PENN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ZONING
ORDINANCE

JANUARY 14, 2021



Penn Township
1301 Centerville Road
Newville, Pennsylvania 17241

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PENN TOWNSHIP
ZONING ORDINANCE

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; the location and size of signs; creating zoning districts and establishing the boundaries thereof; creating the office of Zoning Officer; creating a Zoning Hearing Board; and providing for the administration amendment, and enforcement of the Ordinance, including the imposition of penalties.

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Penn, County of Cumberland, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 101. SHORT TITLE

This Ordinance shall be known and may be cited as the "Penn Township Zoning Ordinance."

SECTION 102. PURPOSE

This Zoning Ordinance has been prepared in accordance with the Penn Township Comprehensive Plan of 2020 with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures and is enacted for the following purposes:

A. To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as the preservation of quality agricultural lands, they being the Township's most important natural resource, and

B. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

SECTION 103. ZONING HEARING BOARD

In accordance with Article IX of Act 247 of the Commonwealth of Pennsylvania, a Zoning Hearing Board is existing and shall have the number of members and such powers and authority as set forth in said Act and this Ordinance. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

SECTION 104. USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit

the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to, and compatible with, the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

SECTION 105. COUNTY AUTHORITY

The Cumberland County Planning Commission is empowered under Sections 304 and 607 of the Pennsylvania Municipalities Planning Code (Act 247) to submit its recommendations on the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the Cumberland County Planning Commission at least thirty (30) days in advance of public hearing.

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 201. COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance provides a legal basis and framework for future Township development. Its provisions are guided by the policies and proposals contained within the Penn Township Comprehensive Plan, and include, but are not limited to, the following:

A. To insure that the land uses of the Township are logically situated in relation to one another.

B. To provide adequate space for each type of development in the Township so as to avoid overcrowding of land.

C. To provide for the control of development density so that the populace can be serviced adequately by such facilities as the street, school, recreation and utilities systems.

D. To protect existing uses by requiring that development afford adequate light, air and privacy for persons living and working within the Township.

E. To facilitate the efficient movement of traffic.

F. To secure the preservation and prudent use of natural resources, in particular the preservation and prudent use of agricultural lands.

G. To strive for a variety in housing types.

H. To provide for equal opportunities in all facets of Township living.

I. To strive for coordination between policies, plans, and programs in the Township through cooperation among governing officials, community interest groups and the general populace.

J. To encourage development to occur in the less desirable agricultural lands rather than the more productive agricultural lands.

To implement and carry out these foregoing objectives, this Ordinance divides the Township into districts by giving special consideration for the present character and the suitability of the land for particular uses and structure. Specific purposes and objectives

along with appropriate regulations and safeguards are set forth in the applicable articles contained herein for each zoning district.

ARTICLE III

GLOSSARY OF ZONING TERMS

SECTION 301. APPLICATION AND INTERPRETATION

It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated:

A. Words used in the present tense include the future tense.

B. The word "person" includes a profit or nonprofit corporation, company, partnership, or individual.

C. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged," or "designed" to be used or occupied.

D. The word "building" includes structure.

E. The word "lot" includes plot or parcel.

F. The word "shall" or “must” is always mandatory.

SECTION 302. DEFINITION OF TERMS

For the purpose of this Ordinance, the following words, terms, and phrases have the meaning herein indicated:

Abandoned - Any property, dwelling, motor vehicle, or item that is apparently and willfully disused, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms "junked", "wrecked", "stripped", shall also have similar meanings as "abandoned". An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations are not maintained for two (2) or more consecutive months. A vehicle listed in the previous sentence, or a similar vehicle not deemed abandoned according to the prior sentence may still be deemed abandoned by reason of being "junked", "wrecked", or "stripped".

Access Drive - An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or a farm.

Accessory Building - A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, including, but not limited to, private garages, carports, utility buildings, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Mobile homes, buses, recreational vehicles or trailers, campers, trucks or truck trailers shall not be considered as accessory buildings; regardless of whether they retain wheels or axles, or whether they are considered immobile.

Adult Oriented Business - Any business offering for sale, lease, or hire products, materials, or inventory, the majority of which consists of adult oriented products, or any business that provides any adult oriented services, and is restricted to clientele age 18 or over to comply with the Pennsylvania Crimes Code.

Adult Oriented Product - Anything which depicts, describes, presents, or displays human nudity or humans engaging in sexual foreplay or intercourse and appearing to have at least a significant motivation for such depiction, presentation, or display the sexual stimulation or sexual gratification of the consumer of same. Also included within this definition is any object, which is intended or may be used by the consumer for purposes of sexual stimulation or gratification. Movies having received an R or PG-13 rating, or the literary equivalent of same, shall not be considered adult oriented products.

Adult Oriented Service - Any action performed, for consideration, by one (1) or more persons to or for the benefit of another person or persons where at least one (1) motivation for such action is the sexual stimulation or gratification of either performer or the recipient.

Adult-related Uses – 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 section shall not apply to hydrotherapy treatment practices 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

nontransparent, 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 its stock in trade:

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 specified anatomical areas; and,

2. Instruments, devices or paraphernalia, which are designed for use in connection with, specified sexual activities.

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

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 art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in effect 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 News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas;

L. Adult Out-Call Service Activity: Any establishment or business which provides an out-call 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;

M. 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;

N. 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; and,

O. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities’ or “specified anatomical areas”.

Agriculture - The use of land for the tilling of the soil, raising of crops (including fruit trees), forestry and horticulture, including the keeping or raising of cattle, sheep, fowl, hogs, goats, rabbits, fish, bees, horses, and other similar animals. Agriculture shall include the sale of crops, dairy and horticultural products produced on the property. The term agriculture does not include riding academies, liveries, boarding stables, commercial forestry, dog kennels, commercial raising of fur-bearing animals, country estates, large residential lots, gentleman farms, or farmettes.

Agricultural Production - The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator. This shall include hemp in accordance with applicable state and federal regulations.

Agribusiness - Businesses involved in the processing of farm products. Such businesses include, but are not limited to, poultry operations, confined livestock, livestock operations and mushroom houses.

Alley - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties, which abut on a street, and not intended for the purpose of through vehicular traffic.

Alterations - As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another or any renovation in a building, which would change its use.

Ambient Noise – The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

Amendment - A change in the zoning text and/or the official zoning map and the authority for any amendment lies solely with the Municipal Governing Body.

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

Animal - Any domestic animal or fowl, any wild animal or any household pet. Any of a kingdom (Animal) of living beings typically differing from plants in capacity for spontaneous movement and motion in response to stimulation.

Animal, Domestic - Any animal of a species that has been bred and raised normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes or normally or ordinarily kept as a household pet.

Animal Equivalent Unit - One thousand pounds live weight of livestock, or other poultry animals, regardless of the actual number of individual animals comprising the unit.

Animal Equivalent Unit Per Acre – An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure, whether the land is owned, leased or rented.

Animal Feedlot - An area or lot in which grain fattening of livestock and poultry is conducted in specialized lots, and where fattening rations are formulated, feed ingredients mixed and metered out to each feeding pen.

Animal Laboratory - Any location or structure where animals, birds, or reptiles are bred, raised, or maintained for purposes of medical or veterinary research, experimentation, study, or for the production of pharmaceutical products.

Antenna - Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas..

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 height between the highest and lowest grades shall be used in calculating the antenna height. The vertical distance shall not include the antenna (which shall not exceed fifteen feet (15') in height) located on top of the antenna support structure.

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

Apartment - Any dwelling unit which is located within a single structure along with at least two (2) other dwelling units or with a non-residential use, each having a separate location within such structure.

Apartment, Conversion - A multiple-family dwelling constructed by converting an existing building into apartments for more than two (2) familiesy, without substantially altering the exterior of the building.

Apartment House - A building occupied by three (3) or more dwelling units.

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

Area, Building - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Area, Floor - The sum of the areas of the several floors of a building structure, including areas finished areas used for human occupancy, measured from the exterior faces of the walls. It does not include unfinished basements and cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilation equipment.

Artisan – A craftsman in a skilled trade, especially one that involves making things by hand.

Attic – That part of a building which is immediately below and wholly 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 five feet (5') or more, and a permanent stationary interior access stairway to a lower building story.

Automobile Filling Station - A facility which offers the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the retail sales of motor vehicle accessories. Automobile filling stations shall not include the sale or rental of motor vehicles, nor major repairing, body work or painting.

Automobile and Other Motor Vehicle (Boat or Recreational Vehicle) Sales - A lot, parcel, tract, building or structure used for the display, sale or rental of more than one (1) new or used motor vehicles, recreational vehicles, boat trailers, motorcycles, or boats in operable condition. Repair work shall be considered as a separate accessory or principal use. The term "Automobile and Other Motor Vehicle Sales" shall not include a mobile home or manufactured home park or a junkyard. Outside storage of and display of motor vehicles, or boats shall be permitted as an accessory use of this principal use.

Automobile Parking Lot – An accessory use in which required, and possibly additional, parking spaces are provided, subject to the off-street parking requirements listed in this Ordinance.

Automobile/Truck Service and Repair Facilities - Facilities which offer the retail repair, servicing, maintenance, and reconstruction of automobiles and trucks, not including commercial automobile and truck washing facilities.

A-Weighted Sound Level – The sound-pressure level in decibels, as measured on a sound-level measuring the A-weighted network. The level so read is designed "dB(A)."

Base Flood – A flood which is likely to be equaled or exceeded once every one hundred (100) years (i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United State Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study, is necessary to define this flood.

Base Flood Elevation - The projected flood height of the base flood.

Basement - A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Establishment - An owner occupied single-family detached dwelling where between one (1) and five (5) rooms are rented to overnight guests. A bed and breakfast establishment may operate year-round; however, the length of stay for any overnight guest shall not exceed two (2) continuous week. Meals, if offered, are only to registered overnight guests.

Beekeeping - The raising and/or keeping of bees within a man-made enclosure (beehive) for hobby or business uses.

Berm – An earthen mound used for screening, stormwater control and other land development purposes.

Billboard - A sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either 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, or to disseminate other messages.

Board of Supervisors - The Board of Supervisors of Penn Township, Cumberland County, Pennsylvania.

Boarding House - A building where, for compensation, provisions are made for lodging and meals for at least two (2) but not more than twelve (12) persons, either transient or permanent residents. This definition includes rooming houses and lodging houses.

Boarding School or College - Comprehensive educational institution providing housing and dining accommodations, recreational facilities and health services for students, in addition to educational facilities which is owned and/or operated as a single management and maintenance unit with common open space, parking, utilities, maintenance and service facilities and services.

Buffer - A continuous strip of land, either landscaped or living green space, clear of all buildings, structures, parking areas, outdoor storage areas and detention ponds, or clear of any use other than open space. A buffer may include any recreational area but not a private street (except as above) or an existing or future public street right-of-way. An access drive or driveway is permitted within a buffer provided it crosses the buffer in a perpendicular direction.

Building - Any structure either open or enclosed within exterior walls or fire walls, erected, and framed of component structural parts having a roof supported by columns, piers, or walls; designed for the housing, shelter, enclosure, or support of individuals, animals, or property, of any kind; and occupying more than ten (10) square feet of area. Porches and carports shall be considered a part of the building.

A. Detached - A building which has no party wall.

B. Semi-Detached - A building which has only one (1) party wall.

C. Attached - A building, which has two (2) or more party walls in common.

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

Building Coverage - The percentage of a lot covered by buildings or structures; the "footprint" of the building or structure.

Building, Farm - A building for agricultural uses, namely barns, poultry houses, corn cribs, silos, and other similar farm structures.

Building, Principal - The primary building located on a lot or tract; not an accessory building; if a dwelling is located on a lot or tract, the dwelling is the principal building; otherwise, the most valuable building on the tract of lot is the principal building.

Building Height - A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs. Chimneys, spires and other similar projections shall not be used in calculating the height of the building.

Building Line - A line parallel to the front, side or rear lot line established to provide the required yard and building setback.

Building Permit - Any permit required by this or other Township Ordinances for the construction, alteration or razing of any structure.

Building Setback Line - The required horizontal distance between a setback line and a property or street right-of-way line. Unless otherwise noted, all setbacks listed within this Ordinance shall be considered to be minimum required setbacks.

A. Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly called "required front yard."

B. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard".

C. Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard".

Business - Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for remuneration or gain or the occupancy or use of a building or premise or any portion thereof for the transaction of business or the rendering or receiving of professional services.

Camp Ground - Any park, tourist park, tourist camp, court, site, or lot, parcel or tract of land upon which one or more camp sites, camp cottages or cabins are located and maintained for the accommodations of transients by the day, week or month or upon which tents, recreational vehicles or other temporary accommodations may be placed by transient occupants. It shall not include mobile home parks.

Camp Sites – A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

Carport - An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Cartway - The portion of a street or alley which is improved, designated or intended for vehicular use..

Car Wash - A building or portion thereof used for the manual or mechanical washing of automobiles and other similar vehicles.

Cemetery - Land used for the purpose of burial of the deceased, including columbariums, mortuaries and mausoleums when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

Centerline - The center of the surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cartway.

Centralized Sewer System - A public or private utility system designed to collect, centrally treat, and dispose of sewage from multiple users in compliance with Pennsylvania Department of Environmental Protection regulations.

Centralized Water System - A public or private utility system designed to transmit potable water from a common source to multiple users in compliance with Pennsylvania Department of Environmental Protection regulations.

Certificate of Use and Occupancy – A statement signed by a duly authorized Township officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations, and that the same may be used for the purposes stated therein.

Change of Use - An alteration of a building, structure or land by change of use, theretofore existing, to a new use group which imposed other special provisions of law governing building construction, equipment, exits, or zoning regulations.

Child or Adult Day Care Facility - Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regularly scheduled child or adult day care services other than the following are provided. Said facility shall be licensed by the Commonwealth of Pennsylvania, and shall not provide overnight accommodations.

A. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.

B. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person receiving care.

Child and adult day care facilities shall be further differentiated by the following two classifications:

A. Day Care Center - A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

B. Day Care Home - Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

Clean Wood – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

Club, Clubhouse, or Lodge, Private - A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fund raising of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This does not include "night clubs". The private "clubs" or "lodges" as defined shall not be an adjunct to, operated by or in connection with a cafe or other public place.

Cluster Development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

Co-located Communication Antenna – An antenna mounted or installed on an eligible support structure with an existing antenna(e) for the purpose of transmitting and/or receiving radio frequency signals for communications systems.

Commercial Communications Antenna - A device operated for profit and used to transmit and/or receive radio or electromagnetic waves.

Commercial Communications Antenna Site - For antenna other than antenna in the public rights-of-way, the current boundaries of the leased or owned property surrounding the antenna, support structure, accessory buildings, parking, etc. and any access or utility easements related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Commercial Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennae.

Commercial Recreation Facility - A gainful activity or business, open to the public for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, motion picture theaters, health clubs, swimming pools, museums, miniature golf courses, etc.

Commercial Solar Energy System – A large scale solar energy system whose main purpose is to generate and supply electricity, and consists of one or more systems and other accessory structures, buildings and appurtenances. These facilities are for the sole purpose of generating electricity that is to be transmitted to the electrical power grid for income, and do not include any systems developed for private use.

Commercial Wind Energy Systems – A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

Community Center – A meeting place used by members of a community for social, cultural, or recreational purposes.

Comprehensive Plan – The official Penn Township Comprehensive Plan, Cumberland County, PA, adopted December 10, 2020, or as amended.

Concentrated Animal Operations (CAO) – Agricultural operations where the animal density exceeds two (2) AEUs per acre on an annualized basis.

Concentrated Animal Feed Operations (CAFO) – An agricultural operation that meets one or more of the following criteria under DEP's Chapter 92a regulations:

1. The operation is considered a Concentrated Animal Operation with greater than 300 Animal Equivalent Units; or
2. The operation maintains an animal population of greater than 1,000 Animal Equivalent Units; or

The operation is defined as a large CAO under U.S. Environmental Protection Agency (EPA) regulations at 40 CFR 122.23(b)(4)Conditional Use - A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Township Planning Commission.

Condominium - Ownership in common with others of a parcel of land with any improvements and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

Conference and Resort Center - A facility which provides a range of lodging facilities, meeting rooms, restaurant facilities, and recreational facilities including but not limited to swimming pools, golf courses, health club facilities, and similar amenities for overnight guests or persons who attend meetings during the business day.

Confined Livestock Operations - The keeping or raising of domestic animals including swine, cattle, sheep, goats, and horses which involves continuously restraining such animals in a building, fenced area, or other structure, or series of buildings, fenced areas or other structures.

Conservation Plan – A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

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

Construction Operation – The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

Convenience Store - A business which specializes in the retail sales of/or rental of household products and foods; propane sales of no larger than 20 pound tanks (all propane tanks must be stored outside of the building at all times); dispensing of vehicle fuels and fluids; compressed air; kerosene; and other related vehicle items. A convenience store shall not have facilities for showers, laundry facilities, TV room, repair shop, truck wash, truck scale or overnight parking or lodging.

Conversion, Multi-Family - A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building.

County - Cumberland County, Pennsylvania.

Coverage - The percentage of the lot or lot area covered by the area of all buildings and structures thereon; or the area of all impervious material.

Crops, Livestock and Livestock Products - Crops, livestock and livestock products shall include but are not limited to the following.

A. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.

B. Fruits, including apples, peaches, grapes, cherries and berries.

C. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.

D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

E. Timber, wood and other wood products derived from trees.

F. Aquatic plants and animals and their byproducts.

Day Care - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations. See also "Child or Adult Day Care Facility".

Day Care, Church - A day care facility that is an accessory use to a church.

Day Care, Commercial - A day care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.

Decibel (dB) – A unit of measuring the sound-pressure level, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Decision - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Count of Common Pleas.

Deck or Patio - A platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

Density - The number of dwelling units per acre of land, exclusive of public rights-of-way.

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, and/or agencies, as may from time to time be established or such Department or Departments as may in the future succeed it.

Department of Transportation (PennDOT): The Pennsylvania Department of Transportation, its bureaus, divisions, departments and/or agencies, as may from time to time be established or such Department or Departments as may in the future succeed it.

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

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.

Distribution – A process whereby materials, goods or products are imported, stored by one person, and then delivered to another.

District - A zoning district as laid out on the zoning map, along with the regulations pertaining thereto.

Domestic Livestock Use – Any activity involving the breeding, raising, caring for, housing, and principally the hobby/personal use of domestic animals and products derived from those animals by the occupant, owner or leaser of the lot on which such use is located. Such animals may include, but need not be limited to, equine species such as horses and ponies, camelids such as llamas and alpacas, and other species not defined as pets or regulated elsewhere in this ordinance. Incidental sales of animals or animal products directly associated with the use may be permitted, however, no stock-in-trade sales, sales buildings or sales area as such shall be permitted. A domestic livestock use shall be accessory to a dwelling located on the same lot. This definition excludes all commercial production for wholesale and retail markets, boarding and riding stables and liveries.

Double Frontage Lot - A lot with front and rear street frontage.

Drive-In or Drive-Thru Service Establishments or Facilities - An establishment or activity where patrons are provided with professional or personal services for consumption or use outside of the confines of the principal building or in or on vehicles parked upon the premises, regardless of whether seats or similar accommodations are otherwise provided.

Driveway - The vehicular method of entrance or egress to a single-family dwelling unit or farm.

Dwelling - A building or portion thereof designed for and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in partIn addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

A. Dwelling, Multi-Family (Multiple Family) - A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by more than two (2) families and located on one (1) lot.

B. Single-Family Semi-Detached (Duplex) - A building, arranged or designed to house two dwelling units, separated from each other by a vertical party wall, without openings, extending from the cellar floor to the highest point of the roof and separated from any other building or structures by space on all sides. Each half of the building shall be located on separate, abutting lots, with the vertical party wall located on the dividing lot line.

C. Dwelling, Single-Family, Attached (Townhouse or Row House) - A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

D. Dwelling, Single-Family, Detached - A dwelling on a single lot designed and occupied exclusively as a residence for one (1) family, including an individual mobile home not located in a mobile home park.

Dwelling Unit - A building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) or more individuals living as a single housekeeping unit.

Dwelling Unit Area - The minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

Earthmoving Activity - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Easement - A granting of rights for limited use of private land for a public, quasi-public, or private purpose not inconsistent with a general property right of the owner, and within which the owner of the property shall not have the right to use the land in a manner that violates the right of the grantee.

Echo Housing - A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage or adoption.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

Emergency work – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equestrian Center – A building or group of buildings along with associated facilities specifically designed for the boarding and training of horses, and to include horse shows, equine clinics and riding schools.

Essential Services - The erection, construction, alteration, or maintenance, by public utilities after PUC approval, or other governmental agencies, or private corporations under contract to the Township, of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, or other agencies, or private corporations under contract to a municipality including buildings for fire companies and emergency services under agreement with the Township, or for the public health or safety or general welfare.

Establishment - Any privately-owned place of business carried on for profit, any place of amusement or entertainment to which the public is invited, and any similar place.

Exotic Wildlife – The phrase includes, but is not limited to, all bears, coyote, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, poisonous insects, alligators, crocodiles, Caymans, constricting snakes, poisonous snakes, venomous reptiles, Piranha, northern snakehead fish, gorillas, orangutans, chimpanzees, monkeys, or other primates, or any other animal that would not be considered as a non-domesticated pet or livestock; and/or any animal not indigenous to Pennsylvania.

Family - For the purposes of this Ordinance, a family shall be defined as follows:

A. One or more persons related by blood (within and including the degree of first cousin), marriage or adoption, including foster children, living together in a single housekeeping unit and sharing all of the facilities of that unit in common;

B. Not more than two unrelated persons, persons related to either or both of them by blood (within and including the degree of first cousin) or adoption, and including foster children, provided, however, that they live together in a single housekeeping unit and share all of the facilities of that unit in common; or

C. One or more individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate County, Commonwealth or Federal agency.

D. A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons, doing their own cooking and living together upon the premises as a separate housekeeping unit, in a domestic relationship based upon birth, marriage or other domestic bond.

Farm - A parcel of land ten (10) acres or more which is used in the raising of crops, livestock, and livestock products, including necessary dwellings, farm structures and the storage of equipment customarily incidental to the principal use.

Farm Dwelling - A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

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 Market – A seasonal market for active farms to retail products directly to consumers. Products include locally grown produce or derived products, on-farm produced and agriculturally related items, or handmade crafts and specialty foods. Farm Markets may also include agricultural commerce and agricultural-related tourism.

Farm Occupation – An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm.

Farmette - A lot less than ten (10) acres in area which is used principally for residential purposes, whether or not any portion of the lot is used as a garden or otherwise planted with crops or uses for agriculture. A lot which is greater than ten (10) acres and which contains a residence shall be conclusively presumed to be a farmette if agricultural or horticultural products produced on such lot are not commercially sold.

Fence - Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purpose of this Ordinance, a masonry wall is considered to be a fence; also, for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard", "side yard", and "front yard" line(s).

Fill - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

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

Flea Market – A retail sales use where more than one (1) vendor displays and sells general merchandise that is new or used. Flea markets can include indoor and outdoor display or merchandise.

Flood - A general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of two or more properties.

Flood, 100 Year - A flood having a one percent chance of being equaled or exceeded in any given year..

Flood Elevation - The projected height reached by floods of various intensities and frequencies in the floodplain areas.

Flood Fringe - That portion of the floodplain, excluding the floodway, where development may be allowed under certain circumstances.

Floodplain – Any land area susceptible to being inundated by floodwaters from any source.

Flood-proofing - Any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

Floor Area, Gross - The sum of the floor areas of a building as measured to the outside surfaces or exterior walls, and including all areas intended and designed for the conduct of a business or use.

Floor Area, Habitable - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedrooms, hallways, stairways, bathroom and closets but not including cellars, attics, service rooms, attached utility rooms nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

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

Fruit Processing Operation - An industrial facility where fruits, either grown locally or grown elsewhere, are brought to the facility and are processed, packaged, or otherwise prepared for market.

Garage - An accessory building or that portion of a principal building used for the storage of one or more automobiles and/or other vehicles, accessory and incidental, to the principal use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

Garage, Community - A building for use of storage space for more than three (3) motor vehicles for the convenience of the general public. A garage of this type shall be deemed a business use.

Garage, Private - An accessory building used for the storage of private non-commercial motor vehicles, which may include one commercial vehicle, owned and operated by the owner or occupant of the premises.

Garbage - All animal and vegetable waste and all putrescent matter.

General Manufacturing – Industrial production wherein raw materials are processed into finished goods.

Golf Course - Any tract designed and improved for the playing of golf, not including any driving ranges, "chip 'n putt", or miniature golf courses.

Governing Body - The Board of Supervisors of the Township of Penn, Cumberland County, Pennsylvania.

Grade - The natural surface of the ground, lawns, walks or streets adjoining the exterior walls of any building or structure.

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

Grain Storage/Commercial Feed Mill - An operation where the principal use of the lot involves the storage and/or processing of grains and/or foodstuffs for livestock and poultry consumption.

Ground Cover - Spreading plants including sods and grasses less than twelve (12) inches in height at maturity which are used for erosion control.

Group Facility - Any one of the following group living arrangements:

A. Community Rehabilitation Facility/Halfway House - Group living quarters for persons who need specialized housing, treatment and/or counseling that (a) provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation, or (b) provides treatment/housing for persons convicted of driving under the influence of alcohol.

B. Emergency Shelter for Homeless - A structure or part thereof operated by a private corporation as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to

provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

C. Group Care Facility - An institutional care facility, licensed, registered or certified under an applicable County, Commonwealth or Federal agency in which 10 or less persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, reside while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements in family dwellings, or nursing, convalescent or similar health care facilities.

D. Shelter for Abused Persons - A temporary group residence operated by a public agency or private corporation, which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.

E. Temporary Shelter - A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

Hazardous Material - Materials which are classified by the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers, located in flood prone areas.

Hazardous Waste - Any substance classified by the Environmental Protection Agency, the DEP, or the Township as having the potential to damage health or impair safety including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

"Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended, in the definition appearing in 35 P.S. 6018.103.

Hazardous Waste Facility - Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

Health and Fitness 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.

Hearing - An administrative proceeding conducted by a board pursuant to Sections of the Pennsylvania Municipalities Planning Code.

Heavy Equipment – Vehicles and/or machinery that are larger than that typically stored upon one dwelling lot. Examples include, but are not limited to, commercial trucks, farm equipment, excavation equipment, yachts, buses, etc.

Helicopter Pad (Private) – An accessory use where no more than one (1) helicopter may land/take-off and be stored.

Heliport – A principal use where one (1) or more helicopters may land/take-off and be stored. Such use may also include support services, such as fueling and maintenance equipment, passenger terminals and storage hangars.

Historic Structure – Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 district certified or preliminarily determined by the Secretary as a registered historic district;

C. Individually listed on an inventory of historic places in the Commonwealth of Pennsylvania that has been approved by the Secretary of Interior.

Home Occupation – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up

delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Horticulture - The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

Hospital - A building or part thereof used for the medical, psychiatric, obstetrical or surgical care on a 24-hour basis. The term "Hospital" shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, and children's hospitals, and any such other facilities which provide in-patient care. The term "Hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

Hotel - A building consisting of lodging rooms designed or occupied primarily as the temporary place of abode of individuals who are lodged for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites.

House of Worship (and Related Uses) - A building, structure, or group of buildings or structures, including accessory uses, designed, intended, or used for public worship. This definition shall include temples, rectories, chapels, convents, cathedrals, parish houses, synagogues, and church-related educational and/or day care facilities.

Hub Height – The distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

Impervious Surface – Any surface which will not readily absorb precipitation, including paved areas such as driveways, roads, sidewalks, storage areas, and parking areas whether constructed or concrete, brick, asphalt, compacted stone and other nonporous material, as well as all buildings and structures.

Important Natural Habitat – Any land area characterized by any or all of the following:

A. Wetlands as defined by criteria of the U.S. Department of the Interior, Fish and Wildlife Service;

B. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extinct plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and, or that have a State Rank of S1 or S2.

Impulsive Sound – Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

Individual On-Lot Sewage System – Any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Industrial Park – A tract of land laid out in accordance with an overall plan for a group of industries, with separate building sites designed and arranged on streets, with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

Inn – A detached facility where between one (1) and five (5) rooms are rented to provide temporary lodging for a fee to registered overnight guests on a daily basis not to exceed two (2) weeks, in which meals may be served only to those overnight guests.

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

Junk – Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, appliances, plastic, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Dealer – Any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Township of Penn.

Junk Yard – An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, glass, motors, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of four (4) or more unlicensed, wrecked, abandoned, junked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junk yard”. [A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than ninety (90) days beyond the expiration.] Any lot, parcel, tract, building, structure or part thereof, which is used to collect, store or transfer any garbage, municipal, residential or solid waste as defined by the DEP, toxic or hazardous substances shall not be considered a junk yard.

Kennel – Any lot on which three (3) or more animals are kept, boarded or trained for a fee, whether in special buildings or runways or not

Land Development – Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

   1. A group of two (2) or more residential or non-residential 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 allocation 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;

   3. A subdivision of land.

B. Land development does not include development that involves:

   1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than two (2) residential units, unless such units are intended to be a condominium;

   2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

   3. The addition or conversion or buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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.

Landscape Area – The non-impervious area of a lot, which contains plant matter, trees, and/or vegetative ground cover.

Landscaping – Landscaping shall include, but not be limited to, grass and other live plantings such as trees, shrubs and bushes and may also include mulch and/or decorative stone.

Large Livestock Operation – A concentrated animal operation on contiguous lands owned by the same owner or owners.

