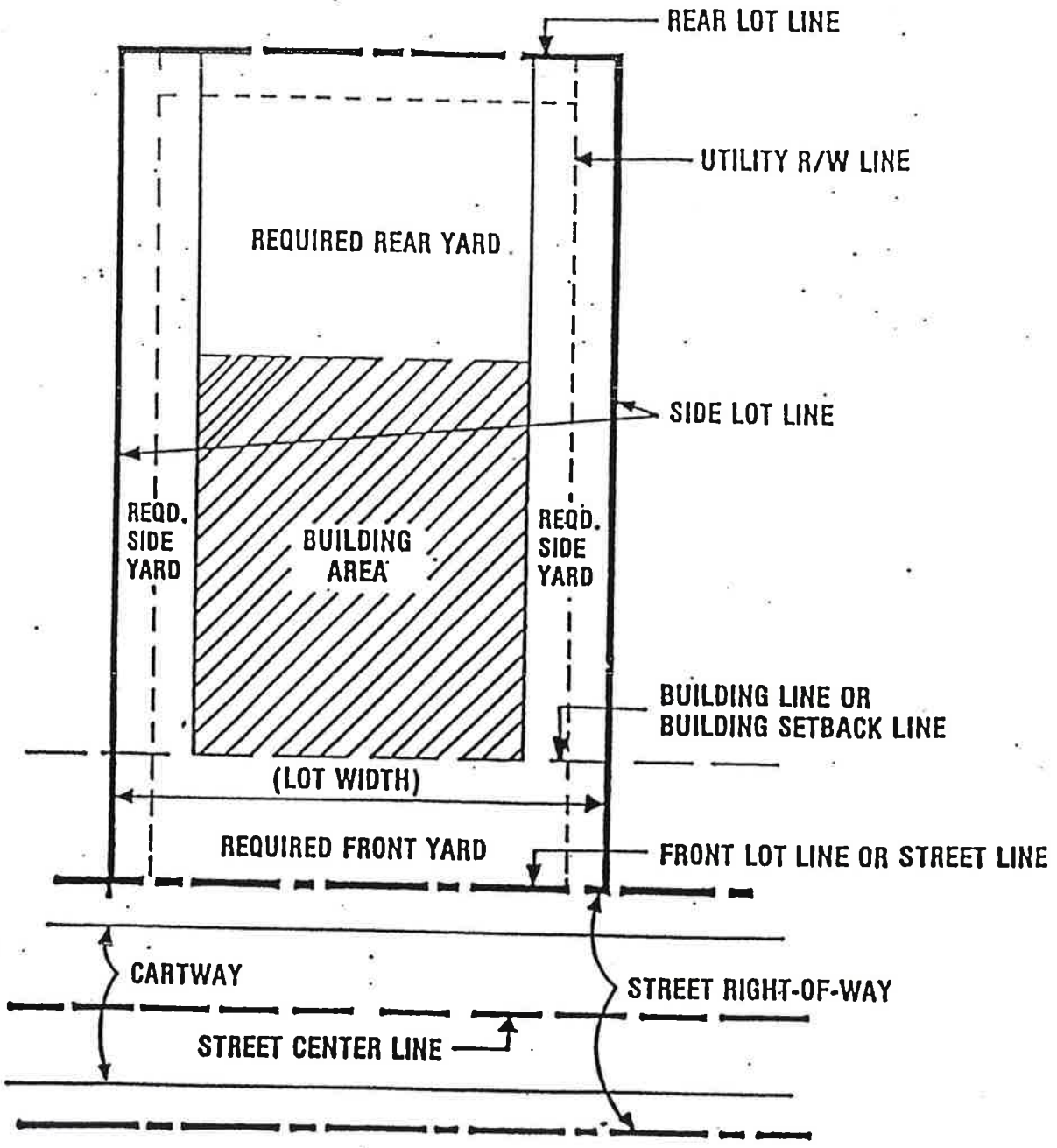
Should any section, provision, or clause of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1107 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed.

Section 1108 Effective Date

This Ordinance shall become effective five (5) days after the date of enactment.



**ZONING ORDINANCE - GRAPHIC PRESENTATION OF TERMS**

ORDINANCE NO.: 2012-06

ORDINANCE OF THE TOWNSHIP OF  
MAXATAWNY BERKS COUNTY, TO REPLACE  
AND REPEAL THE CURRENT ZONING  
ORDINANCE OF 1973, AS AMENDED, AND TO  
ADOPT A NEW ZONING MAP AND ZONING  
ORDINANCE.

NOW THEREFORE, the Board of Supervisors has duly advertised, held the requisite hearings and followed the procedures to adopt a new zoning ordinance and zoning map for the Township; and

WHEREFORE, the Board of Supervisors has considered public input prior to the advertisement and also reviewed the Township Comprehensive Plan in consideration of the Zoning Ordinance of 2012 and Zone Map: and

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Maxatawny Township, as follows:

Section 1. The Maxatawny Township Board of Supervisors hereby adopts a new Zoning Ordinance and new Zoning Map which has been drafted in accordance with the Maxatawny Township Comprehensive Plan which shall replace and repeal the current Maxatawny Township Zoning Ordinance of 1973, last revised July 2007, as well as the Maxatawny Township Zoning Map of 1973, as revised, in their entirety.

Section 2. The new Zoning Ordinance and new Zoning Map shall establish comprehensive zoning regulations for the Township including the establishment of zoning districts, and determination of boundaries of such districts, and designation of uses within each zoning district; regulation and determination of size, length, bulk,

location, erection, construction, repair, maintenance, alteration, removal and use of structures within the Township and use of structures, land, bodies of water, yards and open spaces; regulation of uses and structures, density of population and intensity of use; creation of the office of Zoning Officer and the Zoning Hearing Board; and providing for the administration, amendments and enforcement of the ordinance, including the imposition of penalties.

Section 3. The Township hereby adopts as its Official Zoning Map the map dated 7/30, 2012. Said Map shall be posted pursuant to the rules of the Pennsylvania Municipalities Planning Code, as amended.

Section 4. The Township hereby adopts the Maxatawny Township Zoning Ordinance of 2012, which shall be dated 7/30, 2012. Said Ordinance shall be on file at the Township and any other location as required by the Pennsylvania Municipalities Planning Code, as amended, and the Second Class Township Code, as amended.

Section 5. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

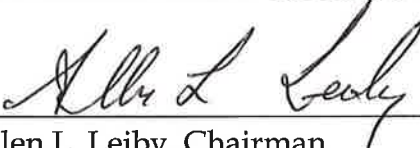
Section 6. Severability. The provisions of this Ordinance shall be severable, if any of the provisions hereof shall be found invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

Section 7. Effective Date. This Ordinance shall take effect five (5) days subsequent to

its passage.

**ORDAINED and ENACTED** as an Ordinance by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, in lawful session duly assembled this 30<sup>th</sup> day of July, 2012.

BOARD OF SUPERVISORS OF MAXATAWNY  
TOWNSHIP, BERKS COUNTY, PA

  
\_\_\_\_\_  
Allen L. Leiby, Chairman

  
\_\_\_\_\_  
David Hoffman, Supervisor

  
\_\_\_\_\_  
Melvin Fishburn, Supervisor

Attest:

  
\_\_\_\_\_  
Township Secretary