Liquid Manure – Manure with sufficient water added to form a mixture containing less than fifteen (15%) percent solids. It is stored in a tank, a pit, or similar container, and removed by means of a pump for spreading.

Livestock – Any living creature maintained for commercial use or profit, but not maintained as a pet.

Loading Space – An off-street paved space suitable for the loading or unloading of goods, and having direct usable access to a street or alley.

Lot – A plot or parcel of land, which is, or in the future, may be offered for sale, lease, conveyance, transfer or improvement as one unit, regardless of the method or methods in which title was acquired. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot Area – The area contained within the property lines for individual lots of lands, excluding any area within a street right-of-way and including the area of any easement.

Lot, Corner – A lot abutting upon two or more streets at their intersections.

Lot Coverage – A percentage of the lot area, which may be covered with an impervious surface (e.g. driveways, sidewalks, buildings, structures, parking areas, etc.)

Lot Depth – The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

Lot, Flag - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

Lot, Interior - A lot other than a corner lot.

Lot Line - A line dividing one lot from another or from a street or alley.

Lot Line, Front - Front lot line shall mean the line separating such lot from any street or other public way. In the case of corner lots, the lot lines of the property adjoining the street or public way shall both be front lot lines.

Lot Line, Rear - Rear lot line shall mean that lot line which is opposite and most distant from the front line. In the case of corner lots, the two lot lines opposite of the front lot lines shall be rear lot lines. The rear lot line of any irregular or triangular lot shall, for the purpose of this Ordinance, be a line entirely within the lot, ten (10) feet long.

Lot Line, Side - Any lot line that is not a front or rear lot line.

Lot Width - The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single family attached dwellings, lot width shall be measured between the center lines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

Low Impact Business – A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use of a residential dwelling.

Manufactured Home or House - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that is may be used on a permanent foundation. Each manufactured home shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. In the Floodplain district, the term includes park trailers, travel trailers and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

Manure - The fecal and urinary defecation of livestock and poultry with additional straw, sawdust or other bedding material.

Manure Storage Facility - A structure built to store manure for future use, including, but not limited to underground storage, in-ground storage, trench silos, earthen banks, stacking areas, and above ground storage. Commercial waste storage facilities are those which are owned and operated for profit to provide animal waste storage services to the agricultural community.

Maximum Flood Elevation - The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain District.

Mean Sea Level - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

Mediation - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating a written agreement, which the parties themselves create and consider acceptable.

Medical or Dental Center, Medical or Dental Office, Medical or Dental Clinic - A building or part thereof used for medical, psychiatric, obstetrical, dental or surgical care. The term "Medical Center" shall include facilities similar to general hospitals, mental hospitals, tuberculosis hospitals children's hospitals and any other such facility, which provides care, whether or not on a 24-hour basis, but does not provide services or care for overnight stays. Home offices of health care professionals shall be considered home occupations and shall not be included in this definition.

Menagerie – Any place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearances to birds or animals wild by nature, are kept in captivity for the evidence purpose of exhibition with or without charge.

Migrant Worker Camp – One or more buildings, together with any land associated with said buildings, that are established, operated, or used as temporary living quarters for two or more families intending to engage in agriculture or related food processing.

Mining - The extraction of minerals from the earth, from waste or stockpiles, or from pits or banks which require the removal of over-burden, strata, or material overlying above or between minerals, or by otherwise exposing or retrieving materials found on the lands. Such activities shall include strip, drift, auger and open-pit mining, quarrying, leaching and box cutting, but shall not include activities carried out beneath the surface of the earth by means of shafts, tunnels, or other subterranean mining openings.

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

Minor Repair – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed-use Structure - A building occupied by more than one (1) use, including, but not limited to, specialty retail, commercial, residential, and professional office uses.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit, capable of again being separated for repeated towing, which arrives at a

site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers are not considered mobile homes under this definition. Mobile homes placed in mobile home parks shall meet the requirements for Mobile Home Parks listed in this Ordinance. Mobile homes placed on individual lots shall be considered "dwellings" and be bound by the requirements there imposed.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, such lot being leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park - A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenance structures and connections.

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

Multi-family Community - A group of multi-family dwellings developed on a single parcel of land and sharing common parking, recreation and landscaping areas.

Motor Freight Terminal – A building in which freight brought to the building by motor trucks is assembled and sorted for routing in intrastate and interstate shipping.

Muffler or Sound-Dissipative Device – A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

Municipal Use - Any use owned or operated by the Township or an authority created by the Township.

Municipal Waste - Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988, as may be amended and supplemented.

Municipalities Planning Code (MPC) - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Natural Feature –A component of a landscape existing or maintained as part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, ,human recreation, reduction of climatic stress or energy costs. Such features include those, which, if disturbed, may cause hazards or stress to life, property or the natural environment.

New Construction - Structures for which the start of construction commenced on or after the effective date of this Ordinance.

Nightclub – Any building used for on-site consumption of alcoholic or non-alcoholic 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 also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carryout beer and wine as an accessory use. This is meant to include an "under 21"club which features entertainment.

Noise - Any sound, which annoys or disturbs humans, or which causes or tends or may tend to cause an adverse psychological or physiological effect on humans.

Noise Disturbance – Any sound which is in excess of the sound levels by zoning district.

Nonconforming Lot - A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign - See Nonconforming Structure.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provision in this Ordinance or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nonconformity - A use, structure, or lot (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance, and in conflict with the regulations of this Ordinance.

Nonconformity, Dimensional – Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

Non-Residential - Any use other than single or multi-family dwellings. Any institutional use in which persons may reside, such as a dormitory, prison, nursing home or hospital, shall also be considered a non-residential use.

Normal Farming Operations - The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

Nursing, Rest or Retirement Home - Facilities designed under one (1) roof to provide housing, boarding, and dining for the elderly or infirm with some level of nursing care on a 24-hour basis for five (5) or more persons. This is distinctly differentiated from "Retirement Community".

Occupancy - Use of a building or lot for a specified purpose.

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. The term "office" shall not include retail or industrial uses.

Official Zoning Map - The map adopted by this Ordinance.

Off-Lot Sewer Service - A sanitary sewerage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plan which may be publicly or privately owned and operated.

On-Lot Sewer Service - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Lot Water Service – The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

One Hundred (100) Year Flood – A flood which is likely to be equaled or exceeded once every one hundred (100) years (ie., that has a one percent 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the

United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study, is necessary to define this flood.

One Hundred (100) Year Flood Boundary – The outer boundary of an area of land that is likely to be flooded once every 100 years (ie., that has a one percent 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study, is necessary to define this boundary.

One Hundred (100) Year Flood Elevation - The water surface elevations of the one hundred (100) year flood.

Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. A space unoccupied by buildings or paved surfaces and open to the sky or to living vegetation, which may be on the same lot with the building.

Operator - Any person owning, operating, managing, or conducting any establishment. Whenever used in any clause prescribing penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.

Outdoor Recreational Use - A use of open land for leisure time activities such as a beach, lake, pond or public swimming pool, tennis court, riding stable or golf course.

Outdoor Wood-fired Boiler – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

A. Designed to burn clean wood or other approved solid fuels;

B. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and

C. Which heats building space and/or water through distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Owner - Any person who, alone or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any

premises as (a) agent, officer, fiduciary, or employee of the owners; (b) the committee, conservator, or legal guardian of an owner who is incompetent, a minor otherwise under a disability; (c) trustee, elected or appointed, or a person required by law to act as a trustee, other than trustee under a deed of trust to secure the payment of money; or (d) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner or his or her estate. This does not include a lessee, sub-lessee or other person who merely has the right to occupy or possess a premises.

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, shall be deemed to be a landowner for the purposes of this Ordinance.

Parcel - For purposes of this Ordinance, a parcel shall mean all contiguous land owned by the same owner or owners at the date of the proposed transfer. Land shall be considered contiguous even though separated by public or private roads and/or by land adverse from the original tract.

Parent Tract - When used in determining the permissible number of lots which may be subdivided or dwellings erected in the Conservation District, all contiguous land held in single and separate ownership, regardless of whether

A. such land is divided into one or more lots, parcels, purparts or tracts;

B. such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or

C. such land is bisected by public or private streets or rights-of-way;

Which was held by the landowner or his predecessor in title as of April 30, 2006.

Park, Private - A recreational facility owned or operated by a non-public agency and/or conducted as a private gainful business.

Parks, Public and/or Non-Profit - Those facilities designed and used for recreational purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) area operated on a non-profit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses and amusement arcades.

Parking Garage - A building where vehicles may be stored for short-term, daily or overnight off-street parking.

Parking Lot - An open lot where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

Parking Space - An off-street space available for the parking of a motor vehicle and which in this Ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Parks, Private – A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business.

Pennsylvania Municipalities Planning Code - Act 170 of 1988, as amended.

Permit, Zoning - A certificate issued by a designated Township official stating that the purpose for which a building or land is to be used is in conformity with all requirements of the Zoning Ordinance for the zoning district in which the use is situated.

Permitted Use - A use of a lot, parcel, tract, building, structure, sign or part thereof which is permitted as of right in a particular zoning district.

Person - An individual, corporation, partnership, association, estate, trust, or other legally recognized entity, and the officers of such corporation or the members of such partnership or association.

Pesticide – Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

Personal Service Establishments - Commercial establishments providing services, which do not involve retail sales or professional advisory services. The term "personal service establishments" shall include those oriented to serving personal needs, such as barber and beauty shops, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, shoeshine parlors and other similar establishments.

Petroleum Product – Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

Phase 2 Outdoor Wood-fired Boiler – An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Plan - A drawing submitted as part of the required application for a Zoning Permit, prepared and sealed by a registered professional engineer, architect, landscape architect or surveyor unless the "plan" is for another purpose.

Planned Residential Development - An area of land, controlled by one (1) owner, to be developed as a single entity for a number of dwelling units which may include limited non-residential uses accessory thereto, the development plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established under the provisions of this Ordinance.

Planned Shopping Center - A group of retail stores and/or personal service establishments planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

Planning Commission - The Planning Commission of Penn Township, Cumberland County, Pennsylvania.

Planting - The covering of open space with vegetative matter such as grass, trees, shrubs, and bushes.

Poultry - Domestic fowl including but not limited to chickens, turkeys, ducks and geese.

Powered Model Vehicle – Any self-propelled airborne, waterborne or land-borne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Premises - See "lot".

Private Club – An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities as defined herein.

Private School - A non-profit educational institution offering a curriculum approved by the Department of Education and which is not administered by the Big Spring School District.

Private Solar Energy System – Any solar collector 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; and which shall be used primarily on the same property.

Private Wind Energy Systems – A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

Produce Stand – A small business that sells seasonal produce, or processed items derived from that produce.

Professional Occupation - An occupation for gain or support conducted by a member of the medical, dental, architectural, engineering, surveying, veterinary or legal professions.

Property Line (Boundary) – Any imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separation of properties; and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purposes of this ordinance, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the zoning officer.

Public - Owned, operated, or controlled by a government agency (Federal, State or local), including a corporation created by law for the performance of certain specialized governmental functions).

Public Entertainment Facility – Any place, whether a single building or complex of buildings, where people congregate in large numbers, such as professional sports stadiums and arenas, exhibition complexes, assembly halls, convention centers, auditoriums, movie theaters and live performance venues.

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- or ordinance-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, and subsequent amendments.

Public Place - Any public street, highway, road, alley, park, playground, vacant lot, public building or ground, railway station, bus terminal or similar place.

Public Right-of-Way – Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

Public Road - A public right-of-way including a street, road, lane, alley, court or public space which has been dedicated or deeded to the public or public use and which affords principal means of access to abutting property.

Public, Semi - Owned, operated or controlled by a private non-profit organization of a public service nature and duly recognized as such by the Commonwealth of Pennsylvania.

Public Sewer – A public or private utility system designed to collect, transport and treat sewage from multiple users. Such systems shall comply with the regulations of the DEP, the Public Utility Commission or the Township, as applicable.

Public Space - A plot or area of land outside the building dedicated or devoted to public use by legal mapping or any other lawful procedure.

Public Uses - Includes public and semi-public uses of welfare and educational nature, such as schools, parks, fire stations, municipal buildings and municipal garages, and etc.

Public Utility - A use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority, or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy, telephone and other communication service, excluding the facilities of any public utility to the extent such facilities are subject to the jurisdiction, power and authority of the Pennsylvania Public Utility Commission under the Public Utility Code, 66 Pa. C.S. 101 et seq. It is the intent of the Township to regulate public utility facilities only to the extent permitted by the Municipalities Planning Code, the Public Utility Code, and applicable case law interpreting these statutes.

Public Water - A public or private utility system designed to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the DEP, the Public Utility Commission or the Township, as applicable.

Pure Tone – Any sound which can be heard as a single pitch or a set of single pitches. For the purpose of this ordinance, a pure tone exists if the 1/3 octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of the two contiguous octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Quarry - Land used for the purpose of extracting stone, sand, clay, gravel, topsoil or other mineral for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Quarry Material – Quarry material shall include but not be limited to the following: limestone, dolomite, sand, gravel, rock, stone, earth, fill slag, iron ore, zinc ore, vermiculite, clay, aggregate, asphalt, concrete, anthracite, bituminous products and other related materials.

Quarrying – The storage, stockpiling, and extraction of minerals by mining methods.

Radioactive Material- Any natural or artificially produced substance which emits radiation spontaneously.

Real Estate: Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

Recreational or Entertainment Facility - A building or open air facility housing an activity open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, theatres, drive-in motion picture facilities, swimming pools, health or exercise clubs, museums, shooting ranges, paintball, etc. Recreation or entertainment facilities shall not include adult-related uses, amusement arcades, nightclubs or golf courses as defined herein.

Recreation, Private or Commercial - Leisure time activities that are only open to members, guests, or some specific groups or that are principally operated for commercial purposes.

Recreation Vehicle - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and with its wheels, rollers or skids in place. A recreation vehicle shall include trailer, house trailer, camper, sleigh, golf cart, boat, boat trailer, airplane or other similar vehicle providing partial and usually temporary living and sleeping quarters, and which may or may not include kitchen and bathroom conveniences.

Recycling Center - (To include Recycling Collection Facility, Recycling and Resource Recovery Facility, and Recycling Station.) - Any facility that is involved in the recycling of paper, glass, and metal products, including the collection and storage of such materials on-site following recycling.

Refuse - All waste substances including garbage as well as combustible and non-combustible wastes.

Regulatory Flood Elevation – The flood which has been selected as the basis for the floodplain management regulations. For the purpose of this Ordinance, the one hundred year flood (base flood).

Residential Cluster - A residential development designed in accordance with Cluster Development design techniques.

Residential Development - A subdivision or land development as those terms are defined in the MPC, whether initially or cumulatively, of a tract under single and separate ownership, for the purpose of erecting residential dwelling units.

Restaurant - Any establishment at which food or drink is sold for consumption on the premises. The term "restaurant" shall not include any snack or community playground,

play field, park or swimming pool operated by a governmental agency or municipal agency for the convenience of the patrons of those facilities. A restaurant serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so 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). Caterers shall be included in this definition.

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 - A single business enterprise or grouping thereof, which primarily engages in the display and retail sales of consumer goods such as wearing apparel, antiques, books, beverages, confections, drugs, dry goods, flowers, food stuffs, gifts, garden supplies, hardware supplies, household goods, jewelry, paint, periodicals, etc. This term shall not include adult-related facilities as defined herein.

Retirement Community - A planned community for senior citizens which will provide care, supervision, living accommodations, and recreation. The entire community shall be retained in single ownership. The community may include, for exclusive use of residents and their guests, related accessory facilities such as administrative offices, complete health care facilities, dining facilities, social rooms, craft and hobby shops, gift shops and overnight guest rooms.

Reverse Frontage Lot - A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

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

Right-of-Way - Land set aside or designated for public or private streets, roadways, sidewalks, curbs, and the installation of public utilities. A right-of-way is also a corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to roads, streets, highways, and sidewalks.

Right-of-Way Line, Existing - The line separating a lot from the area designated for a street or utility purpose.

Road - Any road, street, avenue, boulevard, highway, freeway, parkway, lane, alley, viaduct, and any other way used or intended to be used by vehicular traffic, whether public or private. This definition shall include all roads, whether privately maintained, whether actually maintained by Penn Township or the state of Pennsylvania as part of its road system, or whether shown on a subdivision and land development plan to be offered or dedicated to Penn Township in the future as part of its road system.

Running-at-Large – Any instance in which an animal is running about loose on a street, or upon the property of a person other than the owner of such animal, unleashed and unaccompanied by the owner or custodian or by any member of the owner's family or by any servant or agent of the owner of such animal.

Sanitary Landfill - A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

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, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, televisions receivers only or TVROs, and satellite microwave antennas.

School - Any place, person, partnership or corporation offering instruction in any branch of knowledge meeting the requirements of the Commonwealth under the supervision of, and approved by, the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

A. Commercial School - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the Big Spring School District.

B. Private School - An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs, and artistic, dance, baton twirling, and musical training. Private educational institutions are principal uses that are neither home occupations nor day care operations. These uses shall not include vocational and/or mechanical trade schools as defined herein.

C. Nursery School - See "Day Care".

D. Public School - A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the Big Spring School District.

E. Vocational-Mechanical Trade School - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:

1. Truck driving

2. Engine repairs

3. Building constructions and general contracting

4. Woodworking

5. Masonry

6. Plumbing

7. Electrical contracting; and,

8. Other similar trades, as determined by the Zoning Hearing Board.

Screen Planting - A vegetative material of sufficient height and density to conceal from the view of the property owners in adjoining districts the structures and uses on the premise on which the screen planting is located.

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

Service Areas (Parking, Drives and Loading) – The whole area of parking lots, access drives, drive aisles, and loading areas.

Services, Essential - Uses, not enclosed within a building, necessary for the preservation of the public health and safety, including, but not limited to the erection, construction, alteration or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

Service Station - Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Sewage Enforcement Officer (SEO) - The Sewage Enforcement Officer of the Township.

Shooting Range – A place where members of the public, either for a fee or for free, can discharge firearms for recreation, competition, skill development, and training. For the purpose of this Ordinance, a firearm shall include an instrument that uses a propelling charge to move a projectile (e.g. rifle, gun, shotgun, pistol, air gun.)

Shopping Center - A group of retail stores, offices, and/or service businesses planned and designed for the site on which they are built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Sign - Any structure, building, wall or other outdoor surface, or any device or part thereof which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or other representations used for visual communication, announcement, identification, direction, or advertisement of use of land. The word "sign" includes the word "billboard" but does not include the United States flag pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs. This definition does not include products displayed in the window displays of commercial establishments. It does, however, include any single or multi-faced sign affixed to the windows or glass doors or otherwise internally mounted such that it can be seen and understood from vehicular ways and/or parking areas, except any sign mounted within a building which obviously is primarily intended to be seen from within the building.

Sign, Advertising - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the property on which the sign is located. An advertising sign shall include a commercial billboard.

Sign, Area Of - The face of a sign including all lettering, wording, designs and symbols, together with background, whether open or enclosed on which they are displayed, including the frame, but not including any supporting framework or bracing. Where a sign consists of individual letters, numbers, characters, or symbols attached to a building wall, window, or door, the area of the signs shall be considered that of the smallest rectangle or other regular geometric shape which encompasses all elements of the sign such as letters, figures, symbols, designs, or other display. When a double-faced sign is erected in such a manner that both sides are not visible from the same vantage point, then only one face shall be used to compute the sign area. When a single sign structure has more than one face with the same message, and no two (2) faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single vantage point. In the case of a cylindrical sign, one half of the total surface area shall be used to compute the area.

Sign, Billboard - See Sign, Panel Type.

Sign, Building Facade - A sign located anywhere upon the entire vertical surface of a building facing the public way or most nearly parallel to the public way, including doors, parapets, and windows (no roof area included).

Sign, Business Identification - A sign which directs attention to a business, profession, industry or similar activity conducted upon the property on which the sign is located, not to include home occupation signs.

Sign, Changeable Copy - A sign on which message copy can be changed through use of attachable letters, numerals, or graphics, or by switching of lamps. A changeable copy sign shall not be considered to be an animated sign unless switching lamps are utilized.

Sign, Free Standing - A permanent sign erected on a foundation or supported by a structure or pole specifically designed to support the sign and which is not attached to a building.

Sign, Governmental - A sign erected or placed by a governmental agency in furtherance of the public health, welfare, safety, and morals, providing public information or fulfilling official notice requirements and not for advertising purposes.

Sign Height - The height of a sign shall be measured from the ground level at the time of the adoption of this Ordinance to the highest point of the sign or sign structure unless otherwise defined. No sign shall ever be higher than the height limitation of the district in which it is located. Any sign attached to a wall may not extend above the wall.

Sign, Identification - A sign used to display and identify only the same of the individual, facility, organization, agency, institution or development occupying the property upon which it is displayed, not to include a business identification sign.

Sign, Incidental - An informational sign less than two (2) feet square in size, which carries a message such as "enter", "telephone", "rest rooms", "no parking", "warning", or similar information.

Sign, Inflatable - A sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Sign, Nonconforming - A sign lawfully existing at the effective date of the Ordinance which does not completely conform to the sign regulations applicable in the zoning district in which it is located.

Sign, Obsolete - A sign, which was, but has become no longer useful for its original purpose.

Sign, Panel Type (Billboard) - A sign which directs attention to products, services or businesses conducted, sold or offered only elsewhere than upon the premises where the sign is displayed.

Sign, Permanent - Any sign or sign structure which is permanently affixed or installed, and is intended for long-term use.

Sign, Political - A sign which indicates the name, cause or affiliation of a person seeking public office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

Sign, Public Right-of-Way - That land area over which the Township or State have rights either through ownership or easement, to use the public street and utility purposes.

Sign, Real Estate - Any temporary sign having not more than two (2) sides which, in whole or in part, announces the sale or lease of property, excluding subdivision identification signs.

Sign, Subdivision - Any sign announcing the development of a new subdivision of land, and the sale or lease of the lots contained therein.

Sign, Temporary - A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, intended for a limited period of display; including decorative displays for holidays or public demonstrations, and also moveable or portable signs on wheels or designed in such a manner as to be easily moved from one location to another.

Sign, Vehicle - A sign affixed or painted on a vehicle, trailer, or similar device.

Sign, Wall - A sign attached to or erected against the wall of a building, with the exposed face of the sign in a plane parallel to said wall.

Single and Separate Ownership - The ownership of a lot by one (1) or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

Solar Energy – Radiant energy (direct, diffused or reflected) received from the sun at wave lengths suitable for conversion into thermal, chemical or electrical energy.

Solid Waste – Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility, or other discarded material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

Solid Waste Disposal and Processing Facilities - Any sanitary landfill, mass burn facility, or processing facility which accepts, disposes, and/or processes 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 nor 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 Transfer Area or Facility - A place where solid waste is disposed, brought, sorted, stored for less than four (4) days and transferred from one (1) vehicle to another

vehicle or to a rail car for the purpose of transport to a permanent solid waste disposal area or facility.

Sound – An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

Sound Level – The weighted sound-pressure level obtained by the use of a sound-level meter and frequency-weighting network, such as A, B, or C, as specified in American National Standards Institute specification for sound-level meters (ANSI S1.4-1974, or the latest revision thereof). If the frequency-weighting employed is not indicated, the A-weighting shall apply.

Sound-Level Meter – An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and any applicable weighting network used to measure sound-pressure levels which meets or exceeds the requirement for a Type I or Type II sound-level meter as specified in ANSI specification S1.4-1974. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

Special Exception - The granting of a right to use a tract of land for any of the purposes set forth as permitted in a certain District by Special Exception to terms, procedures, and conditions, prescribed for that use by this Ordinance. The Zoning Hearing Board shall administer Special Exception.

Specified Anatomical Areas – Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolas, and/ or human male genitals in a discernible turgid state, even if completely and opaquely covered.

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

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

E. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; or

F. Erotic or lewd touching, fondling or other contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

Sportsmen's Club - A nonprofit private facility for member use only which may include hunting, target practice, shooting competitions or related activity and which shall not include vending stands, merchandising or a commercial activity except in connection with fundraising for the association. Sportsmen's club shall not be operated in connection with a restaurant or other public place.

Stable – Any lot on which two (2) or more horses are kept, boarded or trained for a fee, whether in special building or not.

Stack – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

Standard Animal Weight – The given weight of a particular animal, whether mature or immature, used to determine how many animals comprise an Animal Unit as defined in this ordinance.

Storage – A function involving the deposition of materials, goods and/or products for safe-keeping.

Story – That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two feet (2') above such story.

Street - A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily is a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, storm water management facilities, shade trees and sidewalks.

Street Centerline - The horizontal line paralleling the street that bisects the street right-of-way into two (2) 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, Private - A thoroughfare including a street, road, land, alley, court, or space which has not been offered for dedication or whose dedication was not accepted by the Township. Private streets shall not be permitted unless they meet the standards of Penn Township Ordinances.

Street, Public - A public thoroughfare including a street, road, lane, alley, court, or public space which has been dedicated or deeded to the public or public use and which affords principal means of access to abutting properties.

Street Right-of-way Line - The line dividing a lot from the full street right-of-way, not just the cartway.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as sandboxes, swing sets, birdhouses, birdfeeders, mailboxes, sidewalks, driveways, and any other similar nonpermanent improvements. See also "Accessory Structure" and "Building, Principal".

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

A. Major Subdivision: Any subdivision not classified as a minor subdivision.

B. Minor Subdivision: The subdivision of a single lot, tract or parcel of land into three (3) or fewer lots located on an existing improved street that does not involve installation of improvements as required by this Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect on the development of the remaining parcel; adverse effect to adjoining properties; or conflict with the Township's present or future Comprehensive Plan, Zoning Ordinance, any portion of this Ordinance or other State, County, or Township ordinance, law or regulation.

Substantial Damage - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement.

This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or:

B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Supermarket - A retail market selling foods and household merchandise, which contains 10,000 square feet or more of floor area. If the building within which the supermarket is located contains other uses, including but not limited to a branch bank, a discount retail merchandise store, or other facilities, additional regulations for those uses will also be applicable.

Supervisors - The Board of Supervisors of the Township of Penn, Cumberland County, Pennsylvania.

Surface Mining – The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

Swimming Pool, Private - Any reasonable permanent pool of open tank, not located within a completely closed building, and containing, or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

Swimming Pool, Public - A public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof.

Taxidermy – The art of preparing, stuffing, and mounting the skins of animals to make them appear lifelike.

Theater – A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admissions basis.

Townhouse Community - A group of townhouses developed on a single parcel of land and sharing common parking, recreation, and landscaping areas.

Township - Penn Township, Cumberland County, Pennsylvania.

Township Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Penn Township.

Tract - All land which (1) was owned by the same owner or owners , and (2) was defined under a single deed on the date of this Ordinance.

Trailer Camp - A tract of land where two (2) or more travel trailers, motor homes or campers are parked or which is used or held out for the purpose of supplying to the public a parking space for (2) or more travel trailers, motor homes or campers.

Travel Center – A retail business that provides auto and/or truck fuel and convenience items (see Convenience Store) and have facilities that are intended for use by cargo transportation. “Travel Centers” shall not have facilities for showers, laundry, TV room, video arcades, repair shop, truck wash, truck scales or overnight parking or lodging. “Travel Centers” may include a restaurant, including drive-thru and fast food types, provided the restaurant facilities do not exceed 50% of the square footage of the principal building.

Travel Trailer - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are usually 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 DEP 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 Stop – A retail business that provides truck fuel and convenience items (see Convenience Store), and having facilities for showers, laundry, TV room, video arcades, repair shop, truck wash, truck scales or overnight parking or lodging.

Two-Family Conversions - The conversion of an existing single-family detached dwelling to contain two (2) separate dwelling units.

Use - The purpose for which land, structure, sign, or a building is arranged, designed, or intended, or which either land, structure, sign, or a building is or may be used, occupied, or maintained.

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

B. Principal Use - The main or primary purpose for which land, a structure, building, and/or sign, or use thereof is designed, arranged, or intended, or for which they may be occupied or maintained under the Zoning Ordinance. There may be only one (1) Principal Use on a property.

Utility - Equipment or facilities utilized for producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation; diverting, developing, pumping, ponding and distributing or furnishing water to or for the public compensation; transporting passengers or property as a common carrier; equipment or facilities for use as a canal, turnpike, tunnel, bridge, wharf, and the like for the public for compensation; transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration of oxygen or nitrogen or other fluid substance by pipeline or conduit for the public for compensation; conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation; cable TV; cellular communication; and sewage, collection treatment or disposal for the public for compensation, excluding the facilities of any public utility to the extent such facilities are subject to the jurisdiction, power and authority of the Pennsylvania Public Utility Commission under the Public Utility Code, 66 Pa. C.S. 101 et seq. It is the intent of the Township to regulate public utility facilities only to the extent permitted by the Municipalities Planning Code, the Public Utility Code, and applicable case law interpreting these statutes.

Variance - A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to appropriate provisions of this Ordinance and the Pennsylvania Municipalities Planning Code (Act 247).

Vehicle - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

Veterinarian's Office or Facilities - 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.

Visitor's Center – A facility, either publicly or privately owned, located along an Interstate Highway or US Route, and providing basic facilities (such as parking, restrooms, and vending machines) for temporary rest breaks by travelers in passenger cars or commercial vehicles. "Visitor's Centers" shall not have facilities for showers, laundry, TV room, video arcades, repair shop, truck wash, truck scales, overnight parking or lodging, or onsite restaurant.

Water Facility - Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Water Distribution Facility, Off-Lot - Any approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.

Wetlands - All areas meeting the criteria for wetlands as specified by the United States Army Corps of Engineers, 1987 Manual. Wetlands are areas that are inundated or saturated by surface water or ground water 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 but not limited to swamps, marshes, bogs and similar communities.

Wholesale – Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

Wind Energy Conversion System (WECS) – Any device that converts wind energy to mechanical or electrical energy.

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

Window – An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

Yard - A space which is open to the sky and unoccupied by any building, structure or merchandise for display or sale, and which is located on the same lot with a building or structure.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front

yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

Yard, Side - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

Zoning - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Hearing Board - The Zoning Hearing Board of Penn Township.

Zoning Districts - The land use districts established by the Zoning Ordinance of Penn Township.

Zoning Map - The official zoning map of Penn Township.

Zoning Officer - The duly appointed municipal official designated by the Township Supervisors as the administering and enforcing officer for this Ordinance.

Zoning Ordinance - Penn Township Zoning Ordinance, as amended. The term "Ordinance" shall refer to the Penn Zoning Ordinance unless otherwise specified.

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

ARTICLE IV

DESIGNATION OF DISTRICTS

SECTION 401. CLASSIFICATION OF DISTRICTS

For purposes of this Ordinance, Penn Township is hereby divided into the following Districts and shall be designated as follows:

CON – Conservation District
A – Agricultural District
R – Residential District
CO – Commercial District
I – Industrial District
Q – Quarry District
FP – Floodplain District

SECTION 402. ZONING MAP

The boundaries of the zoning districts shall be as shown on the Official Zoning Map which is on file in the office of the Township. Said Official Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein. The Floodplain District shall be an overlay district and shall be considered a part of the said Official Zoning Map.

The Official Zoning Map shall be so labeled and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Township and bear the seal of the Township.

Should any challenge be made to the procedural validity of the process used by the Township to enact the Official Zoning Map which is incorporated into this Ordinance, and should such procedure be determined to be invalid by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of the text of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the text of this Ordinance shall be and shall remain in full force and effect.

SECTION 403. INTERPRETATION OF DISTRICT BOUNDARIES

A. Where uncertainty exists as to the boundaries of the Districts as shown on the zoning map, the following rules shall apply:

1. Boundaries which appear to follow the centerline of streets, highways, or alleys, or extensions thereof, or parallel or perpendicular to such centerlines, shall be construed as such.

2. Boundaries which appear to follow lot lines or extensions thereof, or parallel or perpendicular to such lot lines shall be construed as such.

3. Boundaries indicated as approximately following municipality boundary lines or limits shall be construed as following such boundary lines or limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in Sub-sections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are in conflict with those shown on the official zoning map or in circumstances not covered by sub-sections 1 through 6 above, the Zoning Hearing Board shall interpret the District Boundaries.

8. In subdivided land where a district boundary line divides a lot held in single and separate ownership, the regulations of district may extend over either portion of the lot, at the applicant's discretion, a distance of not more than fifty (50) feet beyond the district boundary line providing such extensions does not extend the district boundary along a street or road.

SECTION 404. AMENDMENTS TO THE OFFICIAL ZONING MAP

If, in accordance with the provisions of the Zoning Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change will be accompanied by an entry on the Official Zoning Map stating the date of the amendment.

SECTION 405. USES PERMITTED

The uses permitted in the districts established by this Ordinance and the permitted extent of these uses are as shown in Articles V through IX. The uses shown as permitted in each

zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use.

SECTION 406. USES WITH NUISANCE EFFECT

In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

All normal farm practices shall be excluded from this provision in that they shall not be deemed uses with a nuisance effect.

SECTION 407. DIMENSIONAL REQUIREMENT CONFLICT

Where a conflict exists between the dimensional requirements as set forth for the Zoning District and the dimensional requirements of a particular use, the criteria as stated in the Use Regulations shall take precedence.

ARTICLE V

CONSERVATION DISTRICT (CON)

SECTION 500. PURPOSE OF THE CONSERVATION DISTRICT

This purpose of the Conservation District is to preserve and protect the Township's sensitive environmental features, as well as to protect life and property by limiting development in areas with severe development constraints. Areas zoned Conservation are characterized by multiple features and constraints including steep slopes, woodlands, wildlife habitat, water supply sources, and stream valleys.

SECTION 501. STATEMENT OF LEGISLATIVE INTENT

In the interest of public health, safety, and welfare, the Conservation District is further designed and intended to accomplish the following:

A. Protect and stabilize the forested areas as an ongoing, viable, major component of the Township.

B. Permit only those land uses and activities which are conservative in nature or incidental thereto.

C. Encourage the preservation of the forested areas within the Township as a valuable resource by limiting uses within the Conservation District.

D. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with conservation uses.

E. Direct development which is incompatible with conservation into other areas of the Township to foster conditions favorable to the continuation of conservation practices.

F. Provide maximum protection to existing and future conservation enterprises as a natural and national economic resource.

SECTION 502. PERMITTED USES

Land and Buildings in the C District shall be used only for the following purposes:

A. Forestry-related uses;
B. Aquaculture and fisheries;

C. Public and nonprofit parks and playgrounds;
D. Natural areas or wildlife refuges;
E. Public utilities structures;
F. Single-family dwellings;
G. Day-care facilities;
H. Co-located communication antennas;
I. Echo Housing;
J. Churches and related uses;
K. Drive-In Produce Stands, less than two hundred fifty square feet (250 sq. ft.);
L. Accessory use customarily incidental to the above permitted uses;
M. Private Solar Energy System
N. Private Wind Energy System
O. Taxidermy

SECTION 503. CONDITIONAL USES

A. Bed and breakfasts;
B. Clubhouses for private clubs;
C. Communication towers and equipment;
D. Home Occupations;
E. Hunting, fishing or skiing lodges;
F. Riding stables;
G. Two-family conversions;
H. Agriculture uses (excluding Concentrated Animal Operations, Agribusiness, etc.)
I. Campgrounds;
J. Sawmills;
K. Shooting ranges;
L. Flag lots;
M. Hunting Preserve;
N. Adult Entertainment Uses;
O. Conference and Resort Centers (Non-Profit);
P. Drive-In Produce Stands, two hundred fifty square feet (250 sq. ft.) or more;
Q. Low Impact Business.

SECTION 504. DIMENSIONAL REQUIREMENTS

A. Maximum Number of Permitted New Dwellings or Lots:

1. For each tract of contiguous land in single and separate ownership (parent tract) as of April 30, 2006, fifty percent (50%) of the total acreage may be subdivided for a single-family detached residence, provided all other requirements are met.

2. In determining the number of lots, any portion or fraction of an acre, after calculating the fifty percent (50%) shall be disregarded.

B. Lot Area Requirements:

1. Unless otherwise specified, all uses within this zone shall contain a minimum lot area of four (4) acres; however, the minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP as well as an alternate site.

C. Minimum Lot Width:

1. One hundred-fifty feet (150') at the street right-of-way line.

D. Minimum Setback Requirements:

1. Principal uses:
   a. Front yard – Fifty feet (50') from street right-of-way line.
   b. Side yards – Thirty feet (30') each side.
   c. Rear yard – Forty feet (40').

2. Accessory uses:
   a. Front yard – Not permitted unless at least one hundred feet (100') from street right-of-way line. See Section 1102.D.
   b. Side yards – Twenty feet (20').
   c. Rear yard – Twenty feet (20').

E. Maximum Lot Coverage:

1. Twenty percent (20%) unless otherwise specified in this Ordinance.

F. Maximum Permitted Height:

1. Principal structures – Thirty-five feet (35').

2. Accessory structures
   a. Residential Lots – Twenty feet (20').
   b. Non-Residential Lots – Thirty feet (30').

G. See Section 1233 – Performance Standards

ARTICLE VI

AGRICULTURAL DISTRICT (A)

SECTION 600. PURPOSE OF THE AGRICULTURAL DISTRICT

This district is composed of those areas in the Township whose predominant land use is devoted to agricultural activities.

The A District is established to protect and stabilize agriculture as an on-going and economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof and the regulations for this zone are designed to minimize conflicting land uses detrimental to agricultural enterprises and to maintain agricultural parcels or farms in sizes which will permit efficient agricultural operations.

The A District is established to provide for the preservation of productive farmland, the Township's most important natural resource.

SECTION 601. STATEMENT OF LEGISLATIVE INTENT

In the interest of public health, safety, and welfare, the Agricultural District is further designed and intended to accomplish the following:

A. Protect and stabilize agriculture in areas of productive soils as an ongoing, viable, major component of the economy of the Township.

B. Encourage only those land uses and activities which are agricultural in nature.

C. Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for any purpose other than agriculture by limiting uses within the Agricultural District, insuring that farms remain of sufficient size to be profitable for farming by limiting the number of lots which may be created, and imposing a minimum lot size on farms to be created which is sufficient to insure viability.

D. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with agricultural uses. For the farmer, such mixing would cause increased traffic on the roads used to move farm machinery and livestock; additional litter, which is a nuisance to crop farming and a danger to livestock; damage and loss of crops and livestock from theft, mischief, or trespass; and complaints about odors, noise, dust, barbed wire or electric fencing,

night operations, and other items which are normal often uncontrollable aspects of farming. For the residential or commercial occupant, farm operations can cause a nuisance and health and safety hazards as well as the possible contamination of well water by agricultural chemicals, fertilizers, and animal waste.

E. Assure the ready availability of agricultural products to the residents of the Township and region.

F. Direct development which is incompatible with agriculture into other areas of the Township to foster conditions favorable to the continuation of agriculture.

G. Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.

H. To implement the requirement of Section 604(3) of the Municipalities Planning Code that zoning ordinances shall be designed to preserve prime agricultural land.

SECTION 602. PERMITTED USES

A. Agricultural (excluding Concentrated Animal Operations, Agribusiness), horticultural and forestry uses including one single-family detached dwelling contained on the site;
B. Public and nonprofit parks and playgrounds;
C. Public and private nonprofit schools, and churches and related uses;
D. Public utilities structures;
E. Single-family detached dwellings;
F. Echo Housing;
G. Communication Antennae;
H. Drive-In Produce Stands, less than two hundred fifty square feet (250 sq. ft.)
I. Feed and grain mills;
J. Forestry;
K. Grange halls;
L. Places of Worship and related uses;
M. Public buildings and municipal services;
N. Cemetery;
O. Fire station;
P. Greenhouse, nursery.
Q. Accessory uses customarily incidental to the above permitted uses.

SECTION 603. CONDITIONAL USES

A. Airports/heliports;
B. Animal hospitals, veterinary facilities, and kennels;
C. Bed and Breakfasts;

D. Clubhouses for private clubs;
E. Concentrated animal operations, concentrated animal feed operations, agribusiness, large livestock operations, confined livestock operations;
F. Communication towers;
G. Facilities for the warehousing, sales, repair, and service of agricultural equipment, vehicles, feed or supplies;
H. Golf courses.
I. Home Occupations;
J. Garden centers;
K. Two-family conversions;
L. Boarding or commercial kennel or stable
M. Butcher shops
N. Equestrian center;
O. Farm market;
P. Migrant worker camps;
Q. Outdoor recreational use
R. Public museums;
S. Water and wastewater treatment facilities
T. Campgrounds;
U. Hospitals, clinics;
V. Sawmill;
W. Hunting preserves;
X. Drive-In Produce Stands, two hundred fifty square feet (250 sq. ft.) or more;
Y. Cluster Developments;
Z. Low Impact Business;
AA. Flag lots.

SECTION 604. DIMENSIONAL REQUIREMENTS

A. Lot Area Requirements

Unless otherwise specified, all uses within the zone shall contain a minimum lot area of forty-four thousand (44,000) square feet; however, the minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP as well as an alternate site.

B. Minimum Lot Width

Fifty feet (50’) at the street right-of-way line.

Minimum Setback Requirements

1. Principal uses:
   a. Front yard – Thirty-five feet (35’) from street right-of-way line.
   b. Side yards – Thirty feet (30’) each side.
   c. Rear yard – Forty feet (40’).

2. Accessory uses:
    a. Front yard – Not permitted unless at least one hundred feet (100') from street right-of-way line. See Section 1102.D.
    b. Side yards – Twenty feet (20') each side.
    c. Rear yard – Twenty feet (20').

C. Maximum Lot Coverage

Twenty percent (20%) unless otherwise specified in this Ordinance.

D. Maximum Permitted Height

1. Principal structures – Fifty (50') feet, exempting out silos, grain elevators or similar structures necessary for agricultural operations; and,

2. Accessory structures
    a. Residential Lots – Twenty feet (20')
    b. Non-Residential Lots – Thirty feet (30')
    c. Agricultural Lots – Fifty feet (50')
    d. Silos and Grain Elevators – Exempt.

E. See Section 1233 – Performance Standards

SECTION 605. AGRICULTURAL NUISANCE DISCLAIMER

All lands within Penn Township 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 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 operations.

The above paragraph shall appear on all Land Development and Subdivision Plans and all Deeds created as a result of a subdivision.

ARTICLE VII

RESIDENTIAL DISTRICT (R)

SECTION 700. PURPOSE OF THE RESIDENTIAL DISTRICT

This District is composed of those areas in the Township where residential development is center in established rural communities or adjacent to significant community development areas.

Residential Districts are established to promote and encourage a suitable and safe environment for family life by providing for the orderly development of existing and proposed residential areas.

SECTION 701. STATEMENT OF LEGISLATIVE INTENT

A. Preserve the quiet environment that currently exists in residential areas devoted primarily to single family detached dwellings.

B. Exclude incompatible commercial and industrial uses from locating in those areas of Penn Township, which have experience predominately residential development.

C. Limit development density to levels that are compatible with the rural nature of Penn Township and which are compatible with existing development patterns and densities within the Township.

SECTION 702. PERMITTED USES

A. Agriculture (excluding commercial livestock operations such as those listed in Section 1340), subject to the standards listed in this Ordinance;
B. Horticulture and forestry-related uses, subject to the standards listed in this Ordinance;
C. Public and/or nonprofit parks and playgrounds, public uses, and public utilities structures, subject to the applicable design standards listed in this Ordinance;
D. Single-family detached and single-family semi-detached (duplex) dwellings;
E. Houses of Worship and related uses subject to the requirements of this Ordinance;
F. Communications Antennae;
G. Bank;
H. Barber shop;
I. Beauty shop;

J. Butcher shop;
K. Crop farming;
L. Forestry;
M. Schools;
N. Public recreation facility;
O. Home Occupation;
P. Private Solar Energy Systems;
Q. Private Wind Energy System;
R. Taxidermy.

SECTION 703. CONDITIONAL USES

A. Cluster developments;
B. Bed and Breakfasts;
C. Echo housing;
D. Day-care facilities
E. Communications towers;
F. Mobile home parks;
G. Non-commercial keeping of livestock
H. Nursing, rest or retirement homes;
I. Retail sales, less than 2500 sq. ft.
J. Multi-family conversions;
K. Cemetery;
L. Private social or recreational club;
M. Boarding schools;
N. Planned residential development;
O. Antique sales;
P. Convalescent home;
Q. Hospitals, clinics;
R. Restaurants, includes fast food and drive-thru facilities;
S. Drive-In Produce Stands, less than two hundred fifty square feet (250 sq. ft.);
T. Multiple family dwellings;
U. Townhouses;
V. Apartments;
W. Public buildings and municipal services;
X. Low impact business;
Y. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, day-care facilities.

SECTION 704. DIMENSIONAL REQUIREMENTS

A. Lot Area

1. The minimum lot area required for permitted uses and conditional uses in the

R District shall be no smaller than is required to meet all applicable setbacks and PA DEP requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The minimum lot area and lot area per dwelling unit shall be forty-four thousand (44,000) square feet.

2. The minimum lot area and lot area per dwelling unit shall be twenty thousand (20,000) square feet if the use is connected to a public sewerage or public water system.

3. The minimum lot area and lot area per dwelling unit shall be ten thousand (10,000) square feet if the use is connected to both a public water and a public sewerage system.

B. Minimum Lot Width

The width of lots, which are measured at the street right-of-way line, shall be according to the following:

1. Under 704.A.1. – One hundred fifty (150) feet

2. Under 704.A.2. – One hundred twenty-five (125) feet.

3. Under 704.A.3. – Eighty (80) feet.

C. Yard Requirements

All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

1. Front yard – depth
   a. Under 704.A.1 and 2 – Fifty (50) feet
   b. Under 704.A.3 – Thirty (30) feet

2. Side yards – width, each
   a. Under 704.A.1 and 2 – Twenty (20) feet
   b. Under 704.A.3 – Twenty (20) feet

3. Rear yard – depth
   a. Under 704.A. 1 and 2 – Thirty (30) feet
   b. Under 704.A.3 – Twenty (20) feet

4. Special buffering

In addition to such buffering and screening as may be required under the General Regulations Article of this Ordinance, all structures involving the

raising and keeping of animals and storage of manure shall be set back a distance of at least one hundred (100) feet from any dwelling; and all uses authorized, permitted or authorized by conditional use of a non-residential nature, shall be set back a distance of at least one hundred (100) feet from any adjoining residential lot or zone district. In the latter case, the required buffer yard shall be planted with an evergreen vegetative screen.

D. Maximum Lot Coverage

1. Thirty percent (30%) for lots under 704.A.1
2. Fifty percent (50%) for lots under 704.A.2
3. Sixty percent (60%) for lots under 704.A.3

E. Maximum Permitted Height

1. Principal structures – Thirty-five (35’); and,

2. Accessory structures
   a. Residential Lots – Twenty feet (20’)
   b. Non-Residential Lots – Thirty feet (30’)

F. See Section 1233 – Performance Standards

ARTICLE VIII

COMMERCIAL DISTRICT (CO)

SECTION 800. PURPOSE OF THE COMMERCIAL DISTRICT

The purpose of the Commercial District is to provide logistical locations for the orderly development of those areas necessary to meet the community needs of the Township and surrounding area for goods and services of a general commercial nature.

The District is also intended to permit and encourage commercial development that will or can be made compatible with surrounding residential or farm areas. It is further intended that the standards of this District will constitute a harmonious and appropriate development, contribute to the economic base and otherwise carry out the purposes of this District.

SECTION 801. STATEMENT OF LEGISLATIVE INTENT

A. Provide for reasonable mixture of automobile-oriented commercial uses that will contribute to attractive and reasonable development within the District.

B. Promote appropriate building location and design standards which will help create attractive developments and accommodate future roadway improvements or projects. The site work should include on-site and interconnected sidewalks and crosswalks, shared parking facilities, and traffic calming devices.

C. Permit uses, which can reasonably be accommodated by the existing road network in the interchange area. Discourage uses that would have the potential of requiring extensive and premature interchange area capacity improvements.

D. Ensure that appropriate on-site improvements are included in commercial development projects within the Commercial District.

E. Create development patterns that are efficient in design and which will focus commercial transportation needs on major roadways instead of in residential neighborhoods.

F. Require new development to be adequately buffered from nearby residential land uses to ensure the maximum compatibility between land uses.

G. Provide performance standards for commercial uses that ensure that the off-site impacts of commercial operations on surrounding non-commercial areas are minimized.

H. Require land coverage, building and facilities design and buffering arrangements that are compatible with the rural characteristics of Penn Township while, at the same time, allowing for an intensity of land use typical of commercial facilities.

I. Protect the health, safety, welfare, and property values of nearby residential areas from the incompatible effects sometimes associated with contemporary commercial operations by requiring the sensitive placement, careful design, and appropriate setback of these types of facilities within the rural environment.

SECTION 802. PERMITTED USES

A. Retail, rental, or both, of goods, excluding adult-related uses, under 50,000 square feet of gross floor area;
B. Laboratories for scientific or industrial research and development;
C. Shops for contractors of plumbing, welding, heating, air conditioning, electrical, roofing, flooring, glass and swimming pools and hot tubs, and other structural components of buildings;
D. Retail services;
E. Offices;
F. Banks and similar financial institutions;
G. Restaurants;
H. Health and fitness clubs;
I. Commercial Communication Antennae;
J. Churches and related uses subject to the standards of this Ordinance;
K. Farm equipment, sales and service;
L. Dance or art studios;
M. Hospitals, clinics;
N. Greenhouses, nursery;
O. Personal services shops: barber, beauty, shoe, dry cleaning;
P. Restaurants;
Q. Specialty shops;
R. Veterinary offices and animal hospitals;
S. Convenience store
T. Hotels/motels
U. Low impact business
V. Private Solar Energy System
W. Private Wind Energy System
X. Accessory uses customarily incidental to the above permitted uses.
Y. Agricultural and horticultural;
Z. Public uses and public utilities structures;
AA. Wholesale trade establishments;
BB. Public entertainment facilities;
CC. Commercial communication antennae;

SECTION 803. CONDITIONAL USES

A. Amusement arcades;
B. Automobile filling stations;
C. Billboards;
D. Car washes, vehicle washing facilities;
E. Commercial recreation facilities;
F. Commercial schools and day-cares;
G. Commercial communication towers and equipment;
H. Fast-food restaurants;
I. Dry cleaners, laundries and laundromats;
J. Farmers/flea markets;
K. Funeral homes, mortuaries, crematories, cemeteries, burial plots;
L. Home improvement and building supply stores;
M. Junkyards;
N. Nightclubs;
O. Off-track betting parlors;
P. Shopping centers;
Q. Vocational/mechanical trade schools;
R. Automotive gasoline or service station;
S. Boarding houses;
T. Communication towers, but must be single pole without guide wires;
U. Racetracks, vehicular and animal;
V. Outdoor recreational use;
W. Supermarkets;
X. Campgrounds;
Y. Exotic Wildlife;
Z. Conference and Resort Centers (For Profit);
AA. Low Impact Business;
BB. Convenience Stores.
CC. Vehicle repair garages
DD. Retail stores, supermarkets, business offices in excess of 50,000 square feet of gross floor area.

SECTION 804. LOT AREA, LOT WIDTH AND LOT COVERAGE REQUIREMENTS

A. Lot Area

There shall be no minimum lot area.

B. Minimum Lot Width

1. Two hundred (200’) feet at the street right-of-way line for lots containing one (1) to ten (10) acres.

2. Three hundred (300') feet at the street right-of-way line for lots of ten (10) acres or more.

C. Minimum Setback Requirements

1. Front yard – All buildings and structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots shall be set back a minimum of twenty feet (20') from the street right-of-way; no outdoor loading area nor outdoor storage area may be located within the front yard;

2. Side yard – All buildings and structures shall be set back at least twenty-five feet (25') feet front the side lot lines. Access drives, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen feet (15') from the side lot lines. Where joint access drives, parking facilities, loading facilities, outdoor storage, or any combination thereof, is shared by adjoining uses, or where two buildings share such joint use adjoin, the applicable side yard setbacks may be waived;

3. Rear yard – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty feet (20') from the rear lot line; and,

4. Residential buffer strip – Any lot adjoining land in residential use or residential zoning shall maintain a fifty (50') foot setback for commercial buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from parcels in residential use or zoning, unless separated by a street. Such areas shall be used for a landscape strip and screen.

D. Maximum Lot Coverage

Sixty (60%) percent unless otherwise specified in the Use Regulations.

E. Maximum Permitted Height

Thirty-five (35') feet

F. Access Drive Requirements

Refer to Section 1210 for access drive requirements and Section 1205 for screening requirements..

SECTION 805. COMMERCIAL STANDARDS

A. See Section 1233 – Performance Standards

B. Screening

1. Screening requirements shall be provided in accordance with the related regulations of this Ordinance.

C. Landscaping

1. Landscaping requirements shall be provided in accordance with the related regulations of this Ordinance.

D. Access and Traffic Control

1. All accessways from any industrial or commercial development to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.

2. Where possible, exits and/or entrances shall be located on major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

E. Interior Drives and Parking Facilities

1. Interior drives within an industrial or commercial land development shall be designed to prevent blockage of vehicles entering or leaving the site.

2. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

3. Interior drives shall be clearly marked by adequate painting markings, (curbing and signs) so that vehicular movements within parking areas and access drives do not impede the general traffic circulation.

ARTICLE IX

INDUSTRIAL DISTRICT (I)

SECTION 900. PURPOSE OF THE INDUSTRIAL DISTRICT

The purpose of the Industrial District is to provide logistical locations for the orderly development of those areas necessary to meet the community needs of the Township and surrounding area for goods and services of a general commercial nature.

The District is also intended to permit and encourage limited industrial development that will or can be made compatible with surrounding residential or farm areas. It is further intended that the standards of this District will constitute a harmonious and appropriate development, contribute to the economic base and otherwise carry out the purposes of this District.

SECTION 901. STATEMENT OF LEGISLATIVE INTENT

A. Provide for reasonable mixture of automobile-oriented industrial uses that will contribute to attractive and reasonable development within the District.

B. Promote appropriate building location and design standards which will help create attractive developments and accommodate future roadway improvements or projects. The site work should include on-site and interconnected sidewalks and crosswalks, shared parking facilities, and traffic calming devices.

C. Permit uses, which can reasonably be accommodated by the existing road network in the interchange area. Discourage uses that would have the potential of requiring extensive and premature interchange area capacity improvements.

D. Ensure that appropriate on-site improvements are included in industrial development projects within the Industrial District.

E. Create development patterns that are efficient in design and which will focus industrial transportation needs on major roadways instead of in residential neighborhoods.

F. Require new development to be adequately buffered from nearby residential land uses to ensure the maximum compatibility between land uses.

G. Provide performance standards for industrial uses that ensure that the off-site impacts of industrial operations on surrounding non-industrial areas are minimized.

H. Require land coverage, building and facilities design and buffering arrangements that are compatible with the rural characteristics of Penn Township while, at the same time, allowing for an intensity of land use typical of industrial facilities.

I. Protect the health, safety, welfare, and property values of nearby residential areas from the incompatible effects sometimes associated with contemporary industrial, manufacturing, and processing operations by requiring the sensitive placement, careful design, and appropriate setback of these types of facilities within the rural environment.

SECTION 902. PERMITTED USES

A. Industrial uses involving processing, packaging, production repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations;
B. Commercial Communication Antennae;
C. Forestry
D. Vehicle repair garages
E. Private Solar Energy System
F. Private Wind Energy System
G. Accessory uses customarily incidental to the above permitted uses.
H. Agricultural and horticultural uses;
I. Public uses and public utilities structures;
J. Warehousing, distribution centers, industrial parks;
K. Commercial communication antennae;
L. Mini-warehouses;

SECTION 903. CONDITIONAL USES

A. Automobile, bus, boat, motorcycle, snowmobile, trailer, mobile home, truck, farm and excavation machinery, and heavy equipment sales and serve facilities;
B. Billboards;
C. Commercial communication towers and equipment;
D. Solid Waste Disposal and Processing, or Transfer Areas or Facilities;
E. Recycling center
F. Truck stop or motor freight terminals;
G. Fuel storage and supply;
H. General manufacturing;
I. Outdoor recreational use;
J. Solid waste disposal site;
K. Commercial Solar Energy System;
L. Commercial Wind Energy Facility;
M. Junkyards.

SECTION 904. LOT AREA, LOT WIDTH AND LOT COVERAGE REQUIREMENTS

A. Lot Area

There shall be no minimum lot area.

B. Minimum Lot Width

1. Two hundred (200') feet at the street right-of-way line for lots containing five (5) to ten (10) acres.

2. Three hundred (300') feet at the street right-of-way line for lots of ten (10) acres or more.

C. Minimum Setback Requirements

1. Front yard – All buildings and structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots shall be set back a minimum of twenty feet (20') from the street right-of-way; no outdoor loading area nor outdoor storage area may be located within the front yard;

2. Side yard – All buildings and structures shall be set back at least twenty-five feet (25') feet front the side lot lines. Access drives, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen feet (15') from the side lot lines. Where joint access drives, parking facilities, loading facilities, outdoor storage, or any combination thereof, is shared by adjoining uses, or where two buildings share such joint use adjoin, the applicable side yard setbacks may be waived;

3. Rear yard – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty feet (20') from the rear lot line; and,

4. Residential buffer strip – Any lot adjoining land in residential use or residential zoning shall maintain a one hundred (100') foot setback for commercial and industrial buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from parcels in residential use or zoning, unless separated by a street. Such areas shall be used for a landscape strip and screen.

D. Maximum Lot Coverage

Sixty (60%) percent unless otherwise specified in the Use Regulations.

E. Maximum Permitted Height

Thirty-five (35') feet. If a fire suppression/sprinkler system is installed, then maximum height is sixty (60') feet.

F. Access Drive Requirements

Refer to Section 1210 for access drive requirements and Section 1205 for screening requirements.

SECTION 905. INDUSTRIAL STANDARDS

A. See Section 1233 – Performance Standards
B. Screening

1. Screening requirements shall be provided in accordance with the related regulations of this Ordinance.

C. Landscaping

1. Landscaping requirements shall be provided in accordance with the related regulations of this Ordinance.

D. Access and Traffic Control

1. All accessways from any industrial or commercial development to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.

2. Where possible, exits and/or entrances shall be located on major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

E. Interior Drives and Parking Facilities

1. Interior drives within an industrial or commercial land development shall be designed to prevent blockage of vehicles entering or leaving the site.

2. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

3. Interior drives shall be clearly marked by adequate painting markings, (curbing and signs) so that vehicular movements within parking areas and access drives do not impede the general traffic circulation.

ARTICLE X

QUARRY ZONE (Q)

SECTION 1000. PURPOSE

The purpose of this zone is to reserve an area of the Township for quarrying and processing of quarry raw materials; to provide reasonable standards for quarry operations in order to prevent conditions which would interfere with the enjoyment or use of other properties; and to allow uses of a temporary nature in locations premature for quarrying. None of the regulations stated in this article supersede the Surface Mining Conservation and Reclamation Act of May 31, 1945, the Non-coal Surface Mining Conservation and Reclamation Act of December 19, 1984, the Oil and Gas Act of December 19, 1984, or the Bituminous Mine Subsidence and Land Conservation Act of April 27, 1966.

SECTION 1001. PERMITTED USES

The following principal uses are permitted by right in the Quarry Zone:

A. Quarrying
B. Public buildings, including firehouses
C. Public utilities
D. Agriculture
E. Nursery and garden centers
F. Parking lots or parking garages
G. Manufacturing, storage, recycling, or processing establishments utilizing quarry materials
H. A communications antenna mounted on an existing public utility transmission tower, building or other structure, and a communications equipment building
I. Forestry
J. Private Solar Energy System
K. Private Wind Energy System
L. Accessory uses customarily incidental to the above permitted uses

SECTION 1002. CONDITIONAL USES

A. Communications towers and communications equipment buildings;
B. Recycling center.

SECTION 1003. DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area

1. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

2. Minimum lot area:
   a. 100 acres for quarrying uses;
   b. 45,000 square feet for all other permitted and conditional uses

B. Minimum lot width: 150 feet

C. Maximum Building Height

1. The building height limit shall be eighty-five (85) feet.

D. Maximum Building Coverage

1. Not more than 50% of the lot area may be covered by buildings, including accessory buildings.

E. Maximum Lot Coverage

Not more than 60% of the lot area may be covered by impervious surfaces, such as buildings, driveways, parking areas and sidewalks.

F. Minimum Setback Requirements

1. Front yard – All buildings and structures (except permitted signs) not otherwise covered in Table 1003-1 shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots shall be set back a minimum of twenty feet (20') from the street right-of-way; no outdoor loading area nor outdoor storage area may be located within the front yard;
2. Side yard – All buildings and structures not otherwise covered in Table 1003-1 shall be set back at least twenty-five feet (25') feet front the side lot lines. Access drives, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen feet (15') from the side lot lines. Where joint access drives, parking facilities, loading facilities, outdoor storage, or any combination thereof, is shared by adjoining uses, or where two buildings share such joint use adjoin, the applicable side yard setbacks may be waived;

3. Rear yard – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas not otherwise covered in Table 1003-1 shall be set back at least twenty feet (20') from the rear lot line.

G. Hours of Operation

If the quarry pit, any onsite equipment, or onsite access road designated for use by non-passenger vehicles is within 500' of a neighboring property, then the operating hours shall be 7am to 7pm, Monday through Friday. There shall be no blasting between the hours of 4:00pm and 9:00am.

H. A fence measuring at least 8' in height shall enclose the area of the actual quarry pit. If chain link is proposed, vegetative screening or earthen berm shall be provided in addition to the fence.

TABLE 1003-1

Quarry Related Feature	Existing Residence	Existing Nonresidential Building	Residential Zone	Adjoining Road	Public/Nonprofit Park	Adjoining Property
Stockpiles or soil piles	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.
Mineral processing equipment	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.
Quarry pit	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.
On-site access roads and off street parking, loading, and vehicle storage and weighing facilities	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.
Other operational equipment	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.

I. See Section 1233 – Performance Standards

ARTICLE XI

FLOODPLAIN OVERLAY DISTRICT (FP)

(AN OVERLAY DISTRICT)

SECTION 1100. PURPOSE OF THE FLOODPLAIN DISTRICT

The Floodplain District is provided to conform to the requirements of the federal flood insurance program and the Pennsylvania Flood Plain Management Act, and to restrict development in flood prone areas to those uses that will not be damaged by periodic inundation or that will not increase flood heights by reducing the floodway cross-sectional area.

SECTION 1101. STATEMENT OF LEGISLATIVE INTENT

A. To protect individuals from investing in lands and structures, which are unsuitable for use because of flood hazards.

B. To regulate development which will cause unacceptable increases in flood heights, velocities, and frequencies.

C. To restrict or prohibit certain uses susceptible to flood damage.

D. To require all uses which do occur in floodplains to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.

E. To control development which, acting alone or in combination with similar development will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally adversely affect the economic well-being of the community.

F. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.

G. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.

H. To encourage the utilization of appropriate construction practices, which will minimize flood damage in the future.

I. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.

J. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

K. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.

SECTION 1102. ABROGATION AND GREATER RESTRICTIONS

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

SECTION 1103. RELATIONSHIP TO OTHER ARTICLES

The provisions of this Article create an overlay-zoning district, which is applicable within floodplains in all other zoning districts established in this Ordinance. To the extent the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Ordinance and all other ordinances of Penn Township. However, all other provisions of all other Articles of this Ordinance and all other ordinances of the Township shall remain in full force.

SECTION 1104. LANDS IN DISTRICT DEFINED

The Floodplain District shall include all of the following lands within Penn Township:

A. One hundred (100) year flood boundaries as identified in the FEMA Flood Insurance Study prepared for Penn Township by the Federal Insurance Administration, dated October 15, 1980, or the most recent revision.

B. One hundred (100) year flood boundaries of lands identified by the United States Geological Survey or the United States Army Corps of Engineers.

C. All land that has been flooded by floods of record.

D. All additional land delineated where the Zoning Officer may require an on-site study or survey which determines the precise boundaries of the Floodplain District as specified in the following paragraph: Where the complete and definitive information necessary to delineate the boundary of the Floodplain District is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the floodplain as defined above.

SECTION 1105. BOUNDARY DISPUTES

Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The applicant shall bear the burden of proof and be responsible for all fees as may be set forth in this Zoning Ordinance.

Any changes to the boundaries of the Floodplain District are subject to the review and approval of the Federal Insurance Administration for compliance with the Rules and Regulations of the National Flood Insurance Program.

SECTION 1106. PERMITTED USES

The following uses are permitted in the Floodplain District only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other applicable provisions of this Zoning Ordinance, and any other applicable, local, state or federal regulations.

A. Agricultural, horticultural, and forestry uses, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

B. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures. Picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted, if anchored to prevent flotation.

C. Activities related to the preservation and conservation of natural resources and amenities, excluding any structures.

D. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Protection.

E. Erosion and sedimentation control measures, facilities, and structures provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

F. Yards and open space areas.

G. One (1) and two (2) strand fences.

H. Grading and filling which would not increase the base flood elevation.

I. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service.

J. Flood proofing and flood hazard reduction structures to protect only lawfully existing and registered non-conforming structures and lawfully existing and registered non-conforming uses within structures.

K. Any use permitted within the underlying district is permitted in the Flood Plain District provided the following conditions are met:

1. The use or structure is not located in the designated floodway.

2. The use or structure is not a use designated as a special hazard in the regulations promulgated under the Pennsylvania Flood Plain Management Act.

3. The use or structure will not reduce the cross-sectional area of the floodway.

4. The use or structure is flood proofed or elevated in a manner such that the use and structure will not be damaged by floodwaters.

5. All structures and equipment are anchored to prevent flotation.

6. The site will be developed such that installations which have the potential of polluting the stream, i.e., on-lot sewage systems and fuel storage installations, are located in the flood fringe at an elevation of at least 1 foot above the 100-year flood elevation.

SECTION 1107. CONDITIONAL USES

Special hazard uses as listed in the regulations promulgated under the Pennsylvania Flood Plain Management Act are conditionally permitted provided they meet all applicable provisions of this Ordinance, are permitted or conditionally permitted in the underlying district, and a Special Use Permit is issued by the Department of Community Affairs or its successor agency.

SECTION 1108. PROHIBITED USES

The following uses are prohibited in the Floodplain District:

A. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

B. All structures, with the exception of those specifically allowed in Sections of this Article.

C. Sanitary landfills, waste-processing facilities, recycling centers, quarries, dumps, junk and salvage yards, and outdoor storage or treatment of vehicles and/or materials; racing tracts and drag strips of all types.

D. The placing or stripping of topsoil or fill material of any kind, exclusive of grading or filling necessary for the construction of structures for which a zoning permit has been issued.

E. Private on-site sewage disposal systems.

F. Private water supply wells.

G. Swimming pools.

H. Cemeteries.

I. Parking lots.

J. Hospitals.

K. Nursing Homes.

L. Jails or prisons.

M. Mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

N. Feedlots.

O. Wild, domestic, or farm animal closures which will not allow all animals to escape flood waters without human assistance.

P. Any development, structure, or use, which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article.

1. Endanger human life.

2. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.

3. Increase the surface elevation of floods, or the frequency of floods.

4. Catch or collect debris carried by floodwaters.

5. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District.

6. Degrade the water carrying capacity of any watercourse, channel, or floodplain.

7. Increase the rate of local runoff, erosion, or sedimentation.

8. Degrade the quality of surface water or the quality or quantity of ground water.

9. Be susceptible to flotation and subsequent movement, which would cause damage to other property.

10. Create unhealthful ponding or other unsanitary condition.

Q. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume of any of the following dangerous material or substance on the premises; or will involve the production, storage, or use of any amount of radioactive substances.

1. Acetone

2. Ammonia

3. Benzene

4. Calcium carbide

5. Carbon disulfide

6. Celluloid

7. Chlorine

8. Hydrochloric acid

9. Hydrocyanic acid

10. Magnesium

11. Nitric acid and oxides of nitrogen

12. Petroleum products (gasoline, fuel oil, etc.)

13. Phosphorus

14. Potassium

15. Sodium

16. Sulfur and sulfur products

17. Pesticides (including insecticides, fungicides and rodenticides)

18. Radioactive substances, insofar as such substances are not otherwise regulated.

19. Other potentially dangerous materials or substances.

R. Emergency facilities such as fire stations, ambulance services and emergency management offices.

S. Airports, heliports and shooting ranges.

T. Shopping malls and areas.

SECTION 1109. NON-CONFORMING USES AND STRUCTURES

A. Continuation

All uses or structures lawfully existing in the Floodplain District on the effective date of this Zoning Ordinance, which are not in conformity with the provisions of this Article, shall be deemed non-conforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise provided for in this Article. However, such non-conforming uses or structures may at any time be improved to comply with existing Pennsylvania or Penn Township health, sanitary or safety code specifications, which are necessary solely to assure safe living conditions.

B. Abandonment

Non-conforming uses or structures within the Floodplain District shall be subject to Article XI of this Zoning Ordinance. Additionally, the Board of Supervisors may required the removal of any abandoned non-conforming use or structure upon proper notice to the owner of the property on which an abandoned non-conforming use or structure exists.

C. Expansion and Modification

A non-conforming use or structure may not be expanded or modified in any manner, which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Article. No non-conforming use or structure shall be expanded, enlarged or altered in any way which causes it to occupy more space within the Floodplain District than was occupied by it on the effective date of this Zoning Ordinance.

D. Replacement and Rebuilding

1. A non-conforming use or structure in the Floodplain District may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure, which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.

2. A non-conforming use or structure in the Floodplain District which has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Article, all other provisions of this Zoning Ordinance, and all other Ordinances of Penn Township. The Zoning Hearing Board may, as a special exception, waive the requirements of this paragraph where it is demonstrated that such requirements could not be met on land

owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary and the least modification possible of the provisions of this Article.

3. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call upon experts or authorities as he may deem necessary to assist in determining a fair and impartial determination. Such costs accrued in this determination shall be paid by the appellant.

E. Historic Structures

The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this section for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks.

F. Special Floodway Requirement

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

ARTICLE XII

GENERAL REGULATIONS

SECTION 1201. GENERAL INTENT AND APPLICATION

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all districts in Penn Township.

SECTION 1202. ACCESSORY BUILDINGS

Accessory buildings shall be permitted in any zoning district provided the following requirements are met:

A. No accessory building shall be within twenty (20) feet of any property line, except as follows:

   1. Detached accessory buildings not exceeding a maximum gross floor area of one hundred twenty (120) square feet are permitted on lots containing semi-detached dwellings, attached dwellings, and apartment houses provided that:

      a. They are located no closer to the front lot line than the front wall of the principal building.

      b. They are located a minimum of five (5) feet from any side or rear property line or building party wall,

      c. They shall conform to all other applicable standards in their zoning district.

   2. Detached accessory buildings not exceeding a maximum gross floor area one hundred twenty (120) square feet are permitted on lots containing mobile homes provided that:

      a. They are located no closer to the front lot line than the front wall of the principal building,

      b. They are located a minimum of five (5) feet from any side or rear property line.

      c. They shall conform to all other applicable standards in their zoning district.

B. No structure shall be permitted between the front building setback line and the street right-of-way. This does not include school bus shelters or drive-in produce stands less than two hundred fifty square feet (250 sq. ft.).

C. A zoning permit is required for any accessory building.

D. On any residential lot in any zoning district, accessory structures are permitted between the line of the front face of the residence and the street right-of-way only by a conditional use granted by the Board of Supervisors.

E. In any zoning district, mobile homes, buses, recreational vehicles or trailers, campers, trucks or truck trailers, regardless of whether they retain wheels or axles, shall be permitted for agricultural use as accessory buildings only by a conditional use granted by the Board of Supervisors.

SECTION 1203. INTENTIONALLY LEFT BLANK

SECTION 1204. INTENTIONALLY LEFT BLANK

SECTION 1205. BUFFERING, LANDSCAPING, AND SCREENING

A. Buffering

1. In general, buffering, either in the form of yard space or screening, is required in any non-residential use where they border all residential uses or districts; around existing residential properties within certain areas; and where specifically called for in this Ordinance.

2. Where a residential land development abuts an arterial or collector street or highway or a railroad line, the erection of sound barriers is required. In lieu of sound barriers, vegetative screening and landscape berms may be used at the permission of the Board of Supervisors at the approval of the subdivision and/or land development plan.

3. Where streams or other bodies of water serve as district boundaries, such streams or river may serve to meet the buffering requirements provided such is approved by special exception.

B. Landscaping

1. Any part or portion of a non-agricultural site where landscaping is required and which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping as set forth in this Section.

2. Except for agricultural uses and single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of this Ordinance and a Land Development Plan required under the applicable Subdivision and Land Development Ordinance.

C. Planting Strip

All commercial, industrial and nonresidential uses, but excluding agricultural uses, shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip. The planting strip may be included in the required yard space and shall be based on the following criteria:

1. The planting strip shall be a minimum of twenty (20) feet wide, measured from the property line or street right-of-way line.

2. Said planting strip shall be planted in a mixture of native grasses, shrubbery, trees, or other plant material, but in no case shall these areas be paved or covered by an impervious surface, except as allowed in this Ordinance.

3. Said planting strip shall only be broken by approved entrances or exits.

4. Accessory buildings or structures for utilities shall be permitted within a planting strip provided they conform to the specific District requirements of this Ordinance and Section 1202.

5. Vegetation shall be planted such that it is not allowed to grow into the street right-of-way, interfere with overhead power and communication lines; and comply with the clear sight triangle as defined in the Penn Township Subdivision and Land Development Ordinance.

D. Screening

1. Screening requirements shall be applicable under the following circumstances:

   a. Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.

   b. Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.

c. Any other instance where screening is required by this Ordinance or by the Township.

d. Any existing industrial or commercial facility shall not be required to comply with the screening requirements except in case of enlargement or major alteration of same.

2. Screening shall comply with the following requirements:

a. Trees and shrubs used for screening shall consist of at least seventy-five (75) percent evergreen trees and shrubs and shall be so arranged as to provide an immediate substantial visual screen. A typical screen is a minimum ten (10') foot high berm with plantings.

b. Trees used in the screen planting shall be at least six (6) feet in height when planted and be of a species, which will produce a complete visual screen of at least ten (10) feet in height at maturity. All shrubs and trees must be balled and burlapped.

c. All trees shall have a minimum trunk diameter of two (2) inches at a height of twelve (12) inches above finished grade.

d. No plantings shall be placed with their center closer than five (5) feet from the property line of the tract.

e. All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.

f. When additional height is deemed necessary, an additional row of deciduous trees with calipers of not less than two (2) inches shall be planted within the screening area at intervals of not more than forty (40) feet on center.

g. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access.

h. Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Township.

i. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material, which does not survive, shall be replaced within six (6) months.

j. Walls, ornamental structures, fences and berms, or a combination of these, not less than four (4) feet in height may be used in combination with appropriate plant material subject to the specific land use areas involved and as approved by the appropriate reviewing agency.

k. Innovative means of screening are encouraged; however, as a guideline to quantity of materials required, there shall be a minimum of one (1) tree for each twelve (12) lineal feet of property line being screened.

The developer may use new or existing trees and topographic features as part of the screening. The township may waive or modify screening requirements for portions of the property, which have been undisturbed by development or from which new building construction cannot be visually observed from the adjoining property.

l. Screening shall be designated so as to not obstruct the clear-sight triangles at intersections.

3. Plantings shall comply with the clear sight triangle as defined in the Penn Township Subdivision and Land Development Ordinance.

4. Exceptions

a. No screening along a rear property line is required when the rear property line abuts a public alley.

b. No screening is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to the Board of Supervisors, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

c. For uses permitted under 902.A, K, L and 903.A, D-H, J, and M, the minimum berm height shall be twenty (20') feet above the finished floor elevation.

E. Off-Street Parking Areas

Except as modified elsewhere in this Ordinance, the following shall apply to the landscaping and screening of off-street parking areas:

1. Any off-street parking lot perpendicular to and within one hundred (100) feet of a public street or intersection shall be screened with a hedge, berm or other measure to prevent distraction or confusion from parking cars headlights.

2. No parking lot shall be located closer to a building than eight (8) feet to allow adequate room for landscaping.

3. No more than twenty-five (25) passenger vehicle parking spaces shall be placed in a continuous row without an intervening planting island of at least ten (10) feet in width and the length of the parking stall.

4. A minimum of five (5) percent of any parking lot facility over 2,000 square feet in gross area (measured from the outside edge of paving to outside edge of paving) shall be devoted to landscaping. This landscaping shall include a minimum of one tree per twenty (20) parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover. Tree plantings should be of a species that is hardy and heat tolerant, and with a root structure that will not result in damage to the curb or pavement.

5. For any land use where the total number of parking spaces exceeds 100 stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every 130 feet (130 feet assumes four (4) rows of parking at 20' length and two (2) aisles at 25' width). These divider islands shall be a minimum of ten (10) feet wide.

6. Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a residential use or residential district, the said parking lot shall be screened from such adjoining lot by a wall or fence. A hedge may be used provided it creates an immediate visual screen. Such screening shall be not less than four (4) feet in height.

7. Whenever a parking area of over five (5) spaces is located across the street from other land in any Residential District, it shall be screened from the view of such land by a hedge, wall, or fence located along a line drawn parallel to the street and a distance of twenty (20) feet therefrom; such screening to be interrupted only at points of ingress and egress. Such screening shall be not less than four (4) feet in height. The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.

F. Service, Loading, and Trash Disposal Areas

1. All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.

2. These areas shall be totally screened from the above-listed placed by the use of fences, walls, berms, evergreen material, or a combination of these, not less than six (6) feet in height.

G. All mechanical equipment not enclosed in a structure shall be fully and completely screened in a matter compatible with the architectural and landscaping style of the remainder of the lot.

SECTION 1206. CONVERSION OF DWELLINGS TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

A. The yard dimensions shall meet the yard dimensions required by the zoning regulations for new structures in that district;

B. The lot area per family equals the lot area requirements for new structures in that district;

C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;

D. The conversion is in compliance with all other relevant codes and ordinances.

F. Parking will have to comply with all regulations.

G. All multiple-family dwellings must be connected to public sewer and water systems.

SECTION 1207. INTENTIONALLY LEFT BLANK

SECTION 1208. PRIMARY AND ACCESSORY BUILDINGS ON NONCONFORMING LOTS

On existing lots of record where the existing lot width is less than the minimum lot width required in the prevailing zoning district, the minimum distance between a primary or accessory building and the side property line may be reduced by the same ratio as the existing lot width is to the minimum required lot width. (Example: on an existing fifty (50) foot wide lot located in a zoning district with a one hundred (100) foot minimum width, the minimum side setback would be 50/100, or fifty (50) percent of the normal minimum side yard). In no case, however, shall this minimum distance be less than five (5) feet, unless otherwise provided for in this section.

SECTION 1209. DRAINAGE REGULATIONS

A. All erosion and sedimentation controls shall be designed, altered, proposed and erected according to the regulations as set forth in the Penn Township Stormwater

Management Ordinance and the rules and regulations of Department of Environmental Protection.

B. All stormwater management plans and stormwater facilities shall be designed, altered, proposed and erected according to the regulations as set forth in the Penn Township Stormwater Management Ordinance and the rules and regulations of Department of Environmental Protection.

SECTION 1210. DRIVEWAYS AND ACCESS DRIVES

A. Every building hereafter erected or moved shall be on a lot adjacent to a public road or with access to a public road. It is the purpose of the following regulations to maintain that all structures be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

B. Driveway Requirements for a Single-Family Dwellings or Farms.

1. Number per lot - The number of driveways intersecting a street shall not exceed one (1) per 600 feet of road frontage.

2. Clear sight triangle – The clear sight triangle shall be as described in the Penn Township Subdivision and Land Development Ordinance.

C. Access Drive Requirements for Land Uses Other Than a Single Family Dwelling or Farm.

1. Number per lot - The number of access drives intersecting a street shall not exceed two (2) per road frontage.

2. Access drive intersection separation distances - Distances between access drives and street intersections and between two access drive intersections, measured from centerline to centerline shall be two hundred (200) feet.

3. Distance from side and rear property lines - Access drives shall be at least twenty (20) feet from side and rear property lines, with the exception that the requirement can be waived when a joint parking compound is shared by abutting properties.

4. Clear sight triangle - The clear sight triangle shall be as described in the Penn Township Subdivision and Land Development Ordinance and as approved by the Township Roadmaster.

D. The Board of Supervisors may grant permission by conditional use for additional driveways or access drives along Township roads where required to meet exceptional circumstances and where frontage of unusual length exists.

F. Shared Driveways:

1. All shared driveways shall have a minimum cartway width of sixteen feet (16').

2. Cross access easements shall be required to ensure common use of, access to, and maintenance of, shared driveways; such easements shall be recorded in language acceptable to the Township Solicitor and depicted on the subdivision plan.

SECTION 1211. ENVIRONMENTAL CONSERVATION

A. When required, a buffer zone of one hundred fifty (150) yards shall be provided on lots that abut Pennsylvania State Forest Lands in which no structures will be permitted. Only those uses of an agricultural or recreational nature will be permitted.

B. All streams whether in the Floodplain Overlay District or not shall have a buffer zone in which no structures or uses will be permitted. The buffer shall extend fifty (50) feet from the top of stream bank on both sides. A stream is identified as one that shows up on USGS topographical maps as perennial or intermittent, or one identified as such by a qualified biologist.

SECTION 1212. ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT

A. In any district, more than one (1) structure having a permitted or permissible principle use may be erected on a single lot, provided that yard and other requirements of this Zoning Ordinance shall be met for each structure as though it were on an individual lot and the structure meets the requirements of all applicable ordinances. A Land Development Plan would be required to document that all applicable regulations are met.

B. However, in any district, no more than one (1) dwelling unit will be allowed per lot. Exceptions are conversions, apartments, other rental units, convalescent or health care facilities, or ECHO housing.

SECTION 1213. FLAG LOTS

A flag lot may be permitted by the Board of Supervisors; and only when it will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques.

For the purpose of this section, a flag-lot shall be described as containing two parts: 1. The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. 2. The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

A. Requirements of the flag:

1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

2. For purposes of determining required yards and setbacks, the following shall apply:

   Front yard – The area between the principal structure and that lot line of the flag, which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

   Rear yard – The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

   Side yard – The area between the principal structure and that one outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

3. The flag lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward directions;

B. Requirements for the Pole:

1. The pole shall maintain a minimum width of fifty feet (50').

2. The pole shall not exceed six hundred feet (600') in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

3. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

4. The cartway contained on the pole shall be located at least six feet (6') from any adjoining property line, and twenty feet (20') from any existing structures on the site or any adjoining property.

5. No pole shall be located within two hundred feet (200') of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway.

SECTION 1214. FENCES AND WALLS

A. No fence or wall, in excess of four (4) feet, shall be erected in the front yard.

B. No fence or wall over six (6) feet in height shall be erected within the rear or side yard setbacks, unless granted as a conditional use by the Board of Supervisors.

C. Fences or walls not in the setback areas shall be erected to the following:

1. Maximum four (4) feet in height in the front yard

2. Maximum of eight (8) feet in height elsewhere

D. No fence, wall, or vegetation shall block motorists' view of the traffic or vehicles entering or exiting the property.

E. A wall for this section does not include retaining walls or walls of a building that may be permitted elsewhere in the ordinance.

F. Fences or walls on corner lots shall not infringe on the clear sight triangle for the intersection roads or be located within any drainage easement.

G. Any fence erected principally to control agricultural livestock does not have to meet any of these requirements, as long as it is split rail, electric, woven wire or high tensile.

SECTION 1215. FLOOR AREA, HABITABLE

A. The minimum habitable floor area of any dwelling unit hereafter established shall be as follows:

1. Four hundred (400) square feet in the case of apartments designed to be occupied by one person.

2. Five hundred (500) square feet in the case of all other apartment units, and

3. Nine hundred (900) square feet in the case of all other dwelling units.

4. Nine hundred eighty (980) square feet in the case of mobile homes in Mobile Home Parks.

SECTION 1216. HEIGHT REGULATIONS

A. No structure shall exceed the maximum permitted height of the zoning district; except as granted by a variance by the Zoning Hearing Board, or by the criteria listed below:

1. The height of any building may exceed the maximum permitted height by one foot for each additional foot the structure is set behind the required setback line; however, such additional height shall not exceed the maximum permitted by more than fifteen percent (15%).

B. Height regulations shall not apply to spires, belfries, cupolas, penthouse, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, television antennae, silos, necessary mechanical appurtenances, or agricultural and public safety related structures.

SECTION 1217. LOT OF RECORD, LOT AREAS, ADD-ONS

A. For a lot held in single and separate ownership at the effective date of this ordinance and which does not meet the minimum lot area requirements for the district in which it is located, and does not have an existing well or septic system, no structure may be constructed, erected, or altered except upon authorization as a conditional use.

B. For a lot held in single and separate ownership which, because of unusual conditions of slope, lot depth or lot width cannot be reasonably developed within the yard area requirements of the district in which it is located, such yard area requirements may be decreased as a conditional use. Any reduction of yard area requirements shall be the minimum needed to provide relief.

C. For a lot which is intended to be conveyed to and become an integral part of an adjoining property and a note to that effect has been placed on the subdivision plat, lot area requirements for the district in which the lot is located may be waived.

SECTION 1218. MODULAR AND MOBILE HOMES AS DWELLING UNITS

A. All modular and mobile homes used as dwelling units shall meet or exceed minimum standards of all local and state building, housing, electrical, plumbing and other codes.

B. When used as a dwelling unit, all modular and mobile homes shall have the wheels, tow bars, or any other means of propulsion, removed.

C. A permanent support shall be of masonry construction upon footers set below frost line and oriented to the frame of the home.

D. The area directly beneath the modular or mobile home shall be one continuous concrete pad four (4) inches thick and reinforced with a minimum of six (6) inch No. 8 by No. 8 welded wire mesh.

E. The modular or mobile home shall be securely attached to the permanent support with anchors and tie downs such as "dead men" eyelets, screw anchors, arrowhead anchors or other devices. The anchorage shall be adequate to withstand wind pressures in excess of ten (10) pounds per square foot.

F. The longitudinal gradient and cross slope of an area, consisting of the dimensions of the home plus twenty (20) feet in all directions, shall not exceed five (5) percent. The minimum slope in any direction shall be one (1) percent.

G. A permanent fire resistance "skirt" shall be attached to the outside face of the modular or mobile home on all four (4) sides.

H. Adequate ventilation shall be provided for the crawl space as long as proper protection is made to prevent intrusion by rodents and/or other vermin.

SECTION 1219. OFF-STREET PARKING, LOADING AND UNLOADING

A. General Regulations.

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required therein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

2. No off-street parking, loading or unloading facility shall be located less than ten (10) feet from any property line or as otherwise noted, except where a

street access way crosses a property line, nor be laid out in such a manner as would allow vehicles to project into any adjoining property.

3. A garage may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.

4. Except in the case of a shared parking lot, parking spaces may be located on a lot other than that containing the principal use with a conditional use approval by the Board of Supervisors.

5. The size of a parking space for one (1) vehicle shall not be less than two hundred (200) square feet, i.e. 10' x 20', with the exception of those spaces designated as ADA accessible.

6. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.

7. All open parking areas shall be properly drained and shall be provided with an "all-weather" surface.

8. The required parking space for two (2) or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of spaces required for each individual use. However, a conditional use may grant a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times, or a parking study is provided to justify a reduction in the number of parking spaces.

9. All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except that after a conditional use approval, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet walking distance from such premises. The Board of Supervisors shall not approve a requested conditional use until it is satisfied that all parking spaces required shall be maintained throughout the existence of such use to which they are accessory, or until such acceptable substitute spaces are provided elsewhere.

10. For residential uses, all off-street parking spaces shall be located behind the street right-of-way line. For all other uses, off-street parking spaces shall not be located within the area of required landscaping.

11. Parking spaces on lots divided by zoning district boundaries may be located without regard to district lines, provided that no such parking spaces shall be

located in C, A, or R District, unless the use to which they are accessory is permitted in such district.

12. Drive aisles within parking lots shall be a minimum of 24' wide for two-way traffic. Drive aisles may be reduced to 16' aisles when aisles are one-way and separated from adjacent rows of parking by means of landscaping or curbs.

13. Radii on interior curves shall allow for all anticipated turning movements, but in no case shall be less than 5'.

B. Minimum Parking Requirements.

1. Residential Parking

a. Dwelling, Single Family Detached, Single Family Semi-Detached, and Single Family Attached - Two (2) parking spaces for each dwellingunit.

b. Multi-family dwellings including conversion apartments. The total number of parking or garage spaces shall not be less than two (2) times the number of dwelling units in the building. A garage accessory to an apartment house shall provide only for the storage of vehicles of the owner, tenants, and employees. The required number of parking spaces may be reduced for dwellings designed for and erected to house elderly citizens, but not to less than twenty-five (25%) percent of the number of dwelling units provided.

c. Boarding or rooming houses, hotels, motels, and tourist homes. At least one parking space for each guest room. If a restaurant in connection with the above is open to the public, the off street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

d. For the purpose of this Ordinance, when parking spaces are required for dwellings, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as space, if minimum square footage is provided.

2. Non-Residential Parking. The following regulations shall be applied to new facilities included within and/or comprising shopping centers, plazas and neighborhood centers hereafter erected. The requirements herein may be modified and in some cases removed by the Board of Supervisors when it is determined by the Board that requirements are too stringent or otherwise not applicable; or that public parking lots and facilities are available in sufficient number to negate the need for customer parking on the premises.

a. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly. At least one (1) parking space for each three (3) seats provided for public or private assembly.

b. Retail stores and other places for trade or business. One (1) vehicle space for each two hundred fifty (250) square feet of floor area for public use plus one (1) for each one and one-half (1 1/2) employees.

c. Restaurant, tearooms, and cafeteria including taprooms, night clubs. One (1) vehicle space for each fifty (50) square feet of floor area for public use, or one (1) space for every four (4) seats, whichever is greater, plus two (2) for every three (3) employees on the largest shift.

d. Bowling Alley. Five (5) vehicle spaces for each alley.

e. Office Building. At least one (1) parking space for each three hundred(300) square feet of floor area.

f. Repair garages, automotive sales and service establishments, and gasoline service stations. At least one (1) parking space for each two hundred (200) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles. In no event shall parking be permitted on the public rights-of-way.

g. Parking Garage. No parking space shall be required in yard areas; however, no parking shall be permitted on the public rights-of-way.

h. Hospitals, Sanitariums, and Nursing Homes. At least one (1) parking space for each two (2) patients for which accommodations are provided in the case of medical hospitals, and one (1) parking space for each three (3) patients for which accommodations are provided in the case of such facilities as sanitariums and nursing homes; such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees.

i. Medical, dental and other health care offices. Eight (8) vehicle spaces for each practitioner plus one (1) space for each employee.

j. Drive-in and Outdoor Establishments. Provisions for parking for drive-in facilities must meet the approval of the Board of Supervisors and under no conditions will parking on the public rights-of-way be permitted.

k. Dance Halls, Roller Rinks, Clubs, Lodges and other similar places. At least one (1) parking space for each two hundred (200) square feet of floor area.

l. Swimming Pool. At least one (1) parking space for each five (5) persons for whom facilities for dressing are provided; or at least one parking space for every sixty (60) square feet of water surface. Including areas for swimming, wading, and diving, whichever requirement is greater.

m. Undertaking Establishments. At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to:

(1) employee parking needs; and

(2) a service area for mobile equipment, such as hearses and ambulances.

n. Other Commercial Buildings. At least one parking space for each three hundred (300) square feet of floor area, or fraction thereof, or one parking space for each one and one-half (1 1/2) employees, whichever requirement is greater.

3. Home Occupations. (Note the following guides are for spaces in addition to the ones required for the residence):

a. Legal Office. One space for each employed person; (the resident attorney, any associates, etc.), two additional spaces for clients and occasional sales persons or consultants.

b. Architects, Landscape Architects, Engineers and Accountants. One space for the resident and one additional space for each employee. Two additional spaces for clients and/or other visitors.

c. Physicians and Dentists. Two spaces for the resident and one additional space for the employee, associates, or other affiliated person; and three (3) additional spaces for patients.

d. Realtors, Insurance Agents, Offices of Elected Officials. Three (3) spaces for each agent or official.

e. Barber Shops and Beauty Parlors. One space for every one hundred (100) square feet of public floor area, or 1-1/2 spaces for each customer facility, whichever is larger. If there is only one customer facility provided, (one barber chair - one dryer, etc.) three spaces may be approved.

f. Dressmakers, Milliners and others. Three spaces.

4. Industrial Parking. These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Ordinance. Off-street parking shall be provided in accordance with the following schedule:

   a. Industrial and manufacturing establishments. One and one-half (1 1/2) vehicle parking spaces for each two (2) employees when the establishment operates with only one shift. In the case of multiple shifts, one parking space for each employee on the largest shift shall be provided.

   b. Truck terminals and wholesale warehouses. One and one-half (1 1/2) parking spaces for each two (2) employees on the largest shift.

   c. Visitors. Space shall be provided in addition to the above parking requirements according to the specific needs. For the purpose of this Ordinance, traveling salesmen and out-of-town personnel are visitors.

5. Parking requirements may be reduced by up to 25% with the submission of a parking study.

C. Loading and Unloading Space.

1. In addition to the off-street parking space required herein, any building erected, converted, or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street area for loading and unloading of vehicles according to the following schedule:

Use	Gross Floor Area Square Feet	Minimum No. of Spaces
Stores, manufacturing, whole-sale, commercial, hospitals laundry, mortuary, dry	Under 8,000	1
	8,000 to 40,000	2
	40,000 to 250,000	3
Cleaning	Each additional 200,000	1
Office Buildings, Hotels	Under 100,000	1
	100,000 to 300,000	2
	Over 300,000	

2. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of material.

3. The loading/unloading space shall be sized to accommodate the largest anticipated regular delivery vehicle, but in no case shall be less than 12’ wide by 35’ long.

D. Setbacks for(Parking, Drive Aisles and Loading Zones.

1. Unless more restrictive regulations are set forth elsewhere herein, the following shall apply.

a. Residential Oriented Areas.

(1) Parking, Drive Aisles and Loading Zones may be placed in required yard areas but not closer than ten (10) feet to any property line.

(2) Where the extremities of the Parking, Drive Aisles and Loading Zone areas are closer than fifteen (15) feet to any property line, curbs and/or wheel blocks should be placed as not to permit any portion of a vehicle to overhang any part of the adjacent property.

(3) Joint drives serving contiguous lots may be approved as a conditional use by the Board of Supervisors when no alternative is available. The use of a joint drive must be made a part of the deed for each property.

(4) Off-street areas must have an all weather paving capable of providing a solid, dust-free surface at all times.

b. Commercial Oriented Areas.

(1) Parking, Drive Aisles and Loading Zones shall be provided for every commercial enterprise hereafter or substantially altered.

(2) Parking, Drive Aisles and Loading Zones where permitted may be placed on the lotpremises provided that:

(a) no part of any vehicle on the premises shall overhang any adjacent property;

(b) storage of material shall not be permitted unless within a structure or behind a screen providing visual protection to adjacent properties.

(3) All Parking, Drive Aisles and Loading Zones shall be paved so as to provide an all-weather surface, firm and dust free at all times. Paving shall be as approved by the Township.

c. Industrial Oriented Areas.

(1) Off-street Parking, Drive Aisles and Loading Zones maybe placed anywhere on the premises except where specifically prohibited. (Buffer yards and portions of yards adjacent to public right-of-way lines.)

(2) No parking or loading area shall be established within ten (10) feet of any property line, or within ten (10) feet of a public right-of-way line.

(3) All off-street Parking, Drive Aisles and Loading Zones shall be paved so as to provide an all-weather surface, firm and dust free at all times. Paving shall be as approved by the Township.

E. Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

F. Parking and Storage of Vehicles.

1. In any zoning district, no more than three (3) automotive vehicles and/or recreational vehicles of any kind or type without current license plates shall be parked or stored. Any vehicle, camper, trailer, or recreational vehicle used as an accessory building for agricultural use shall refer to Section 1202.E of this Ordinance.

2. All off-street parking areas shall be reserved and used for vehicle parking only, with no sales, dead storage, or dismantling, of any kind on residential lots. Repair work or servicing of the vehicles owned by the occupant is permitted.

3. On a residential dwelling lot, the parking of one (1) commercial vehicle 26,000 lbs. GVW and under is permitted by the resident, for his livelihood, for a business not conducted on the premises. Any vehicle, camper, trailer, or recreational vehicle used as an accessory building for agricultural use shall refer to Section 1202.E of this Ordinance.

   On a residential dwelling lot, one (1) recreational vehicle is permitted for storage purposes only, and is not to be used for sleeping, recreational, or living purposes at any time or in any way, shape or form.

   The parking of any commercial vehicle exceeding 26,000 lbs. GVW is prohibited on a residential lot.

4. No boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles shall be stored within any front yard area of a residential dwelling. Any vehicle, camper, trailer, or recreational vehicle used as an

accessory building for agricultural use shall refer to Section 1202.E of this Ordinance.

SECTION 1220. PATIOS, PAVED TERRACES, DECKS, AND OPEN PORCHES

No patio, paved terrace, deck, or open porch shall be located within five (5) feet of any side or rear property line, or between the building setback line and the street line. In the case of attached or semi-detached dwellings, this distance may be reduced to not less than three (3) feet from a side property line formed by a common building wall.

SECTION 1221. INTENTIONALLY LEFT BLANK

SECTION 1222. SETBACK REQUIREMENTS FOR CORNER BUILDINGS

A. On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

B. A corner lot shall have two (2) front yards, plus one (1) side yard and one (1) rear yard setback. The rear yard shall be the yard opposite the street which the property is addressed.

C. On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no structure, or obstructing growth shall be permitted within an area which is formed by a clear sight triangle as described in the Penn Township Subdivision and Land Development Ordinance.

SECTION 1223. SIGNS

The purpose of this Section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It also protects property values, creates a more attractive economic and business climate, enhances and protects the physical appearance of the community, preserves the scenic and natural beauty of designated areas and provides a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provided more open space, and curb the deterioration of natural beauty and of the community environment. Therefore, signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

A. Permitted Permanent Signs

Subject to the provisions of this Section, only the following types of permanent signs are permitted:

1. P-1: All signs and signals owned or operated by the Township or other governmental agencies.

2. P-2: Identification signs for public and for semi-public facilities such as schools, churches, hospitals, libraries, clubs, and public utilities.

3. P-3: Nameplate identifying the owner or resident of a private property. Such sign may be in addition to normal name and addresses on or attached to a mailbox, which signs are not subject to the regulations of this Section.

4. P-4: Memorial or historical markers or tablets.

5. P-5: Signs indicating the private nature of a road, driveway or other premises, and signs controlling the use of private property, such as the prohibition of hunting, fishing, or trespassing.

6. P-6: On site directional signs.

6. P-7: Freestanding business signs, excluding shopping center, shopping plaza, or mall.

8. P-7A: Attached business signs, excluding shopping center, shopping plaza, or mall.

9. P-8A: Freestanding signs for residential subdivision and outdoor recreation areas. One sign may be permitted at each entrance with a maximum area of thirty-two (32) square feet and a maximum height of ten (10) feet.

10. P-8B: Freestanding signs for identification of home occupations. One sign may be permitted with a maximum area not to exceed four (4) square feet.

11. P-9: Freestanding commercial sign for shopping center, shopping plaza or mall, commercial center. Note: Individual stores are prohibited from individual freestanding signs.

12. P-9A: Attached commercial signs for individual stores with a shopping center, shopping plaza or mall, or commercial center.

13. P-10: Billboards and outdoor advertising as provided in Sub-Section E.

14. P-11: LED, Electronic Messaging or Programmable, Scrolling Outdoor Signs for Commercial, Industrial, Businesses, Public Safety or a Governmental body shall be permitted in all districts as a conditional use by the Board of Supervisors.

B. Permitted Temporary Signs

Subject to the other provisions of this Section, only the following types of temporary signs are permitted throughout the Township:

1. T-1: Signs identifying architects, engineers, contractors, tradesmen or others engaged in construction work on premises wherein their work is proceeding. Such signs shall be removed as soon as the work ceases or is completed.

2. T-2: Real estate signs on individual properties of less than three (3) acres that are for sale, rent or lease or which have been sold, rented or leased. Signs to be removed within one week of sale, rent or lease completion/settlement.

3. T-3: Real estate signs on properties of three (3) acres or more, offering for sale, rent, lease or subdivision for commercial, residential or industrial use. Signs to be removed within one week of date or sale, rent or lease completion/settlement.

4. T-4: Signs announcing proposed housing development, apartments or office complexes; signs to be removed upon ninety percent (90%) completion of development.

5. T-5: Signs announcing proposed commercial, industrial or other non-residential development. Signs to be removed by project completion.

6. T-6: Signs announcing grand openings, new ownership or change of use, on the site of the permitted use. Signs shall be removed thirty (30) days after erection.

7. T-7: Signs advertising the temporary sale of agricultural products raised on property for which it is being sold; signs to be displayed only when products are on sale.

8. T-8: Temporary signs announcing a special event. (Does not include yard/garage sales and temporary reduction in prices). Sign shall not exceed thirty (30) consecutive days at any site within the Township nor exceed two special events per year. Special event signs for charitable or non-profit organizations shall be exempt from requirements limiting signs to two special events per year but shall be subject to all other requirements for T-8 signs.

9. T-9: Yard sale and garage sale signs. Signs shall be erected only during the

days of the sale.

10. T-10: Political posters, banners, signs, etc. about candidates, political parties and ballot issues; allowed six (6) weeks prior to election and two (2) weeks following election.

C. Prohibited Signs

The following types of signs shall not be permitted within the Township:

1. Signs of such design and location that they interfere with, compete for attention with or may be mistaken for a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word “stop”. It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by use of special preparation such as fluorescent paint or glass.

2. Any sign located in or extending into a public right-of-way, except those owned or operated by duly constituted government.

3. Any freestanding or projecting sign within a clear sight triangle in accordance with Subdivision and Land Development Ordinance.

4. Signs projecting over a public sidewalk area more than eighteen (18) inches.

5. Animated, sequential, flashing, rotating or oscillating signs.

6. Open flames used to attract public attention to a place of business or to an advertising sign.

7. Freestanding signs for individual uses within a shopping center.

8. No sign shall be placed on the roof or be higher than the vertical walls of any structure.

D. General Regulations for All Signs.

1. Signs must be constructed of durable materials, maintained good condition and not allowed to become dilapidated.

2. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

3. Each sign shall be removed when the circumstances leading to its erection no longer apply.

4. Lighted signs shall be interior-lighted with non-glaring lights, or shall be illuminated by shielded flood lights or spotlights, shielded so no direct light is transmitted to other properties or public rights-of-way.

5. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections.

E. Sign Measurements

1. The area of the sign composed of letters only, attached to a building façade without any background material other than the building, shall be the area within the perimeter of the entire lettered words.

2. The area of a sign composed of letters only, attached to a building façade on background material to set off the letters, shall be the area within the perimeter of the background material, including any molding.

3. The area of all other signs shall be the area within the perimeter of the sign structure including any molding.

F. Billboards and Outdoor Advertising

1. Such signs are permitted only along the "Interstate 81 Corridor".

2. Such signs are subject to the following restrictions:

a. No such sign shall be located at a lesser distance than two hundred (200) lineal feet from (1) the district boundary line of any adjoining residential zoning district, or (2) any building used for residential purposes.

b. The maximum area for any one sign facing where the sign is located adjacent to and intended to be seen by vehicular traffic on the limited access highway known as "Interstate 81", in which latter location said sign face shall not exceed fourteen (14) feet in vertical measurement or forty-eight (48) feet horizontally and in no event to exceed 672 square feet per facing (inclusive of any border, trim or embellishment, which embellishment shall not exceed twenty-eight (28) square feet of area; but excluding the base or apron, supports and other structural members). The term "facing" hereinabove and in subparagraph herein below shall mean the surface area of the structure containing the message of the sign.

(1) The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign above ground level.

(2) A sign structure shall contain no more than two (2) facings with only one sign per facing which facings may be placed only back-to-back or V-shaped at an interior angle of less than ninety (90) degrees.

(3) No portion of any sign shall exceed a height of thirty-five (35) feet above ground level.

(4) All such signs shall be attached to the ground by a single vertical metal or concrete post, pillar, pole or column.

(5) Signs shall not be located on the same side of any road, street or highway at a lesser distance from each other (measured in both directions) than one thousand (1,000) lineal feet.

c. All signs shall be located not less than forty (40) lineal feet from the legal right-of-way of any existing street, road or highway or from the dedicated right-of-way line of any street, road or highway as shown on a subdivision or land development plan approved by the Township.

d. No sign may be erected adjacent to or within 500 feet of an interchange or safety rest area, measured along the interstate or limited access from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

e. Signs may be illuminated, but no direct ray of light shall extend beyond the face of the sign.

f. The construction of all signs shall comply with all building/construction regulations of this Township.

g. Every sign shall be identified on the structure with the name of the owner.

G. Permits

1. Zoning permits shall be required for permanent and temporary signs as note under Sub-Sections H. and Section I.

2. The following operations shall not be considered as creating a sign and shall not require a permit.

a. Replacing Copy: The changing of the advertising copy or message on an approved painted or printed sign or on approved signs that are specifically designed for the use of replaceable copy.

b. Maintenance: Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless structural change is made.

H. Permitted Permanent Signs: See following table.

I. Permitted Temporary Signs: See following table.

TABLE 1223.H – PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback from Road Right-of-Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Bldg.	Zones Permitted	Permit Required
P-1: All signs and signals owned and operated by the Township or other governmental agency including official traffic signs	--	--	--	--	--	--	All	No
P-2: Identification for public and semi-public facilities; such as schools, churches, public utilities, clubs, hospitals, libraries, etc.	2 per frontage	25 sq. ft.	Setback shall be equal to the height of the sign	Height of building	10 ft.	12 in.	All	Yes
P-3: Nameplates identifying owner or resident of private property. (Excluding mailbox)	1 per dwelling unit	3 sq. ft. per sign	5 ft. from street right-of-way	--	6 ft.	12 in.	All	No
P-4: Memorial or historical markers or tablets	1 per event	6 sq. ft. per sign	5 ft. from street right-of-way	--	10 ft.	12 in.	All	No
P-5: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing	--	2 sq. ft. per sign	5 ft. from street right-of-way	--	6 ft.	12 in.	All	No
P-6: On site directional signs	4 per building	2 sq. ft.	2 ft. from street right-or-way	Height of building	6 ft.	12 in.	All	Yes

P-7: Freestanding business sign, excludes individual stores in a shopping center	1 per street frontage (additional by special exception)	3 sq. ft. per lineal ft. of bldg. frontage, maximum area 160 sq. ft. (CO & I) 32 sq. ft. all other districts	Setback shall be equal to the height of the sign	--	35 ft.	--	Where use is permitted	Yes
P-7A: Attached business sign (See definition section for additional criteria for awnings and projecting signs).	2 per street frontage (additional by special exception)	3 sq. ft. per lineal ft. of bldg. frontage, maximum area 160 sq. ft. (CO & I) 32 sq. ft. all other districts per street frontage	Same as building setback	On or below fascia	--	12 in.	Where use is permitted	Yes
P-8A: Freestanding signs for residential subdivision and outdoor recreation areas.	1 per street entrance	32 sq. ft.	10 ft. unless interferes with intersection sight distance	--	10 ft.	--	All	Yes
P-8B: Freestanding signs for identification of home occupations.	1	2 sq. ft.	10 ft. unless interferes with intersection sight distance	--	10 ft.	--	All	No

P-9: Freestanding commercial sign for shopping plazas, malls, or commercial centers. Note: individual stores are prohibited from individual freestanding signs.	1 per street frontage	3 sq. ft. per lineal ft. of bldg. frontage, maximum area 160 sq. ft.	Setback shall be equal to the height of the sign	--	35 ft.	--	Where use is permitted	Yes
P-9A: Attached commercial sign for individual stores within a shopping center, shopping plaza, shopping mall, or commercial center. (See definition section for additional criteria for awnings and projecting signs).	1 per store	1 sq. ft. per lineal ft. of bldg. frontage, maximum area 160 sq. ft.	Same as building setback	Height of building	--	--	Where use is permitted	Yes
P-10: Billboards	See Section 1223	672 sq. ft. (limited access)/300 sq. ft. (unlimited access)	Setback shall be equal to the height of the sign	Building height limit of District	Building height limit of District	--	Properties immediately abutting Interstate 81	Yes
P-11: LED, Electronic Messaging or Programmable, Scrolling Outdoor signs	1 per individual store	By Conditional Use	By Conditional Use	By Conditional Use	By Conditional Use	By Conditional Use	All	Yes

TABLE 1223.I – PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback from Road Right-of-Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection from Bldg.	Zones Permitted	Permit Required
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding. Sign to be removed upon completion of work.	1 per each separated firm involved in work on the site	12 sq. ft. per sign	Setback shall be equal to the height of the sign	Height of building	10 ft.	12 in.	All	No
T-2: Real estate signs on individual properties of less than 3 acres that are for sale, rent or lease, or which have been sold, rented or leased. Signs to be removed within one week of date of sale, rent or lease completion/settlement.	1 per street frontage	16 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All	No
T-3: Real estate signs on properties of 3 acres or more, offering for sale, rent, lease or subdivision for commercial, residential development, or industrial use. Signs to be removed within one week of date of sale, rent or lease completion/settlement.	2 per street frontage	32 sq. ft. per each sign	25 ft. or building face	Height of building	10 ft.	12 in.	All	No

T-4: Signs announcing proposed housing developments or apartments or office complexes. Sign to be removed upon 90% completion of development or within 18 months of placement.	2 per street frontage	32 sq. ft. per sign	25 ft. or building face	Height of building	10 ft.	12 in.	All use must be permitted and development approved	No
T-5: Signs announcing proposed commercial, industrial or other non-residential development. Signs to be removed by project completion.	2 per street frontage	32 sq. ft. per sign	25 ft. or building face	Height of building	10 ft.	12 in.	All	No
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use. Signs shall be removed after 30 days.	1 per lot (attached or freestanding)	48 sq. ft. per sign	25 ft. per sign	Height of building	10 ft.	12 in.	All	No
T-7: Signs advertising the temporary sale of agricultural products raised on property from which it is being sold. To be displayed only when products are on sale.	2 per lot	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All	No
T-8: Temporary signs announcing a special event. (Does not include yard/garage sales and temporary reduction in prices). See Section 1223.B.8	1 per street frontage	32 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All	No

T-9: Yard sale/garage sale sign(s) erected on property of sale only and during the days of the sale.	2 per lot	6 sq. ft.	5 ft. from street right-of-way	Height of building	10 ft.	12 in.	All	No
T-10: Political posters, banners, signs, etc. about candidates, parties and ballot issues. Allowed 6 weeks prior to election and 2 weeks following election.	NA	32 sq. ft.	5 ft. unless interferes with intersection sight distance.	10 ft.	10 ft.	12 in.	All	No

SECTION 1224. SPECIAL USES

A. Municipal Buildings and Uses

1. This Ordinance shall not apply to any building of the Township if the Board of Supervisors shall, after a public hearing, decide that such building or extension thereof or such use of any premises is reasonably necessary for the convenience or welfare of the public.

SECTION 1225. STORAGE OF COMMERCIAL USE EXPLOSIVES

The storage of commercial use explosives shall be prohibited in Residential Districts. Commercial use explosives may be kept in all other districts provided the place where they are stored is no closer than two hundred (200) feet to any property line, and provided that all State standards are met.

SECTION 1226. SWIMMING POOLS, SPAS AND WHIRLPOOLS -IN-GROUND AND ABOVE-GROUND

A. No swimming pool, spa, or whirlpool shall be permitted without a filtering system and a Zoning Permit.

B. No swimming pool, spa or whirlpool shall be permitted unless it is enclosed by a permanent fence per applicable building codes.

C. No swimming pool, spa or whirlpool shall be constructed or installed unless it has been verified that the location of such pool, spa or whirlpool is adequate and will not interfere with any domestic water facilities, any sanitary sewage facilities, any streets or any neighboring properties.

D. No swimming pool, spa or whirlpool may be erected or installed within any required minimum front, side, or rear building setback.

E. No swimming pool, spa or whirlpool shall be located closer to the front of the lot than the front wall of the principal building.

F. Swimming pools, spas or whirlpools shall be secured from unauthorized access by means of a lockable door, gate, cover or similar control device.

G. Any swimming pool, spa or whirlpool must conform to any applicable state regulations.

H. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

SECTION 1227. TEMPORARY BUILDINGS

A. Temporary buildings, constructions trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

B. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Officer.

SECTION 1228. TRASH AREAS

A. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of a height sufficient to obscure the garbage dumpsters from adjacent properties. A gate of sufficient material to obscure the garbage dumpsters shall be provided for the open side. There shall be no openings greater than two (2) inches in any direction.

B. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Officer shall be required.

SECTION 1229. TRAFFIC IMPACT STUDY STANDARDS

Refer to the Subdivision and Land Development Ordinance for the Traffic Impact Study standards.

SECTION 1230. UNENCLOSED STORAGE

A. In all districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.

B. Except as provided in other Township Ordinances, the accumulation of trash or junk out-of-doors for a period in excess of fifteen (15) days is prohibited in all districts.

SECTION 1231. INTENTIONALLY LEFT BLANK

SECTION 1232. YARDS

A. Front Yard Exception

1. The front yard of a proposed building may be decreased in depth to the average formed by the alignment of existing buildings within three hundred (300) feet on each side of the proposed building, and within the same block, if such alignment of existing buildings is less than the front yard requirement for the district. The proposed setback shall not be less twenty feet (20') from the abutting street right-of-way.

B. Rear Yard Exception

1. When a rear yard abuts an alley, a structure shall not be erected closer than twenty-five (25) feet from the centerline of said alley.

C. Projections

1. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. However, a roof overhang may project no more than one (1) foot into a yard area.

D. Storage of Material in Yards

1. The outdoor display or storage of any equipment or material, other than incidental lawn ornaments, furniture and play equipment, shall not be permitted in any front yard area required by this Ordinance.

SECTION 1233. PERFORMANCE STANDARDS

A. General

The Board of Supervisors desires to provide standards for the operation of commercial uses within the Township in order to protect the health, safety, and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation. The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and

screening requirements to provide a buffer area to the use and to discourage trespassing.

The Board of Supervisors also seeks to protect the public through the requirement of a plan of success in the event of emergency conditions to allow police, fire fighters, and rescue personnel to gain access to the premises efficiently and safely.

B. Building Requirements

Exclusive of the arrival, departure, loading, unloading and parking of permitted vehicles, all business, servicing, manufacturing, or processing of materials, goods, or products shall be conducted within completely enclosed buildings.

C. Storage

1. Storage shall be permitted outdoors, but the items stored shall not be visible from a public right-of-way. Outdoor storage within five hundred (500) feet of a residential district boundary shall be effectively screened by a solid wall, fence, or planting so that the materials shall not be visible from the residential district.

2. All organic rubbish or storage shall be in airtight, vermin-proof containers.

D. Noise

1. Noise shall be measured with a sound level built in accordance with specifications of the American National Standards Institute.

2. Blasting is permitted only between the hours of 9:00 A.M. and 5:00 P.M., prevailing time standard.

3. Transportation vehicles traveling in and out of the site shall not be required to comply with the maximum noise level stated in Subparagraph D.1 above, but rather, shall be governed by applicable Federal EPA standards and regulations applicable to licensed vehicles operating on public highways.

E. Vibration

1. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

2. Table II designates the applicable columns of Table III that apply on or

beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table III. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

Abutting Zoning District	Adjacent Lot Line
A	B

TABLE III

	Maximum Peak Particle Velocity - In/Sec	
Vibration	**A**	**B**
Steady State	0.02	0.10
Impact	0.04	0.20

3. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity in inches multiplied by the frequency in cycles per second.

4. For purposes of this Zoning Ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

5. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for Column A shall be reduced to one-half (1/2) of the indicated values.

F. Dust and Particulate

1. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below. Emissions of dust and particulate shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

2. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four- (4) hour period which will result in the highest average emission rate.

3. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. The maximum emission rate of dust and particle matter from all stacks shall be 2.0 pounds per hour per acre of lot area.

G. Sulfur Dioxides

1. Emission of oxides of sulfur (as sulfur dioxides) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

H. Smoke

1. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.

2. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

I. Odor

1. Odor thresholds shall be measured in accordance with ASTM D1391-57 "Standard Method of Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

2. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

J. Toxic Matter

1. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the

American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four- (24) hour sampling period.

2. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

K. Detonable Materials

1. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

2. The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

L. Fire Hazard Solids

1. The storage, utilization, or manufacture of solid materials which are active to intense burning (also known as flammable solids) shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

2. The storage, utilization, or manufacture of flammable solid shall meet all the requirements of the National Fire Protection Association's Fire Protection Handbook, latest edition, and the National Fire Codes, latest edition.

M. Fire Hazard Liquids and Gases

5. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original

sealed containers (60 gallons or less), which shall be unrestricted.

2. The storage, utilization or manufacture of LPG, including the location or replacement of storage vessels shall be according to the regulations and requirements of the Propane and Liquefied Petroleum Gas Act (35 P.S. δ 1329).

3. The storage, utilization or manufacture of flammable liquids or gases shall meet all the requirements of the National Fire Protection Association's Fire Protection Handbook, latest edition, and the National Fire Codes, latest edition.

4. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table IV:

TABLE IV

Storage Capacity of Flammable Liquids and Gases

Liquids		**Gases**
Above Ground Flash Point, F		**Above Ground**
Less than 70	**70-200**	
7,500 gal.	30,000 gal.	225.000 SCF*
Below Ground Flash Point, F		**Below Ground**
15,000 gal.	60,000 gal.	450.000 SCF*

*SCF - Standard Cubic Feet at 60 F. and 29.92 inches Hi.

N. Glare

1. Refer to the Penn Township Subdivision and Land Development Ordinance.

O. Heat

Heat, for the purpose of this Zoning Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of five (5) degrees F.; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

P. Radioactive Radiation

No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line or which produces emission injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the

discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for the Protection Against Radiation, as amended, and all applicable regulations of the Commonwealth of Pennsylvania.

Q. Liquid or Solid Wastes

No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, the air or into the ground, except in accord with standards approved by the Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

R. Electromagnetic Radiation

No activities shall be permitted which emit electromagnetic radiation at any point beyond the property line or which produces emissions injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1)

American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

SECTION 1234. ORNAMENTAL PONDS AND WADING POOLS

A. Ornamental ponds, wading pools and similar structures shall comply with all accessory use setback and regulations.

B. No such impoundment shall have a depth that exceeds three (3) feet.

C. All ponds or pools shall be maintained so not to pose a nuisance by reason of odor or the harboring of insects or vermin.

D. No such pond(s) shall be used for the commercial hatching of fish or other species of animals.

ARTICLE XIII

USE REGULATIONS

SECTION 1301. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that uses be regulated for the purpose of protecting the public health, safety and welfare. Each of the following land uses contains criteria, which shall be addressed by the applicant and reviewed by the Zoning Officer when a permitted use, or by the Board of Supervisors when a conditional use.

SECTION 1302. ADULT RELATED USES

In the enactment of this Ordinance, it is recognized that adult-related facilities or business, because of their very nature, have serious objectionable operational characteristics, particularly when several such businesses are concentrated in a given area thereby having a deleterious effect upon adjacent land uses. Special regulation of these adult-related facilities or businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The location of adult-related facilities is also of vital concern to society with regard to their proximity to areas where minors may learn, play or congregate. On the other hand, it is recognized that adult-related facilities are protected under the First Amendment, and the market for these businesses must remain essentially unrestrained. It is the goal and purpose of this Ordinance to protect the health, safety, morals and general welfare to the extent authorized by the Municipalities Planning Code while at the same time maintaining community access to adult establishments so as to not violate the First Amendment's guarantee of freedom and expression.

A. All adult-oriented businesses shall have a minimum lot area of twenty (20) acres.

B. The lot width at the street right-of-way line shall be a minimum of three hundred (300) feet.

C. An adult-oriented business shall not be permitted within one thousand (1000) feet of any other adult-oriented business.

D. An adult-oriented business shall not be permitted within one thousand (1000) feet of any public or private school, day care facility, public recreation facility, public rest areas, public parking areas, public and private camping areas, commercial recreation or entertainment facility, library, museum, or church. No adult-oriented business may be established within one thousand (1000) feet of any residentially used land.

E. No performance, service, materials, merchandise, or film offered for sale, rent,

lease, loan or for view within the premises shall be exhibited or displayed outside of a building or be visible from outside the building or structure.

F. Any buildings or structures must be set back at least three hundred (300) feet from any property or street right-of-way.

G. A buffer yard of at least two hundred (200) feet wide must be located on the site in all instances.

H. Trees and shrubs must be planted in the buffer yard so as to form an effective visual barrier between the business and all adjoining properties, including road frontage. Trees shall be of such dimensions and variety that they will achieve a minimum height of six (6) feet in the year after issuance of the permit.

I. Any building or structure used and occupied as an adult-oriented business shall be windowless, or have an opaque covering over all windows and doors where performance, service, materials, merchandise, or film are exhibited or displayed.

J. No sign shall be located upon the premises, which depicts a visual representation of the type of performance, service, materials, merchandise, or film being offered therein.

K. All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the performance, service, materials, merchandise, of film exhibited or displayed therein.

L. No adult-oriented business may change to another adult-oriented business except upon approval by an additional conditional use.

M. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.

N. No unlawful sexual activity or conduct shall be permitted.

O. No more than one (1) adult-oriented business may be located within one building.

P. Adult Related Uses are only permitted within the C (Conservation) District.

SECTION 1303. AIRSTRIP, AIRPORT, HELIPORT, HELISTOP

A. All airstrips or airports shall have a minimum lot area of twenty (20) acres.

B. The approach zone to any of the proposed runways or landing strips 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 or natural obstructions outside the airport and located within the proposed approach zones.

D. Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.

E. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the useable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.

F. The applicant shall furnish evidence of obtaining a license from the Pennsylvania Department of Transportation Bureau of Aviation.

G. No part of any runway, taxiway, or heliport pad shall be within three hundred (300) feet of any property line.

SECTION 1304. AMUSEMENT ARCADES

A. The subject tract shall front on and gain access from either an arterial or major collector road, or a street in a proposed subdivision or land development plan, which conforms to prevailing arterial or collector street design and improvement requirements.

B. All activities shall be located within wholly enclosed buildings.

C. The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.

D. One parking space per employee plus one space for each eighty (80) square feet of gross leasable floor area shall be provided.

E. The property shall be kept free of litter at all times in accordance with a plan for the clean-up of litter to be provided by the applicant.

SECTION 1305. ANIMAL HOSPITALS AND VETERINARY CLINICS

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design

and improvement requirements.

B. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

C. Animals shall be restricted from using areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.

D. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines; and a minimum of three hundred (300) feet from any adjacent residence whose owner is other than the animal building owner.

E. All animal wastes shall be regularly cleaned up and properly disposed.

F. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines and a minimum of one hundred (100) feet from any adjacent residence whose owner is other than the animal keeping owner.

G. A minimum lot size of four (4) acres shall be required.

H. Satisfactory evidence must be presented to show that adequate disposal of animal waste and carcasses will be provided in a manner that will not be a public health hazard or a public nuisance.

SECTION 1306. ANTIQUE SALES

A. Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.

B. Adequate off-street parking must be provided.

SECTION 1307. BANKS AND SIMILAR FINANCIAL INSTITUTIONS

A. All drive-thru window lanes shall be separated from the parking lot's interior access drives.

B. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

C. Stacking lanes of at least seventy-five (75) feet shall be provided associated with drive-thru windows, to prevent vehicle stacking on adjoining roads.

D. Any exterior microphone/speaker system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties and not be activated before 9:00 a.m. or after 8:00 p.m.

SECTION 1308. BED AND BREAKFAST ESTABLISHMENTS

A. Such an establishment shall be located in a private residence.

B. No external modifications, which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

C. All floors above ground level shall have an emergency escape access to ground level.

D. One off-street parking space shall be provided for each proposed bedroom in addition to the required spaces for the existing dwelling.

E. A bed and breakfast shall not include more than five (5) rooms for rent; and meals, if offered, shall be available only for registered overnight guests.

F. All served meals shall be included in the lodging fee. No meals may be served to the general public.

G. All appropriate State licenses shall be obtained.

H. Vegetative screening shall be located around the perimeter of the parking area to preserve the residential appearance of the property.

I. A smoke alarm shall be placed in each rented area.

J. The owner of the bed and breakfast establishment shall reside on the premises.

K. No building in which a bed and breakfast establishment is operated shall be closer than eight hundred (800) feet to a building in which another is operated.

L. If on-lot sewer service is provided, DEP and/or the Sewage Enforcement Officer shall approve the method of sewage disposal.

M. No accessory buildings shall be used to provide rooms for overnight guests.

N. Only one (1) building per property shall be used for overnight guests.

SECTION 1309. BEEKEEPING

A. Colonies shall be maintained in transportable frame hives.

B. Hives shall be located within the rear yard area of the lot and be placed to maximize sunshine exposure and wind protection.

C. Hives shall be located no closer than one hundred (100) feet from any property line unless a six (6) foot high fence is located along any adjacent property line for a distance of at least one hundred (100) feet from the hives, when in no case shall hives be located within fifty (50) feet of any property line.

D. Hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject tract, the beekeeper shall provide a water-filled tank with a board or crushed rock as a landing area for bees.

E. Hives shall not be oriented to active yard areas or neighboring properties.

F. Adequate techniques in handling bees shall be maintained to prevent unprovoked stinging within one hundred (100) feet from the hive.

SECTION 1310. BOARDING HOUSES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. The minimum lot area shall be two (2) acres.

C. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

D. No external modifications, which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

E. All floors above ground level shall have a direct means of emergency escape to ground level.

F. One (1) off-street parking space shall be provided for each room available for rent, in addition to the required spaces for the existing dwelling unit.

G. Meals shall be offered only to registered tenants.

H. The building shall be no closer than one thousand (1000) feet from another

boarding home.

SECTION 1311. BOARDING SCHOOLS OR COLLEGES

A. All colleges or boarding schools shall have a minimum lot area of twenty (20) acres.

B. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

C. Access shall be via an arterial or collector street.

D. Building shall be at least fifty (50) feet apart, except that where they face end to end or corner to corner they shall be at least thirty (30) feet apart.

E. Maximum building coverage shall not exceed forty (40) percent of the total land area.

F. Any buildings or other structures must be set back at least fifty (50) feet from any property line.

G. The lot width at the street right-of-way line shall be a minimum of two hundred (200) feet.

SECTION 1312. CAMPGROUNDS

A. The minimum lot area for a campground shall be ten (10) acres.

B. All campsites shall have a setback of fifty (50) feet from any side or rear property line and a minimum of one hundred (100) feet from any street right-of-way line.

C. The maximum number of campsites within each campground shall not exceed twelve (12) per acre, provided that a minimum of three thousand (3000) square feet is reserved for each site.

D. A minimum of one (1) automobile parking space shall be provided for each site, and such parking space shall not interfere with the vehicular movement along the internal access drives of the campground. Equivalent parking may be provided by a common parking compound. On-drive parallel parking shall be permitted.

E. The internal access drive system shall have a minimum cartway width of ten (10) feet for each driving lane and shall be improved with gravel or any hard surface material acceptable to the Board of Supervisors. The Board of Supervisors may require additional cartway improvements for campgrounds proposing more than fifty (50) sites when, in the judgement of the Board of Supervisors, such

improvements are beneficial to the vehicular circulation and safety of the campground.

F. All playground and recreation areas shall be at least one hundred (100) feet from adjoining residential properties with the usage of these areas being limited to registered campers and their guests. Playground and recreation areas shall be screened from neighboring properties.

G. All campgrounds shall furnish centralized sanitary sewer and garbage collection systems which shall be located at least one hundred (100) feet from adjoining residential properties and be appropriately screened.

H. Any accessory commercial and/or service facilities shall be located at least one hundred (100) feet from adjoining residential properties and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin adjacent residential properties.

I. Active or passive recreation areas shall comprise at least twenty (20) percent of the gross area of the campground.

J. All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.

K. All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

L. No campsite may be located within one thousand (1000) feet of an existing dwelling.

M. No automobile trailer, cabin, travel trailer, motor home, tent, or camper approved for location on the premises shall be utilized as a permanent place of abode or as a permanent dwelling.

N. Every trailer or campground shall have erected thereon at a distance not greater than four hundred (400) feet from any cabin, tent site, trailer site, or camper site which it is designed to serve, a suitable building for housing toilets, showers, and laundry facilities. Such building is to be known as the service building.

O. There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided with an adequate water supply in the ratio of one (1) men's toilet and one (1) ladies' toilet for each eight (8) cabins, trailer sites, tent sites, or camper sites or fraction thereof. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one (1) lavatory to every two (2) or less water closets.

SECTION 1313. CAR WASHES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. Centralized or public sewer and water facilities shall be provided.

C. Each car wash bay shall allow for a stacking of three (3) vehicles, but not within any yard setbacks.

D. The site shall be kept debris and trash free with the owner or manager of the car wash responsible for site maintenance.

E. All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

F. A traffic impact study may be required at the discretion of the Township.

G. Recycling of all gray water is required. There will be no discharge of the wash water.

H. Applicant shall demonstrate adequate provisions for the collections and proper disposal of all greases and waste.

SECTION 1314. CEMETERIES

A. A minimum lot area of four (4) acres shall be provided for a cemetery.

B. All burial plots and facilities shall be located at least one hundred (100) feet from front property lines and neighboring wells and fifty (50) feet from side and rear property lines.

C. In no case shall any use relating to a cemetery be located within the one hundred-(100) year floodplain of an adjacent watercourse, or an existing well.

D. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

D. Trash and earth storage must be more than one hundred (100) feet from any property or street line.

E. Minimum depth of burial is four feet (4’) to top of burial vault or casket, or six feet (6’) to the body if no vault or casket is used.

SECTION 1315. HOUSE OF WORSHIP

A. Churches

1. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2. The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.

3. A side yard setback of fifty (50) feet shall be maintained on each side.

4. All off-street parking facilities shall be at least twenty-five (25) feet from the street right-of-way line.

B. Church-Related Residences

1. Residences located on the same parcel as the church shall be subject to the same standards for detached single-family dwellings in the underlying district.

2. All church-related educational or day care facilities shall conform to all the regulations for public or for-profit educational or day care facilities.

SECTION 1316. CLUBHOUSES, CLUB GROUNDS, MEETING HALLS, COMMUNITY CENTERS

A. Off-street parking shall be provided at least twenty-five (25) feet from all street rights-of-way, and parking compounds shall be at least thirty (30) feet from any adjoining residential property.

B. Any outdoor recreational facilities shall be located at least fifty (50) feet from any property line.

C. Screening shall be provided adjacent to any residential land use.

D. Access must be via an arterial or collector street.

E. The use shall not constitute a public or private nuisance.

F. No sign advertising the sale of food or beverages will be permitted.

G. Building or structures that are converted for such use are subject to all applicable regulations for that particular zoning district.

H. The applicant shall show that the use is not detrimental to adjoining properties due to hours of operation, noise, light, litter, dust, pollution or other nuisances.

I. A traffic impact study is required.

SECTION 1317. TENNIS COURTS

A. Tennis courts shall be an accessory use and therefore, a zoning permit is required.

B. A permanent open mesh fence ten (10) feet in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.

C. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

D. Tennis courts shall not be located within forty (40) feet of any property lines.

E. Screening shall be provided to minimize effects on adjoining properties.

SECTION 1318. CLUSTER DEVELOPMENTS

A. Cluster development regulations allow for the reduction in lot areas and other bulk requirements so that dwellings may be grouped in certain areas of the development, while the remainder of the site is set aside as common open space. Although the intensity of development is increased in certain specific areas of the development, the overall gross density of the development is equal to that which is permitted by the prevailing zoning district.

   Cluster development is encouraged by the Township and is permitted in the R Districts in order to promote the efficient use of undeveloped land while preserving and using open space lands for recreational and aesthetic purposes.

B. Density and Lot Requirements.

   1. Minimum Development Size - The minimum area for a cluster development shall be ten (10) acres and shall be provided with public or centralized sewer and water.

   2. Density - The overall density of a cluster development shall not be greater than the density of conventional development in the underlying zoning district. To determine the permitted density, the number of units of each proposed dwelling type shall be multiplied by the minimum lot area for each

dwelling type in the underlying district.

3. Density Bonus - If the proposed common open space area in a cluster development proposal exceeds the required minimum area requirements as stated in Part C of this Section, one (1) additional dwelling unit may be provided for each acre of open space provided in excess of the minimum required.

4. Lot and Yard Requirements - Specific lot and yard requirements may be reduced in accordance with the following charts:

R - DISTRICT

	LOT REQUIREMENTS		YARD REQUIREMENTS		
Dwelling Type	Min. Area	Min. Width at Street Line	Front Yard Min. Depth	Side Yard Width	Rear Yard Depth
Single-family detached	10,000 s.f.	50 ft.	30 ft.	8 ft.	20 ft.
Single-family semi-detached (Duplex)	3,500 s.f.	25 ft.	30 ft.	8 ft.	20 ft.
Single-family Attached (townhouses)	2,000 s.f. per d.u.	20 ft.	25 ft.	8 ft.	20 ft.
Multi-Family	2,000 s.f. per d.u.	55 ft.	50 ft.	15 ft.	30 ft.

5. The minimum front yard requirement shall be that distance between the right-of-way line of a public or private road and the building line.

C. Common Open Space Requirements

1. The minimum area required for common open space land shall be thirty (30) percent. The requirement of this section shall be in addition to (a) any land required to be dedicated as open space by any other applicable ordinance or resolution and (b) the greenways requirements set forth below.

2. A minimum of thirty (30) percent of the common open space in the Cluster Development shall be concentrated and used for active recreation within the site. Active recreation shall include any activity that requires some physical exertion on the part of the participant. Active recreation areas shall include,

but not be limited to basketball, volleyball and tennis courts, soccer and football fields, baseball diamonds, swimming pools, tot lots, jogging trails, bicycle paths and playgrounds. This land shall be relatively flat, dry ground not exceeding the average percent of slope of the development and be suitable to the intended purpose.

3. Common open space shall have a minimum width of thirty feet (30') and be suitably improved for its intended use; however, natural features such as woodland, steep slopes, rock outcrops, wetlands, and similar areas worthy of preservation shall remain in a natural state. All such features shall be shown on the plan and shall be preserved and incorporated into the common open space.

4. In addition to the significant natural features, land in common open space may contain land surrounding historically significant structures and sites, archaeological sites, and land suitable for recreational uses.

5. Recreation areas within the common open space are intended to serve all residents in a residential cluster development. Recreation areas shall be connected by greenways, sidewalks, or similar linkages. Open space shall be accessible to all residents without the necessity of travel on street cartways (except where necessary to cross streets) or upon private property.

6. Greenways shall be established around and adjacent to housing clusters. These greenways may include bikeways, pedestrian paths, and other forms of linkages. All pedestrian ways within common open space areas shall be adequately lighted. Greenways shall be so designed as to be adjacent to as many lots as possible, while connecting the major recreation areas within a cluster development.

7. Wetlands and floodplains may be part of any calculated open space. In addition, no more than twenty-five (25) percent of the common open space shall consist of storm water detention and/or retention basins.

8. All common open space areas shall be retained by the developer or ownership transferred to a chartered corporation or other entity acceptable to the Township created to administer the open space areas. An endorsement upon the deed and recorded in the Cumberland County Recorder of Deeds office shall indicate that all common open space land is restricted for use as open space in perpetuity. The developer shall make adequate provision for the access to and maintenance of open space and facilities within the open space area. Said provisions shall be subject to the approval by the Board of Supervisors and the Township Solicitor and shall be contained in deed restrictions, which shall be subject to the approval of the Board of Supervisors. Before the corporation or other entity acceptable to the Township that is owned by the homeowners shall receive the open space, the developer

shall enter into a maintenance agreement with the Township, binding upon the corporation or other approved entity providing for the maintenance of the open space and any improvements situated thereon. This agreement shall be completed prior to approval of the final subdivision plan.

D. Supplemental Requirements

1. Within any cluster development, two (2) off-street parking spaces per dwelling unit shall be provided. Some of this parking may be provided within separate parking areas. Any separate parking areas are to be located convenient to the housing clusters intended to be served by this parking. Any parking related to a recreation area within a cluster development may be located within the common open space. The developer shall provide one (1) off-street parking space for each (2) acres of open space, which parking spaces shall be adjacent to the open space area to which they are associated. Off-street parking shall also be provided adjacent to active recreation areas with the number of spaces being subject to the approval by the Board of Supervisors and based upon the character and intensity of the active recreation use.

2. The applicant shall provide a landscape plan of the development and the open space which shall include, but not be limited to, street plantings, parking lot landscaping, and screening, where appropriate. Said plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania and shall follow the below listed criteria:

   a. Yard Groundcover: Any part of the site which is not used for buildings, other structures, parking areas or aisles, sidewalks, designated storage areas, and any natural area acceptable as open space shall be planted with an all-season groundcover approved by the Board of Supervisors (i.e. grass, ivy, vetch, pachysandra, etc.) Said groundcover shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

   b. Landscaping Materials: Landscaping materials shall include, but not be limited to a combination of deciduous trees, groundcovers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty (80) percent of the required landscape area shall be vegetative in composition.

   c. Street and Lot Plantings: Street trees shall be planted in accordance with the Penn Township Subdivision and Land Development Ordinance.Street plantings may either be shade trees or ornamental trees and shall be provided along all streets and access drives within a cluster

development. Street trees shall be spaced no farther than one hundred (100) feet measured along the centerline of the street or access drive. In addition, one (1) tree per lot shall be provided for each single family detached, duplex, and semi-detached lot in a cluster development. Street plantings shall be deciduous and shall have a clear trunk at least five (5) feet above finished grade. Evergreen plantings may be utilized as lot plantings and shall have a minimum planted height of six (6) feet.

d. Screening Requirements: Screening shall be provided in accordance with Section 1205 of this Ordinance. All single-family detached areas shall be protected with screening from any permitted single-family attached or multi-family dwellings and all residential uses shall be screened from adjacent parking compounds and active recreation areas. The location of screening shall be subject to the approval of the Board of Supervisors. Materials which may be used for screening purposes include evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve this visual blockage within two (2) years following installation.

e. Selection of Plant Materials: Trees and shrubs shall be typical of their species and variety, have normal growth habits, well-developed branches, be densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced.

3. A mix of dwelling unit types is desirable to promote a balanced cluster development. The following guidelines shall be used to achieve this mix:

Number of Dwelling Unit Types	Maximum Percent Any One Type	Minimum Percent Any One Type
2	60	40
3	40	20
4	40	5

E. In addition to conforming to the provisions of this Ordinance, the cluster development proposal shall also be processed under the provisions of the applicable subdivision and land development ordinance and shall adhere to all requirements thereof. Because of the nature of cluster developments, applicants are encouraged to submit plans for a pre-application review prior to the

submission of any formal application.

F. No other uses except single-family and multi-family dwelling uses and accessory uses will be permitted in a cluster development.

G. The applicant shall demonstrate that the design of the development utilizes the best principles of site design. Adjacent and surrounding land uses, especially residential uses, shall be considered when developing plans for a cluster development.

SECTION 1319. INTENTIONALLY LEFT BLANK

SECTION 1320. COMMUNICATION TOWER AND ANTENNAS

A. Communication antennas that are attached to an existing structure (i.e., smokestack, water tower, farm silo) are permitted by right only in Districts where Communication towers are permitted as a Conditional Use.

   This section does not include TV antennae, ISP antennae, ham radio antennae, residential TV dishes, and emergency services.

B. Communications Antennas

   1. Building mounted communications antennas shall not be located on any single-family dwelling or two family dwelling.

   2. Building mounted communications antennas shall be permitted to exceed the height of the building by no more than twenty (20) feet.

   3. Omni-directional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

   4. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

   5. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Professional Engineer registered in Pennsylvania certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

   6. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure.

7. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

8. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

9. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

10. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

C. Communications Towers

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

2. 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.

3. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, Federal Communications Commission and applicable Airport Zoning Regulations.

4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antenna on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one (1) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

   a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

   b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing

structure and the interference cannot be prevented at a reasonable cost.

c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

5. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

6. A communications tower cannot be located on a lot occupied by other structures but may occupy a leased parcel meeting the minimum lot size requirements.

7. Recording of a plat of subdivision or land development shall be required for a lease parcel on which a communications tower is proposed to be constructed.

8. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

9. The applicant shall submit certification from a Professional Engineer registered in Pennsylvania that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.

10. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number of 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.

11. At any change in ownership of a communications tower and/or antennae, the same information as required in Section 1319.C.10. shall be submitted by the

new owner to the Board of Supervisors and the Zoning Officer.

12. The applicant and any subsequent owner of a communications tower shall supply the Board of Supervisors and the Zoning Officer with a copy of the current lease and a bond in the amount of the costs to demolish and remove the tower and its appurtenances.

13. The applicant shall demonstrate that the location of the communications tower meets all the requirements of the Pennsylvania Department of Transportation, Bureau of Aviation rules, regulations and requirements.

D. Siting Requirements

1. The minimum distance between the base of the support structure, or any guy wire anchors, and any property line or public road right-of-way shall be equal to the height of the tower.

2. The minimum distance between the base of the communications tower, or any guy wire anchors, and any dwelling unit, church, or school property, shall be one and one-half (1-1/2) times the height of the tower.

3. Where feasible, the applicant shall use one or more of the following natural features as siting opportunities: tree stands, sides of hills, etc.

4. An applicant shall demonstrate that the proposed communications tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radio frequency interference.

5. All communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.

6. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

7. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.

8. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency, which has jurisdiction.

E. Where the construction of a new support structure is proposed, the applicant shall use a single-pole, or davit, construction where the proposed site meets one (1) or more of the following locational criteria:

1. Within one (1) mile of an area or property listed in the National Register of Historic Places.

2. Within one (1) mile of an area or property deemed eligible by the State Historic Preservation Officer to be eligible for listing in the National Register of Historic Places.

3. Within any Borough, or within five hundred (500) feet of any border of a Borough or unincorporated village having a population density of more than five hundred (500) people per square mile, or within five hundred (500) feet of any residential subdivision or land development containing more than twenty-five (25) contiguous dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.

4. Lattice communications towers may be used in locations which fall outside the established location criteria of this section.

F. Where the construction of new support structure is proposed, an applicant shall demonstrate compliance with the following landscaping requirements:

1. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any tree, which dies within a year of planting, shall be replaced by the applicant.

G. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), communications towers shall meet the following requirements:

1. The communications tower shall be painted green or brown from the base of the tower to the average height of surrounding vegetation.

2. The communications tower shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the communications tower.

H. One (1) off-street parking space for a maintenance vehicle shall be provided.

I. Communications Tower Removal

1. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

2. An applicant shall sign a legal agreement stating that when the use of communications towers to transmit and/or receive becomes obsolete, the communications tower will subsequently be removed at the applicant's expense. The agreement shall be written in language acceptable to the Township Solicitor.

1. Along with the signed agreement, the applicant shall provide a bond in the amount necessary for the demolition of the tower, service building, fence and any other appurtenances at the site. The bond is to be used in the event the applicant does not adhere to this section of the ordinance.

J. All communications towers, which do not have to meet FCC and FAA warning light requirements, shall be equipped with a red flashing light that works at night and a white strobe light for daytime. All lights shall meet FCC and FAA specifications.

K. An applicant shall obtain subdivision, land development and/or all other approvals/permits from the local municipality.

L. Anyone planning to construct a communications tower must consider the potential impact on any airports in the vicinity of the planned tower. Specifically, before seeking approval you must:

1. Identify any public or private airports within 2 miles of the proposed tower. This information can be obtained from the Pennsylvania Bureau of Aviation.

2. If an airport is found to be within 2 miles of the proposed tower, you must determine if it presents an obstruction to air navigation by penetrating any of the following surfaces:

a. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of a primary surface is 250 feet.

b. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5000 foot radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs.

c. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal

distance of 4000 feet.

d. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward at a slope of 20 to 1 from each end of the primary surface for a distance of 5000 feet. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1250 feet.

e. Transitional Surface. These surfaces extend outward and upward at right angles to the runway centerline and the extended runway centerline at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. The outer edge of the Transitional Surface joins the Horizontal Surface.

3. If the proposed communications tower penetrates any of these surfaces, the affected airport owner must be notified, in writing, of which surfaces are penetrated, where, and by how much. Receipt of this notification must accompany the submission of a zoning permit.

4. In no case may a tower be constructed which would cause the airport to no longer be in compliance with PA Department of Transportation Aviation Regulations, Chapter 471, Title 67, PA Consolidated Statutes, or as revised and/or amended.

SECTION 1321. CONDOMINIUMS, TOWNHOUSES AND MULTI-FAMILY DWELLINGS

A. Each dwelling unit shall be provided with public water and public sewer

B. Lot width at setback line for the cluster or housing group shall not be less than two hundred fifty (250) feet.

C. The minimum lot area shall be three (3) acres.

D. No two detached buildings shall be closer to one another than the height of the highest building.

E. The maximum number of dwelling units in a row group is eight (8). Within the required open space, a portion of the total lot area equal to fifteen one-hundredths (0.15) times the habitable floor area shall be assigned and developed for active recreation usage. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the owner.

F. The landscape area shall not be less than twenty-five (25) percent of the total lot

area.

G. The total number of dwelling units per acre shall not exceed eight (8)

H. The layout and design shall be consistent with current principles and practices of modern site planning and development. In accordance with Section 503 (5) of the Pennsylvania Municipalities Planning Code, the Township reserves the right to alter site plans which do not conform with such principles and practices or which do not meet the design provisions of the Penn Township Ordinances.

I. Streets, curbs, sidewalks, parking and other similar features shall be designed and constructed according to the requirements of the Penn Township Subdivision and Land Development Ordinance.

SECTION 1322. CONVERSION - RESIDENTIAL TO NON-RESIDENTIAL

A. The conversion of a residential dwelling in the CO and I Districts into a permitted non-residential use may be permitted by conditional use subject to the following regulations:

1. The proposed use shall comply with the yard, area, off-street parking, and other requirements of the district.

2. No existing yards or required open space shall be reduced to less than the requirements of the district.

3. No living accommodation or sleeping quarters shall be authorized except such accessory use as is permitted in the district.

4. The off-street parking and sign regulations of this Ordinance shall apply.

5. All other supplemental regulations of this Ordinance applicable to the proposed use shall apply.

SECTION 1323. CONVERSION - SINGLE-FAMILY DETACHED TO TWO-FAMILY DWELLING

A. A single family detached dwelling existing on the effective date of this Ordinance may be converted into, and used as, a two-family dwelling, when authorized as a conditional use.

B. Drawings for the conversion of said dwelling shall be submitted to the Board of Supervisors, accompanied by certificates of approval from any governmental agencies or other entities having jurisdiction, where two (2) families are to be

housed above the ground floor.

C. The plans shall demonstrate provision of adequate and suitable parking space at a safe distance from the public road. There shall be at least two (2) parking spaces per dwelling unit.

D. The structure shall be subject to the height, area, width and yard regulations effective in the District wherein such dwelling is situated, and the lot area shall be not less than the product of the minimum lot area prescribed in the District regulations times the number of families for the use of which such dwelling is to be converted.

E. There shall be no external alteration of the building except as may be necessary for reasons of safety, and fire escapes and outside stairways shall, where practicable, be located in the rear of the building. Both units shall have two (2) or more direct means of escape to the exterior, one (1) which at least shall be on each level.

F. No dwelling unit shall have less than the floor area as per Section 1215.

G. The Board of Supervisors may prescribe such further conditions and restrictions with respect to the conversion and use of such dwelling, and to the use of the lot, as the Board may consider appropriate.

H. Smoke detectors shall be provided to each finished floor of each dwelling.

I. The applicant shall provide approval of adequate sewage disposal for both units from the sewage enforcement officer and evidence of adequate water supply, if on lot water supply or sewage disposal is provided.

SECTION 1324. DAY CARE FACILITIES

A. Recognizing the growing need for child and adult day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations or home businesses contained elsewhere in the Ordinance.

B. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Section 8A, 8B, and 8C of DPW Social Services Manual

Regulations. This Section does not apply to activities excluded by the definition of "child or adult day care" in this Ordinance or child day care service furnished in placed of worship during religious services.

C. The following general provisions apply to all child or adult day care facilities:

1. All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.

2. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.

3. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.

4. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.

5. Adequate water and sewer service shall be provided to the site.

6. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.

7. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.

8. The expansion of a day care home to a day care center shall require a conditional use permit.

9. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet and medication prescribed for self administration unless licensed by the DPW to provide such services.

10. When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas, merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

D. Day Care Homes: In addition to the provisions of C. above, day care homes shall

comply with the following:

1. If care is provided to more than three adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Township every year.

2. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to the sign regulations.

3. Day care homes shall only be permitted in single-family dwellings and shall not be permitted in accessory buildings.

4. The person primarily responsible for the day care home shall be a full-time resident.

5. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

E. Day Care Centers: In addition to the provisions of C. above, day care centers shall comply with the following:

1. The facility must have an approved and currently valid DPW license. Proof of DPW annual license renewal must be supplied to the Township every year.

2. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

3. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.

4. Play equipment shall be located at least ten (10) feet from an abutting property line.

5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

6. Day care centers may be permitted as an accessory use to churches, schools, recreation centers, and similar uses by conditional use. Accessory day care

centers must comply with all other requirements for day care centers. In addition, evidence must be submitted to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.

SECTION 1325. DRIVE-IN THEATERS

A. All drive-in theaters shall have a minimum lot area of twenty (20) acres.

B. The lot width at the street right-of-way line shall be a minimum of four hundred (400) feet.

C. Access shall be from an arterial or collector street.

D. Any sign shall not exceed one hundred (100) square feet in size; and shall be set back at least one hundred (100) feet from any street right-of-way line.

E. Any buildings or structures must be set back at least one hundred (100) feet from any property or street right-of-way line.

F. A buffer yard of at least one hundred (100) feet wide must be located on the site in all instances where the site adjoins a residential use. A fifty (50) foot buffer yard is required where the site adjoins all other uses.

G. Screening shall be provided in accordance with Section 1205 of this Ordinance.

H. Noise level shall conform to the requirements; and no audible sounds from loud speakers or car speakers shall be heard outside the buffer yard.

SECTION 1326. DRIVE-THROUGH AND FAST FOOD RESTAURANTS

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

B. The application shall be accompanied by a working plan for the clean up and disposal of litter and the prevention of loitering on the subject project property.

C. Drive-through lanes shall be separated from the internal circulation system for the parking facilities; and shall provide stacking space for at least ten (10) waiting cars.

D. The applicant shall demonstrate that any external-internal microphone system

shall not operate in a manner, which causes an objectionable noise impact to abutting properties.

E. Exterior seating and/or play areas shall be completely enclosed by a four (4) foot high fence.

F. No part of any structure on the subject property shall be located within two hundred (200) feet of an existing residential zone or structure.

G. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties.

SECTION 1327. DRY CLEANERS, LAUNDRIES, AND LAUNDROMATS

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. Public or centralized sewer and water shall be utilized.

C. All activities shall be within completely enclosed buildings.

D. All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.

E. Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.

SECTION 1328. ECHO HOUSING

A. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum requirement for the zoning district in which the elder cottage is located;

B. The elder cottage may not exceed twelve hundred (1200) square feet of floor area;

C. The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;

D. The elder cottage shall be occupied by a maximum of two (2) people;

E. Utilities:

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

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

F. A minimum of one (1) paved off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;

G. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;

H. Landowner must post a $7,500.00 Bond with the Township to ensure that the Echo Housing building is removed within ninety (90) days after it is no longer occupied by a person who qualifies for the use. If it is not removed within ninety (90) days, the Township will remove the building and charge the actual cost against the Bond. If the cost of removal exceeds the Bond, the balance will be charged to the landowner. If payment is not received within thirty (30) days of removal, a lien will be placed against landowner's property.

I. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary building permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary building permit. Such fee shall be based upon the cost of the annual review of the permit.

SECTION 1329. FEED OR GRAIN MILLS

A. The applicant shall demonstrate that the grain or feed mill allows for the safe and efficient movement of all vehicles associated with the operation.

B. All proposed entrances and exits to the grain or feed mill shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.

C. Any commercial structure in excess of fifty (50) feet shall be set back from all property lines a distance of three (3) times the height of the structure. Proposed structures must be located a minimum of two hundred (200) feet from the nearest residential structure.

F. Suitable buffering shall be provided when any access drive, and parking, loading, or unloading areas are located within one hundred fifty (150) feet of adjacent residential structures.

SECTION 1330. FORESTRY

Refer to Ordinance 2018-04, or as amended.

SECTION 1331. FUNERAL HOMES

A. The subject tract shall front on and gain access from either a major collector or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.

B. Centralized sewer and water shall be utilized.

C. The applicant shall demonstrate that sufficient off-street parking is being provided so that no traffic back-ups occur onto adjoining roads.

SECTION 1332. GOLF COURSES (INCLUDING DRIVING RANGE AND PAR 3 COURSES)

A. All golf courses shall have a minimum lot area of forty (40) acres.

B. A buffer yard one hundred (100) feet wide must be located on the site in all instances where the site adjoins a residential use. A buffer yard fifty (50) feet wide shall be provided along all other uses. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.

C. The lot width at the street right-of-way line shall be a minimum of three hundred (300) feet.

D. No golf hole shall be designed which requires any shot to cross a street, driveway, building, or parking lot.

E. At any point where the golf course crosses a public or private road or a private drive, the road or drive shall be signed to identify a golfer's crossing and the

golfer's crossing shall be signed to identify the road or drive crossing.

F. All accessory uses of the golf course, including but not limited to the club house, parking facilities, driving range, storage sheds, pro shop, snack bar, restaurant, and swimming pool, shall be setback at least one-hundred (100) feet from all property lines and seventy-five (75) feet from all street right-of-way lines.

G. Outdoor storage of maintenance equipment or golf carts is not permitted.

H. All lighting facilities for night play on a par 3 course or driving range shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

I. There shall be a minimum setback of one hundred fifty (150) feet from the field of play to any adjacent residential structure. Field of play is defined as any fairway, green, tee box, or bunker. Additionally, any manmade water hazards must be located no less than two hundred (200) feet from adjoining properties.

SECTION 1333. GROUP FACILITIES

A. Emergency Shelter

1. The emergency shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2. The applicant shall provide a letter from the Township code enforcement officer stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

B. Group Care Facility

1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.

2. The applicant shall provide evidence that the Group Care Facility is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program. The Group Care Facility shall notify the Township in writing within 14 days if there is change in the type of residents, the sponsoring agency, or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

4. The minimum lot size shall be five (5) acres if utilizing an on-lot septic system; and two (2) acres if using a public sanitary sewer system

C. Shelter for Abused Persons

1. The Shelter for Abused Persons shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2. The applicant shall provide a letter from the Township code enforcement officer stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

4. The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

D. Temporary Shelter

1. The Temporary Shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2. The applicant shall provide a letter from the Township code enforcement officer stating that the structure has been inspected within the past two months and that it meets the minimum code requirements for the intended use.

3. The Temporary Shelter shall be approved for a maximum time period of 2 years and shall require another special exception approval every 2 years. Upon applying for renewal, the applicant shall provide evidence of need for the continuation of the use.

E. Community Rehabilitation Facility

1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.

2. The applicant shall provide evidence that the Group Care Facility is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program. The Group Care Facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency, or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.

3. If the facility is a temporary residence for the clients, the maximum number of clients shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

4. The facility shall have 24-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.

5. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility owner shall provide evidence that sufficient staffing and other security measures will be provided.

6. The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.

SECTION 1334. HEAVY EQUIPMENT SALES, STORAGE SERVICE AND/OR REPAIR FACILITIES

A. This includes excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers and other similar machinery.

B. All service and/or repair activities shall be conducted within a wholly enclosed building.

C. All uses involving drive-thru service shall provide at least two hundred (200) feet on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

D. All exterior and/or display areas shall be screened from adjoining residentially zoned or used properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be entirely covered in an all-weather dust-free surface.

E. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, buses and heavy equipment vehicles on the property is prohibited.

F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned or used property.

G. All licensed vehicles shall be repaired and removed within thirty (30) days from the premises.

H. The site shall front on and gain access from any arterial road.

SECTION 1335. HOME IMPROVEMENT AND BUILDING SUPPLY STORES

A. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.

B. If the subject property contains more than two (2) acres, it shall front along an arterial or rural major collector road.

SECTION 1336. HOME OCCUPATIONS

A. The person primarily responsible for the home occupation shall be the owner and a full-time resident of the premises. If leased or rented, the renter must have written permission from the owner of the property to conduct the Home Occupation from that property.

B. The home occupation shall be carried on only by members of the immediate family of the operator residing on the lot where the home occupation will be located.

C. No more than twenty-five (25) percent of the gross floor area of the dwelling unit, excluding unimproved attics, and unimproved basements, of the dwelling may be used for the practice of a home occupation, with the total area dedicated to the home occupation not to exceed five hundred (500) square feet.

D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.

E. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.

F. There shall be no outside storage of material and no outside manufacturing, production, or work shall be permitted.

G. Deliveries shall not restrict traffic circulation.

H. Traffic generated by the home occupation shall not exceed volumes than would normally be expected in a residential neighborhood. A twenty (20%) percent

increase in traffic is excessive.

I. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, electrical or electronic interference, or smoke detectable to normal sensory perception on any adjacent lots or streets.

J. The disposal of all materials, fluids, and gases shall be in a manner which complies with all regulations of the Township and all other applicable government codes.

K. Use of explosive, highly flammable or hazardous materials shall require conditional use approval.

L. A home occupation shall limit any external evidence of an occupation to one (1) non-illuminated sign in Section 1223 of this Ordinance, not exceeding ten (10) square feet in sign area, and subject to the sign regulations.

M. Sales of goods on the premises shall be limited to goods made on the premises and goods, which are incidental to services performed on the premises.

N. Home occupations shall be conducted only in single-family detached dwellings; and shall be compatible with the residential use of the property and surrounding residential uses.

O. In addition to the required parking for the dwelling unit, additional off-street parking shall include one (1) space for the home occupation, two (2) spaces for patron use.

P. No tractor trailers, shipping containers, recreational vehicles, vans or any other form of commercial vehicle used for storage shall be allowed on the property.

Q. The home occupation shall not include any illegal activity.

R. Only one vehicle no larger than a one ton truck may be used by the occupant directly or indirectly in connection with a home occupation.

S. The Home Occupation shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

SECTION 1337. HOSPITAL

A. The minimum lot area for a hospital shall be ten (10) acres.

B. Public sewer and public water shall be used.

C. The subject property shall have frontage on and gain access from an arterial road.

D. All buildings and structures shall be set back a minimum of one hundred (100) feet from all property lines.

E. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.

F. The applicant shall demonstrate proof of an approved means of disposal of all liquid, solid, medical, bio-hazardous, nuclear, and hazardous wastes.

G. Off-street parking areas and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially zoned or used land.

H. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking area.

I. Lighting shall not cast glare upon adjacent properties or public roads.

J. No outdoor storage shall be permitted.

SECTION 1338. HOTELS AND MOTELS

A. Use of recreational facilities shall be limited to guests of the hotel or motel. If the recreational facilities are proposed to be open to persons other than guests of the establishment, the recreational facility shall meet all requirements of this Ordinance as if it were a separate principal use of the property.

B. If a restaurant is proposed, the restaurant shall meet all requirements of this Ordinance as if the restaurant were a separate principal use.

C. The applicant shall provide a statement setting forth the full particulars of the operation, including all recreational facilities and amenities to be provided for guests.

SECTION 1339. HUNTING FACILITIES, SPORTSMEN'S CLUBS, SHOOTING RANGES, ARCHERY RANGES

A. The minimum lot size shall be twenty (20) acres.

B. Off-street parking shall be provided.

C. All shooting or archery ranges shall be surrounded by a minimum of an eight (8) ft. high earthen berm on three (3) sides. In addition, the range or the entire

property shall be protected by a minimum of a six (6) ft. high chain link lockable fence.

D. The applicant shall demonstrate that the shooting or archery range is designed to provide maximum safety both on site and off site.

E. Safety zones shall be established around any structure on site or off site, and no shooting, archery or hunting shall be permitted within such zones.

F. No shooting or archery range shall be permitted within five hundred (500) feet of any residentially zoned or used property. The range area must be at least five hundred (500) feet from any property line or street right-of-way.

G. All shooting and archery range properties shall have a one hundred (100) foot vegetative buffer along all property lines.

SECTION 1340. CONCENTRATED ANIMAL OPERATIONS, CONCENTRATED ANIMAL FEED OPERATIONS, AGRI-BUSINESS, LARGE LIVESTOCK

A. The parcel of contiguous land owned by the owner of the Concentrated Animal Operations must be and remain at least fifty (50) acres (100 acre minimum for Concentrated Animal Feed Operations). In the event the parcel of contiguous land in common ownership consist of more than one "tract" as defined in this ordinance, the owner must merge such tract by a recordable agreement with the Township, which will preclude the tract from being placed in separate ownership without Township subdivision approval.

B. Irrespective of the provisions of this section, any Concentrated Animal Operations or Concentrated Animal Feed Operations in existence as of the adoption of this Ordinance, may expand such operation subject to the following limitations:

1. The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area of the existing buildings.

2. The number of equivalent animal units may not be more than doubled. For this purpose both the number of animal equivalent units present on the property as of the adoption of this Ordinance, and the number permitted by this provision shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A referred to in the Pennsylvania Code.

C. Any building or addition, or manure storage area, constructed after the date of the enactment of this Ordinance, to house animals in a Concentrated Animal Operation or Concentrated Animal Feed Operation must maintain the following setbacks:

1. From a dwelling not owned by the owner of the large livestock operation, a church, a building used in connection with a home occupation or small business, or other building occupied by human beings at least ten (10) hours a week – five hundred feet (500') for buildings or additions; or eight hundred (800) feet for manure storage areas.

2. From a property line – two hundred fifty feet (250') for buildings or additions; five hundred (500') feet for manure storage areas.

3. From a stream - two hundred (200') feet.

4. From a well not owned by the owner of the Concentrated Animal Operation or Concentrated Animal Feed Operation – two hundred (200) feet.

5. From a street right-of-way - one hundred (100) feet for buildings or additions; or five hundred feet (500') for manure storage areas.

D. The Concentrated Animal Operation or Concentrated Animal Feed Operation must establish and maintain compliance at all times with the requirements of the Nutrient Management Rules and Regulations, Title 25, Chapter 83, Pennsylvania Department of Environmental Protection., as amended.

E. The large livestock operation must insure that dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers if turkeys, chickens, or piglets and are kept in a manner so as to minimize the spread of odors and disease to larger animals.

F. The owner of property on which a building to house animals in a concentrated animal operation is located shall remove such building within two (2) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit use of such building for storage purposes unless:

1. Such storage is of materials utilized in conjunction with the agricultural use of the property.

2. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.

3. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows

are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as at the time the certificate is issued.

G. A plan setting forth and indicating the system and manner by which liquid and solid waste will be disposed of shall be submitted. Said system will be designed and constructed so that the disposal of liquid and solid waste will not pollute surface or subsurface waters either on site or off site. Further, said system will be constructed and utilized in accordance with the standards and procedures set forth by DEP nutrient management requirements plus other government applicable agencies such as Cumberland County Conservation District.

H. Each structure or other confined area shall be equipped with such equipment, machinery, mechanisms, processes and/or other devices as are needed to eliminate, reduce and/or control odors, insects, and the adverse effects of pollution and other environmental problems. It is the intent of this provision that the applicant for a conditional use to conduct an agribusiness shall be required to demonstrate that the structure and/or equipment with the most advanced technological equipment available so as to eliminate, reduce or control the adverse effects of odors, insects, pollution and other environmental problems upon neighboring properties. The Board of Supervisors shall determine what equipment, machinery, mechanisms, processes and/or devices shall be utilized by the applicant or other party desiring to erect, maintain, operate or use the structure or other confined area for agri-business and in so doing the Board of Supervisors shall examine and consider the topography, the nature and cost of the equipment available, the size and magnitude of the intended operation and the proximity of the site to neighboring residential, commercial or industrial properties, and the possible or probably environmental impact on such neighboring properties.

I. A Stormwater Management Plan shall be prepared for all Concentrated Animal Operation and Concentrated Animal Feed Operation uses. The Stormwater Management Plan shall be submitted to the Township Engineer for review and approval.

J. An Erosion and Sedimentation Control Plan shall be prepared for all Concentrated Animal Operation Concentrated Animal Feed Operation uses. The Erosion and Sedimentation Control Plan shall be submitted to the Cumberland County Conservation District for review and approval.

SECTION 1341. JUNK YARDS

A. Such uses shall be conducted in a manner as will not interfere with or abrogate public health and safety, constitute a nuisance or otherwise be detrimental to adjoining property and public thoroughfares.

B. The minimum lot area requirement shall be twenty (20) acres.

C. The outdoor junk storage area shall be completely enclosed by an eight (8) foot high, sight-prohibitive fence, which shall be setback at least fifty (50) feet from all property lines.

D. All buildings used to store junk shall be wholly enclosed and setback at least fifty (50) feet from all property lines.

E. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, the breeding or harboring of rodents, of flies, or other vermin, and no junk shall be piled to a height of more than eight (8) feet.

F. Storm water shall be drained in a manner, which does not result in chemical residues being discharged from the site.

G. No material shall be stored or stacked in a manner that it is visible from adjoining properties and roads.

H. All additional Federal and State laws shall be satisfied.

I. The setback area between the fence and property line shall be kept free of weeds and all scrub growth.

J. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.

K. No junkyard shall be located on lands with an average slope of greater than five (5%) percent.

L. No junkyard shall operate without a Certificate of Use, which shall be issued for a period of one (1) year, and shall be subject to annual renewal with the cost of such permit to be determined by resolution of the Board of Supervisors.

SECTION 1342. KENNELS

A. The minimum lot area requirement shall be four (4) acres.

B. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

C. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of one-hundred (100) feet from all

property lines, and a minimum of three hundred (300) feet from any adjacent residence whose owner is other than the animal building owner

D. Outdoor running areas shall be fenced in a manner, which restricts access and provides for a full enclosure. All enclosures shall be a minimum of fifty (50) feet from all property lines.

E. All animal wastes shall be regularly cleaned up and properly disposed, according to state law.

F. All animals being boarded are prohibited from being outdoors between the hours of 8:00 P.M. and 8:00 A.M.

G. A noise barricade shall be constructed where any animal boarding building, pens, stalls, or runways are within three hundred (300) feet of any residential property.

SECTION 1343. LIQUOR (STATE) STORES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.

B. No part of the subject property shall be located within three hundred (300) feet of any residential property line.

C. No part of the subject property line shall be within one thousand (1000) feet of any school, museum, library, playground, park, day care facility, or church property.

SECTION 1344. MANUFACTURING

A. All manufacturing shall have a minimum lot area of three (3) acres.

B. The lot width at the street right-of-way line shall be a minimum of three hundred (300) feet.

C. All buildings must be set back at least one hundred (100) feet from a street right-of-way line.

D. A buffer yard at least two hundred fifty (250) feet wide must be located on the site in all situations where the site adjoins a residential use. This yard shall be naturally landscaped, have no imperious cover, and shall not be used for building, parking, loading or storage purposes.

E. Access shall be via an arterial or collector street.

F. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes). Operations must comply with all Federal, State, and Township regulations including Section 805. of this ordinance

SECTION 1345. MEDICAL/DENTAL CLINIC

A. All clinics shall have a minimum lot area of one (1) acres.

B. The lot width at the street right-of-way line shall be a minimum of two hundred (200) feet.

C. Access shall be via an arterial or collector street.

D. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

E. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.

F. Buffers and screens shall be provided to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.

G. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:

1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.

2. The hours during which these services are provided shall be no greater than or the same as those during which medical practitioners are receiving patients.

3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding ten (10) square feet in area attached to the building, any illumination thereof being white, non-flashing, and limited to an enclosed lamp design.

SECTION 1346. MIGRANT WORKER CAMPS

A. Where permitted, migrant worker camps shall have a minimum lot area, or land area exclusively appertaining thereto, of one thousand five hundred (1,500) square feet for every occupant quartered or intended to be quartered within the camp; shall have building located at least:

   1. One hundred (100) feet from the centerline of any public thorough-fare, or adjoining property in separate ownership.

   2. Two hundred (200) feet from any food processing facility or permanent dwelling.

   3. Five hundred (500) feet from any structure quartering livestock or poultry.

B. Migrant worker camps shall conform to all rules and regulations of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Agriculture.

SECTION 1347. MINI STORAGE FACILITIES

A. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

B. Required parking spaces may not be rented as, or used for, vehicular storage. Additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned or used land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

C. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area.

D. If limited access to lessors only is not provided, a resident manager shall be required to be on the site 24 hours per day and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. A dwelling may be provided for a resident manager and shall comply with all of those requirements listed within the zoning district, and shall be entitled to all residential accessory uses provided in this

Ordinance. Hours of operation shall be within 6:00 a.m. to 11:00 p.m. seven days a week.

E. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

F. No door openings for any mini storage facilities shall be constructed facing any adjacent residentially-zoned property. All storage areas, parking, and drive lanes shall not be on a slope over four (4%) percent.

G. Mini storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site. The applicant shall adequately demonstrate that all mini storage facilities rental and/or use contracts shall specifically prohibit all these uses:

1. Auctions, commercial, wholesale or retail sales or processing, or manufacturing, or garage sales.

2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

4. The establishment of a transfer and storage business.

5. Any use that is noxious or offensive because of odors, dust, noise, fumes, vibrations, or other nuisances.

6. Research and development testing and other non-storage activities.

H. No off site glare of lights shall be allowed.

I. These facilities shall be located on and gain access from a rural major collector or any arterial road.

J. The perimeter of the facility shall be surrounded by the landscape buffer and shall have a six- (6) feet fence along the inside of the buffer with a self-locking gate.

K. All storage units shall be of masonry and/or metal construction, or other material as approved by the Township. Individual units shall be aligned in row with a minimum of four (4) units and a maximum of twelve (12) units.

SECTION 1348. MOBILE HOME PARKS

A. In districts where permitted as a Conditional Use, mobile home parks shall be subject to the following regulations and shall also comply with all applicable regulations of the Commonwealth of Pennsylvania.

1. The design and improvement of mobile home parks, including street, drainage, sewers, water, and the placement of mobile home units therein, shall be in accordance with the standards and requirements of the Subdivision and Land Development Ordinance of this Municipality.

2. Mobile homes located in a mobile home park must comply with the foundation requirements of a dwelling and shall be securely anchored. In cases where the perimeter of the mobile home is not enclosed by a permanent foundation, a permanent fire resistant "skirt" shall be attached to the outside face of the mobile home on all four (4) sides. Adequate ventilation may be provided for crawl space as long as adequate protection is made to prevent intrusion by rodents and other vermin.

3. No part of any park shall be used for non-residential purposes; except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park, excluding mobile home sales other than the sales of a unit located on a mobile home lot and connected to utilities.

B. Mobile homes shall not include, nor should they be confused with, sectional and/or pre-fabricated homes hauled on trucks or other vehicles.

1. Temporary Quarters - Mobile units providing temporary quarters either residential or commercial, shall not be permitted in any district except in an approved recreation vehicle park, or when authorized by the Board of Supervisors and for a limited period of time, and when so authorized, shall be subject to the approval of the Department of Environmental Protection and the following:

a. A temporary permit shall be required, and said permit, if issued shall indicate the period of time for which the exception was granted; and further that no temporary permit shall be issued for any period exceeding one year.

b. Any person, firm or corporation holding a legal temporary permit may apply for an extension of time, not to exceed ninety (90) days. Such application shall set forth the reason or reasons necessitating the extension.

c. The Board of Supervisors shall grant an extension of the temporary permit

time limit, if in their opinion the applicant encountered unforeseen circumstances, deemed to be no fault of his own, in carrying out the operations for which the original temporary permit was issued; or if the permit covered residential use, the refusal of an extension would result in an undue hardship to the applicant.

C. A mobile home park shall consist of a minimum of ten (10) acres and each mobile home site or space within the park shall have an area meeting the development standards as herein required.

D. No mobile home shall be occupied until the Zoning Officer has verified that it has been connected to the sanitary sewer and water supply systems.

E. No mobile home lacking toilet and washing facilities or cooking or food storage facilities or any of these shall be permitted, nor shall any self-propelled vehicles used as living accommodations or travel trailers designed for temporary occupancy be permitted for residential purposes.

F. It shall be unlawful for a mobile home to be removed from the Penn Township until all taxes owed on the property or by the residents of the mobile home have been paid in full as verified by the Township tax collector.

G. It shall be unlawful for any person, corporate, or otherwise, to construct a new mobile home park or alter or extend any existing mobile home park in Penn Township unless a valid permit has been issued.

1. The Board of Supervisors may grant a mobile home park permit for a period not to exceed twelve (12) months from the date of approval of such permit which shall be renewable by January 15 of each year thereafter. The Board of Supervisors or its duly authorized representative shall inspect each mobile home park prior to granting an annual permit for conformance with the provisions of this Ordinance and any other applicable regulations. The permit fee shall be established by the Board of Supervisors.

2. It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of the person or head of family occupying each said mobile home, showing date of entry on said land, make and size of the mobile home, and the names of all persons living in said mobile home. Said register shall be subject to inspection periodically by the Board of Supervisors.

3. Every person holding a permit shall file a written notice to the Pennsylvania Department of Environmental Protection and the Penn Township Board of Supervisors within ten (10) days after having sold, transferred, given away, or otherwise disposed of any interest in or control of any mobile home park.

4. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this Ordinance or of any regulations adopted pursuant thereto, Board of Supervisors shall give written notice to the person to whom the township license was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the township shall be suspended. At the end of such period, such mobile home park shall be inspected and if such conditions or practices have not been corrected, and the licenses have not requested a hearing, the Supervisors shall suspend the license and give notice, in writing, of such suspension to the person to whom the permit is issued.

5. The Board of Supervisors, Zoning Officer, or other authorized Township representative may inspect a mobile home park periodically to determine compliance with this Ordinance. As a result of such inspection, a notice for any violations of this Ordinance may be given.

H. Individual mobile home lots located in a mobile home park shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building setback line.

I. All mobile home lots shall be given street numbers and all park streets shall be given names.

J. All mobile homes shall be located at least fifty (50) feet from any street right-of-way which abuts a mobile home park boundary and at least thirty-five (35) feet from any other boundary of the park.

K. There shall be a minimum distance of twenty (20) feet between an individual mobile home including accessory structures attached thereto and adjoining pavement of a park street or common parking area or other common areas.

L. No mobile home or patio on a mobile home lot shall be located closer than ten (10) feet from any internal lot line of the park.

M. Each mobile home park shall be provided with at least two (2) points of ingress and a distance of at least two hundred (200) feet shall be maintained between centerline of access streets.

N. All mobile home parks shall be provided with safe and convenient access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography. All streets within a mobile home park shall be privately owned and maintained.

O. Off-street parking areas shall be provided in all mobile home park for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two

(2) vehicular parking spaces for each mobile home lot.

P. Each off-street parking space shall contain at least two hundred (200) square feet and shall not exceed a distance of one hundred fifty (150) feet from the mobile home lot that it is intended to serve.

Q. All mobile homes shall be connected to centralized sewer and water systems approved by the Department of Environmental Protection.

R. All mobile home parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

1. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

2. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors of other approved metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

S. Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

T. Liquefied petroleum gas systems provided for mobile homes, service building or other structures shall include the following:

1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

3. All LPG piping outside the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas liquid form shall not be conveyed through piping equipment and systems in mobile homes.

4. Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.

5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations

are specifically approved by the Board of Supervisors.

U. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the following regulations:

1. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
2. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

3. All fuel storage tanks or cylinders shall be securely placed and shall not be closer than ten (10) feet from any mobile home exit.

4. Storage tanks located in areas subject to traffic shall be protected against physical damage.

5. Storage tanks shall not be placed partially or totally underground.

V. All mobile home parks shall provide not less than ten (10%) percent of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents, and suitable for the purpose for which it is intended.

W. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.

X. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of five (5) feet and be improved with all weather materials.

Y. A fire extinguisher shall be provided in each public service building. All fire extinguishers shall be in operable condition.

Z. Provisions shall be made by the park operator to have garbage and waste collected at least once every week.

AA. Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not exceed the slab area, is confined to same, and meets provisions of this and all other Township Ordinances.

BB. All means of ingress, egress, walkways, streets and parking lots shall be adequately lighted.

CC. No part of any mobile home park shall be used for a non-residential purpose, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

DD. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

EE. Every mobile home shall be anchored to prevent uplift or overturning of the mobile home.

1. Every mobile home shall be firmly anchored to withstand lateral wind pressures in excess of ten (10) pounds per square foot.

2. The dead load resisting moment of a mobile home shall not be less than one and one-half (1-1/2) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights.

FF. No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Township without first obtaining a removal permit from the Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee and real estate taxes assessed against the home and unpaid at time the permit is requested.

SECTION 1349. NIGHTCLUBS

A. No part of the subject property shall be located within three hundred (300) feet of any residentially zoned land or use, nor within one thousand (1000) feet of a daycare or school or house of worship.

B. The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter or other nuisance.

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 daily working plan detailing how the clean up of litter shall be undertaken by the applicant shall be provided to the Board of Supervisors.

E. A security guard must be provided during operating hours.

F. An asphalt or other paved parking surface as approved by the Township shall be provided.

G. Outside lighting of all entrances, walkways and parking areas shall be provided.

H. Sidewalks and curbs shall be provided around the perimeter of the parking lot.

I. Public water service and public sewer service shall be provided.

J. The property shall front on and gain access from an arterial road

SECTION 1350. INTENTIONALLY LEFT BLANK

SECTION 1351. PUBLIC AND PRIVATE SCHOOLS

A. All height, area, setback, and coverage standards within the applicable zoning district shall apply.

B. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.

C. All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.

D. Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.) All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students per day on the site at any one time during a seven (7) day time period.

E. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

SECTION 1352. PUBLIC UTILITIES SERVICE STRUCTURES

A. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.

B. If located within a Residential District, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

C. In any Residential District, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall not be permitted; in a non-residential district, all outdoor storage parking/or loading areas shall be screened from adjoining roads and all properties.

D. There shall be no specified minimum lot size; however, each lot shall provide front, side, and rear yard setbacks, and comply with the maximum lot coverage requirements and impervious surface bed as prescribed in the zoning district.

E. All structures shall be set back a distance at least equal to the height of the structure, from all adjoining property lines, and height regulations for the district shall be followed.

F. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or cause any other objectionable impact, nuisance, or safety hazard beyond the subject property.

G. All new or added electrical transmission projects shall have an EMF mitigation plan to eliminate to the greatest extent possible any potential health risk or nuisance.

SECTION 1353. QUARRIES AND OTHER EXTRACTIVE INDUSTRIES

A. The zoning permit application submitted shall identify:

1. A contemporaneous copy of any permit application that has been submitted to the Department of Environmental Protection may be substituted for the above requirement.

2. The ownership and acreage of the land which is the site of quarrying operations, including all lands held under contract or lease.

3. The type of material being quarried.

4. The depth of excavations.

5. The probable effect of blasting and other excavation methods upon existing and permitted uses in the areas surrounding the quarry site.

6. A map at any scale acceptable to the Board of Supervisors showing:

a. All land owned under option, contract, or lease

b. Lot or land to be quarried

c. Internal private access drives and streets abutting the property

d. Contour information of sufficient detail to evaluate areas beyond the site to the nearest abutting public streets

e. Location of all structures

f. Location of stockpiles and waste piles

g. Title, scale, north point, and date

h. Fencing and screen planting.

B. The applicant shall demonstrate that the proposed quarry operation:

1. A contemporaneous copy of any permit application that has been submitted to the Department of Environmental Protection may be substituted for the above requirement.

2. Does not substantially injure or detract from the lawful existing or permitted use of neighboring properties.

3. Does not adversely affect any public or private water supply source.

4. Does not adversely affect the logical, efficient, and economical extensions of public services, facilities, and utilities throughout the Township.

5. Does not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.

6. Complies with all applicable State regulations.

C. A substantial fence must be placed around the area of actual quarrying to prevent unauthorized person from entering the area.

D. Trees and shrubs shall be provided or earth barriers with a suitable, stabilized ground cover erected to screen the operation where it is adjacent to a residential use or a public street.

E. The applicant shall demonstrate that the operation allows for the safe and efficient movement of all vehicles associated with the operation.

F. All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.

G. No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment, or truck parking area shall be closer than one hundred (100) feet to a public street line.

G. The applicant shall provide quarry rehabilitation information and include a plan which indicates that:

1. A contemporaneous copy of any permit application that has been submitted to the Department of Environmental Resources may be substituted for the above requirement.

2. Within two (2) years after the termination of quarrying operations, the area of actual quarrying operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.

3. The slope of earth material in any excavated pit shall not exceed the angle of slippage.

4. When the filling of any portion of the pit is desirable and economically feasible, such fill material must be able to sustain a vegetative cover of grass, plants, and trees, and such must be provided.

5. To prevent any silt, erosion debris, or other loose material from filling any existing drainage course or encroaching on existing public roads or private property, all surface drainage exiting or developing by or through the top soil shall be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or floodwater must meet with approval of the Board of Supervisors.

6. Within two (2) years after termination of operations, all plant and equipment shall be removed, except where the plant and equipment is being utilized for processing earth material from other properties. Foundations and piers from any structure may remain in the ground if substantially covered.

I. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Non-coal Surface Mining Conservation and Reclamation Act, of December 19, 1984, P.L. 1093, No. 219, as amended, 52 P.S. §3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of DER implementing such statutes.

I. Quarry Operations

1. The Operator shall switch to strobe lights instead of back-up beepers on its equipment when practicable one (1) hour after sunset and shall switch back to back-up beepers one (1) hours before sunrise,, providing however, that such use is permitted by applicable state and federal regulations.

2. Operations on the site shall follow Ordinance 2018-03, or as amended, in regards to noise.

3. Transportation vehicles traveling in and out of the site shall not be required to comply with the maximum noise level stated in Subparagraph c. above, but rather, shall be governed by applicable Federal EPA standards and regulations applicable to licensed vehicles operating on public highways.

J. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.

O. All access drives onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line.

SECTION 1354. RECREATION AND ENTERTAINMENT FACILITIES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

B. Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to prevent any reasonable harm on adjoining properties.

C. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Such structures shall not be used for occupancy.

D. Required parking shall be based upon the requirements of Article XII of this Ordinance. When deemed necessary, the Board of Supervisors may require an unimproved grassed overflow parking area for peak period use, located and designed in a manner, which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.

E. All entrances to the recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.

F. The zoning permit application shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject property.

G. The area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.

H. The minimum lot size shall be five (5) acres.

I. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups 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 back-ups on adjoining roads.

J. Any outside pedestrian waiting lines shall be provided with a means of shade.

K. Any accessory eating or retail use must be accessed through the main entertainment or clubhouse building.

L. Public sewer service and public water service shall be provided.

SECTION 1355. INTENTIONALLY LEFT BLANK

SECTION 1356. RECYCLING AND RESOURCE RECOVERY FACILITIES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Department of Environmental protection implementing such statutes.

C. The minimum lot area shall be ten (10) acres.

D. A fence measuring eight (8) feet high shall enclose the facility. The fence shall have openings less than three (3) inches in any dimension, if any. A vegetative

screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. The use shall be screened completely from normal view.

E. The applicant shall assure regular maintenance of the site to assure the immediate collection of stray debris. Litter control measures shall be implemented to prevent scattering of materials and a plan for the clean up of litter shall be submitted to the Township.

F. No recycling center shall operate without a Certificate of Use, which upon payment of the fee to be determined from time to time by resolution of the Board of Supervisors, shall be issued for a period of one (1) year, and shall be subject to annual renewal thereafter.

G. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to, wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

H. The applicant shall provide an explanation of the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust, and litter.

I. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back upon onto public roads.

J. All driveways onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of access drives shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.

K. The operator shall provide the Township with copies of any notices of violation received from DEP or EPA within two (2) weeks from the date such notice of violation was received by the operator.

L. There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.

M. No structures or parking areas shall be located closer than one hundred (100) feet to any property line.

N. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

SECTION 1357. RESEARCH LABORATORY

A. The minimum lot size shall be two (2) acres.

B. Access shall be via an arterial or collector street.

C. 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.

D. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, and 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 1358. RESTAURANTS AND EATING ESTABLISHMENTS

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. Adequate off-street parking spaces shall be provided.

C. The applicant shall provide a working plan, which demonstrates that the proposed land use will not create excessive light, noise, litter, and loitering with respect to abutting properties.

D. The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light, or loitering outside the building.

E. A working plan for the clean up of litter shall be furnished and implemented by the applicant.

F. Any proposal for an existing restaurant to provide for the sale of alcoholic beverages or for an existing restaurant to provide live entertainment,

such proposal shall require the approval of conditional use by the Board of

Supervisors.

G. Adequacy of the water and sewer facilities shall be attested to by the U.S. Public Health Service and Pennsylvania Department of Environmental Protection.

H. All exterior seating areas shall be completely enclosed by a fence or a landscape screen.

SECTION 1359. RETAIL STORES, SUPERMARKETS, BUSINESS OFFICES IN EXCESS OF 50,000 SQUARE FEET OF GROSS FLOOR AREA

A. The proposed structure shall be connected to and use public water and public sewer. Applicant shall present evidence that sewer and water capacity has been obtained or reserved from the applicable provider.

B. The lot shall directly abut and gain access from an arterial road or a rural major collector road.

C. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking areas and within all public rights-of-way abutting the parking areas according to the specifications for curbs and walkways in the Subdivision and Land Development Ordinance. Curbs may be omitted in areas used for stormwater runoff conveyance and management.

D. A buffer yard shall be provided along all property lines (except for necessary access drives) which shall be at least eighty (80) feet in depth for building(s), whether initially or cumulatively, in excess of 50,000 square feet of gross floor area and at least fifty (50) feet in depth for building(s) between 10,000 and 50,000 square feet of gross floor area.

E. Traffic control and access requirements.

1. At least two separate points of ingress and egress shall be provided from an arterial road or a major rural collector road.

2. Applicant shall demonstrate that the road network providing access to and from the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner, or that the applicant will make all improvements necessary to the road network to provide for safe and convenient access to and from the site.

3. Applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements, which will jeopardize the traveling public.

4. Applicant shall demonstrate that the location and design of the proposed access ways to and from the site are designed in a manner that will provide the least detrimental impact upon traffic capacity, level of service and safety upon abutting roads. Applicant shall install all traffic control signals and devices necessary to mitigate any detrimental impact.

5. If reduction of the speed limit, installation of traffic control signals and devices, or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations, guidelines and procedures to support the imposition of such traffic regulations or the installation of such traffic control signals and devices. If the enactment of an ordinance is necessary to effectuate traffic regulations, the applicant shall reimburse the Township for all expenses incurred in the preparation and enactment of the necessary ordinance.

6. Applicant shall make all improvements necessary to maintain an adequate level of service and to eliminate any unsafe conditions on all intersections and streets within the area; and shall make all improvements required by the applicable subdivision and land development ordinance, any other Township ordinance, and the regulations, guidelines and procedures of PennDOT.

F. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, stacking and cross-over traffic. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores, offices or shops or for trash removal or recyclable collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with internal circulation.

G. Minimum front yard: Two hundred (200) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; one hundred (100) feet for all building(s) between 10,0001 and 50,000 square feet of total gross floor area.

H. Minimum side yard: One hundred (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,0001 and 50,000 square feet of total gross floor area.

I. Minimum rear yard: One hundred feet (100) feet for all building(s), whether initially or cumulatively, in excess of 50,000 square feet of total gross floor area; seventy-five (75) feet for all building(s) between 10,0001 and 50,000 square feet of total gross floor area.

J. Outdoor storage shall be limited to plants, nursery and garden supplies, soil, peat moss, and similar materials. Such outdoor storage shall not utilize off-street

parking spaces. Outdoor storage of other goods and inventory shall not be permitted.

K. Applicant shall present elevation drawings of all sides, including elevation drawings from prominent approach points. Applicant shall provide drawings which shall set forth the essential architectural elements of the design of the structure.

L. All stormwater facilities shall be located on the subject property; and shall be designed and constructed to the Penn Township Stormwater Ordinance.

SECTION 1360. RETIREMENT HOME OR COMMUNITY

A. The site shall front on and gain access from a rural major collector or any arterial road.

B. Public water service and public sewer service shall be provided.

C. The subject tract shall contain a minimum area of three (3) acres for a retirement home. The minimum land area devoted to a community shall be ten (10) acres

D. Off-street parking lots and loading areas shall be screened from adjoining residentially zoned or used lands.

E. At least twenty (20%) percent of required parking spaces shall be designed for handicapped persons. Notwithstanding the foregoing, all requirements of the

Americans with Disabilities Act and the regulations promulgated thereunder shall be met.

F. The building, off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially zoned or used land.

G. The building shall have fire sprinklers and require verification from the local fire chief that adequate fire-fighting protection is available.

H. All licenses and approvals from all Federal, State and other agencies having jurisdiction to license this facility including the Pennsylvania Department of Labor and Industry and others must be presented to the Township prior to the issuance of permits under this Ordinance.

I. A fire hydrant shall be located within three hundred (300) feet of each building.

J. Sidewalks and straight standard curbs shall be constructed around the perimeter of the parking area (with the area for access by the handicapped) and abutting all

public rights of way. Curbs may be omitted in areas used for stormwater runoff conveyance and management

K. Lighting shall not cast glare off-site.

L. A community shall primarily serve the needs of retirement-aged persons.

M. The community shall achieve a balanced residential/medical environment, which cannot be achieved through the use of conventional zoning techniques.

N. Residences shall be functionally, physically and architecturally integrated with medical service and recreational centers.

O. Commercial and recreational uses shall be grouped together and located near the populations being served.

P. All buildings or structures, off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned or used land and seventy-five (75) feet from all lot lines of the community property.

R. No more than sixty (60%) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces. Building coverage shall not exceed thirty (30%) percent of the total site coverage.

S. Off-street parking spaces shall be located throughout the community in such a manner to be conveniently accessible to the buildings/uses for which they are required; and curbs and pedestrian walks shall be throughout the community and linked with adjoining development by safe and convenient walkways.

T. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving community residents, and public, quasi-public and medical services for the off-community retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

1. Dwellings, nursing homes, and congregate living facilities for the elderly or physically handicapped.

2. Commercial uses which are strictly related and subordinate to the residential/medical character of the community and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate community vicinity and should be a size and scope so as not to interfere with existing or proposed retail uses located in the off-community area. No outdoor storage shall be permitted.

3. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by community residents, employees or their visitors.

SECTION 1361. RIDING SCHOOL, RIDING CLUB, OR HORSE BOARDING STABLE

A. All animals except while exercising or pasturing shall be kept within a completely enclosed building which was erected or maintained for that purpose.

B. No building or stable shall be located less than one hundred (100) feet from any lot line, nor closer than two hundred (200) feet from the nearest existing dwelling, other than that of the owner. A minimum lot size of one (1) acre per one and one-half (1-1/2) animals maintained shall be provided.

C. All areas used for exercise and pasturing shall be securely fenced. A pasture fence shall be located a minimum distance of six (6) feet from the property line.

D. No manure storage facility or area shall be established closer than one hundred fifty (150) feet to any property line.

E. Adequate off-street parking shall be provided.

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

G. No more than ten (10) equine may be kept with the exception that one (1) additional equine may be kept for each additional acre of land over 10 acres.

H. All parking and unimproved overflow parking areas shall be set back at least twenty-five (25) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

SECTION 1362. SALES, REPAIR, AND SERVICE OF AGRICULTURAL EQUIPMENT, VEHICLES, OR SUPPLIES

A. Activities and services provided by this 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 two (2) 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 will be required where the use abuts a residential zone or use.

G. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

SECTION 1363. SAWMILL OPERATIONS

A. No saw or other machinery shall be less than one hundred (100) feet from any property or street line.

B. All power saws and machinery will be secured against tampering and locked when not in use.

C. The facility shall front upon and gain access from a rural major collector or any arterial road.

D. No parking area, loading area or access to the sawmill shall be within two hundred fifty (250) feet of the nearest residence not owned by the sawmill owner.

E. Where a sawmill is located adjacent to any residential use, all cutting shall be conducted within a structure with a closed side facing such residential use.

F. A plan for the periodic disposal of sawdust shall be provided.

SECTION 1364. SEMI-DETACHED BUILDINGS IN A COMMERCIAL-INDUSTRIAL DISTRICT

A. The Board of Supervisors may allow the elimination of adjacent side or rear yards on two (2) or more adjacent lots in the CO (Commercial) and I (Industrial) Districts provided the following conditions and standards are adhered to:

1. The owners of the adjacent lots jointly request the elimination.

2. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and roof lines.

3. Fire walls are to separate the buildings from basement to one and one-half (1-1/2) foot above the roofline.

B. No more than one side yard or rear yard per lot can be eliminated.

SECTION 1365. SMALL SHOPPING CENTERS OR STRIP MALLS (50,000 SQUARE FEET OR LESS)

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street in a proposed subdivision or land development plan which conform to prevailing arterial or collector street design and improvement requirements.

B. The following types of commercial and commercial-related establishments shall be permitted in a shopping center:

1. Grocery store

2. Banks and similar financial institutions

3. Drugstore

4. Retail sale of goods, provided the total sales and/or display area is less than three thousand (3,000) square feet.

5. Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.

6. Professional offices.

7. Restaurants, including fast food.

8. Any other establishment which in the opinion of the Board of Supervisors is of the same general character as any of the above identified uses.

C. The minimum lot width shall be three hundred (300) feet.

D. All buildings must be set back at least one hundred (100) feet from a street right-of-way.

E. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

F. All parking facilities shall be constructed and maintained with a paved surface of

concrete or bituminous material.

G. A buffer yard at least one hundred (100) feet wide must be provided on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

H. The maximum building coverage shall be no greater than twenty-five (25%) percent.

I. The maximum impervious lot coverage shall be no greater than sixty (60%) percent.

J. The minimum landscaped area shall be no less than forty (40%) percent.

K. No building shall be placed closer than fifty (50) feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

L. Curbs and sidewalks shall be provided along all public rights-of-way. Sidewalks abutting the public rights-of-way shall coordinate with an internal pedestrian circulation design, which allows for safe and convenient movement of pedestrians.

M. All stormwater facilities shall be located on the subject property; and shall be designed and constructed to the Penn Township Stormwater Ordinance.

SECTION 1366. SOLID WASTE DISPOSAL AND PROCESSING FACILITIES (LANDFILLS AND MASS BURN FACILITIES)

A. Such facility shall be established and operated only under the strict supervision of a duly appointed Penn Township municipal authority specifically ordained for purpose of operating such facility.

B. All sanitary landfills, waste disposal sites, incinerators shall have a minimum lot area of one hundred (100) acres.

C. All solid waste processing operations shall be conducted within a wholly-enclosed building.

D. No refuse shall be deposited or stored, and no building or structure shall be located within five hundred (500) feet of any property line and one thousand (1,000) feet of any residential zone or use.

E. Any area used for the unloading, transfer, storage, processing, incineration, or

deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is recommended whenever possible. In addition, such areas must also be completely enclosed by a fifteen (15) foot-high fence, with no openings greater than two (2) inches in any direction.

F. The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.

G. The use shall be screened from all roads and adjoining properties.

H. 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.

I. All driveways into the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred and fifty (150) foot-long gravel section of driveway should be placed beyond the preceding paved section to collect any mud that may have accumulated on the wheels of any vehicles.

J. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.

K. Hazardous waste as identified by the Pennsylvania Department of Environmental Protection shall not be disposed of within the subject property.

L. The application shall be accompanied by a working plan to prevent the scattering of debris and litter as well as the clean up of the same.

M. The facility shall employ qualified facility operators responsible for supervising all unloading, processing, transfer, and deposition activities of solid waste.

N. Leak and vector proof containers shall be provided for the storage of any waste that cannot be used in any disposal process or material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a wholly enclosed building.

O. No more solid waste shall be stored on the property than what is necessary to keep the facility in constant operation; but in no circumstances shall such waste be stored for greater than seventy-two (72) hours.

P. A contingency plan for the disposal of solid waste shall be submitted to the Township in the event of a facility shutdown.

Q. Leachate from the solid waste 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 Department of Environmental Protection's regulations.

R. 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 municipality 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 municipal engineer.

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 municipality.

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 (1) mile from the site.

3. the location of all existing and proposed wells within one thousand (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 system within one thousand (1000) feet of the site.

5. the location of all streams within one thousand (1000) feet of the site and all known point sources of pollution.

6. based on the geologic formation(s) underlying the site, a determination of the long-term safe yield.

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.

S. 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 movements on the existing road.

T. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

SECTION 1367. VEHICLE SERVICE STATION AND REPAIR FACILITIES

A. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. All service and/or repair activities shall be conducted within a single, wholly-enclosed building.

C. The subject property shall be at least five hundred (500) feet from the property line of any parcel containing a school, day care facility, hospital, playground, library, or nursing, rest, or retirement home.

D. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.

E. Gasoline pump islands shall be at least seventy-five (75) feet from the street right-of-way line.

F. Entrances and exits shall be a minimum of thirty (30) feet in width.

G. All ventilation equipment associated with fuel storage tanks shall be at least three hundred (300) feet from any adjoining residential property or residentially zoned property.

H. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

J. All exterior vehicle storage areas shall be screened from adjoining residential and

residentially zoned property.

K. The storage of unlicensed vehicles on the property is prohibited.

L. The demolition or storage of junked vehicles is prohibited.

SECTION 1368. WHOLESALE DISTRIBUTION OF INDUSTRIAL PRODUCTS, INCLUDING LUMBER AND COAL YARDS, BUILDING MATERIAL STORAGE YARDS, CONTRACTORS' EQUIPMENT AND STORAGE YARDS (FOR OPERATIONS IN EXCESS OF FOUR (4) EMPLOYEES), STORAGE SERVICE AREAS, TRUCK, BUS OR MOTOR FREIGHT TERMINALS, AND WAREHOUSING

A. The subject tract shall front on and gain access from either an arterial, major collector, or a street in a proposed subdivision or land development plan, which conforms to prevailing arterial or collector street design and improvement requirements.

B. 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.

C. Lighting shall not cast glare beyond the property lines.

D. 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, the duration of storage of materials and the methods for disposal of any surplus or damaged 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. 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.

4. A traffic study prepared in accordance with the Penn Township Subdivision And Land Development Ordinance .

E. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke). Toxic materials may only be stored in a manner that will not create a public health hazard or a public nuisance.

F. If hazardous materials are stored (even temporarily) the applicant shall demonstrate compliance with any regulations for the storage of such materials promulgated by DEP or the Environmental Protection Agency.

G. For all warehouses, a lighted sign must be provided at the driveway. This sign must be clearly visible from the road and shall prominently display the site address and tenant(s) of the site.

SECTION 1369. EXOTIC WILDLIFE

A. All exotic wildlife shall be kept in enclosures designed to house the wildlife in question. The enclosure(s) must be certified by a professional engineer and provided for review and approval by the Township Engineer.

B. The enclosures shall prevent the animal from running at large; and shall be of a size conducive to good sanitary practices and adequate sanitary drainage facilities.

C. All exotic wildlife enclosures and structures shall be a minimum of one hundred (100) feet from any dwelling or property line.

D. Every keeper of any animal shall cause the litter and droppings there from to be collected daily in a container or receptacle that when closed shall be fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such a manner as not to permit the presence of fly larvae.

E. Every keeper of any exotic animal shall cause all feed provided therefore to be stored and kept in a rat-proof container and fly-tight building, box, container, or receptacle.

F. Every keeper of any exotic animal shall display in a prominent place on the property where the animal is kept, and at each entrance and exit to the area where the animal is confined, a sign easily readable by the public using the words “warning, exotic animal(s)”. The lettering on the signs shall be at least three (3”) inch block, easily readable, and in bright colors.

G. Any proposed use under this section shall be by Conditional Use.

SECTION 1370. DOMESTIC LIVESTOCK

A. A minimum of one (1) acre of land, exclusive of buildings and impervious surfaces, must be provided for the first Animal Unit, which is housed or pastured on the lot. One (1) additional acre of land shall be provided for each additional Animal Unit, which is to be housed or pastured on the lot. Notwithstanding the acreage available for the domestic livestock use, no more than eight (8) individual animals shall be permitted, regardless of size, weight, or species.

B. The land designated as acreage for each Animal Unit shall be used exclusively for the animal(s) of the domestic livestock use proposed, and such open area shall be maintained entirely in vegetative cover.

C. Wood lots and forested areas shall not be included in the calculation of the open acreage required for an Animal Unit(s). Further, domestic livestock shall be prohibited, by fencing or other measures, from occupying or grazing within wood lots and forested areas.

D. All buildings and structures housing animals, and any buildings or structures used to store feed or other materials used for the domestic livestock use shall be located a minimum of thirty-five (35) feet from all property lines, or the setback required by the zone in which the use is located, whichever is greater.

E. A minimum setback of one hundred (100) feet shall be provided between any area or structure used for the storage of animal wastes and all property lines, existing street right-of-way lines, wetlands and waterways.

F. All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.

G. In all zones, the height restrictions for residential buildings in the zone in which the use is located shall apply to all buildings and structures not otherwise exempted.

H. An accessory building or structure associated with the small-scale livestock use shall be exempt from any restrictions on maximum ground floor area so long as the proposed building or structure complies with building coverage, open space and impervious surface restrictions for a lot in the zone in which located.

I. No animal shall have direct access to a jurisdictional wetland, impoundment,

stream, spring or well on the lot on which the small-scale livestock use is located. However, stabilized stream crossing areas designed and constructed as such shall be exempted from this requirement.

J. The unenclosed storage provisions of the ordinance shall apply to all domestic livestock uses with the exception of animal wastes and bedding. Animal bedding may be stored outside of a structure or building so long as such material is stored a minimum of thirty-five (35) feet from any property line, existing street right-of-way line, wetland or waterway. Animal wastes shall be stored in accordance with the Setback Requirements contained herein and shall be removed at least once per year.

K. The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the parcel upon which the use is located.

L. Conversion of a domestic livestock use to a more intense, commercial livestock operation shall not be permitted. No conversion of a domestic livestock use to any other principal or accessory use shall be permitted unless such use complies with all ordinances and permitting requirements in force and effect at the time such a conversion is applied for.

M. The proposed use shall comply with all applicable State, Federal and local regulations, including, but not limited to, nutrient management, building codes, erosion and sedimentation control and storm water management, as well as standards for signs, lighting, parking and access.

SECTION 1371. OFF-TRACK BETTING PARLORS AND CASINOS

A. An off-tract betting parlor or casino shall not be located within one thousand (1,000) feet of any other off-tract betting parlor.

B. No off-tract betting parlor or casino shall be located within five hundred (500) feet of any land within the residential (R) district or within five hundred (500) feet of the lot line of a residential use.

C. No off-tract betting parlor or casino shall be located within one thousand (1000) feet of any parcel of land which contains any one or more of the following specified land uses:

1. Recreational park
2. Camp (for minors' activity)
3. Child-care facility
4. House or worship
5. Community center

6. Museum
7. Park
8. Playground
9. School
10. Other lands where minors congregate.

D. No more than one (1) off-tract betting parlor or casino may be located within one building or shopping center.

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, light, litter, or any combination thereof.

F. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

G. 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.

H. All off-tract betting parlors or casinos shall comply with the Pennsylvania Horse and/or Harness Racing Commission and Gaming Commission Rules and Regulations.

SECTION 1372. PRIVATE CLUBS

A. The floor area for patron use in any new private club shall be limited to seven thousand (7,000) square feet.

B. Off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Such parking lots must also be set back thirty (30) feet from any adjoining lot lines.

C. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.

D. Screening shall be provided along any adjoining property.

E. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties.

F. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the clubhouse.

SECTION 1373. INTENTIONALLY LEFT BLANK

SECTION 1374. LOW IMPACT BUSINESS.

A. Low Impact Businesses shall be conducted within a dwelling and/or an accessory building by members of the family occupying the dwelling and no more than one employee who report to the property for work.

B. A Low Impact Business may not exceed a total usage area of seventy hundred fifty (750) square feet.

C. On-site sales of products associated with the Low Impact Business are permitted.

D. Traffic shall not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses.

E. Hours and days of operation shall be as established and approved as part of the Conditional Use, if granted.

F. No external changes to the dwelling in which the business is established that would give the dwelling an outward appearance of a business is permitted.

G. A low impact business shall not produce noise, obnoxious odors, vibrations, lighting glare, electrical interference, or smoke detectable to normal sensory perception on any adjacent lots or streets.

H. Any structure or portion thereof used in conjunction with the low impact business must comply with all relevant regulations of the UCC.

I. Low impact businesses may have one (1) sign, ground or wall-mounted, that is no larger than ten (10) square feet; and subject to the sign regulations in Section 1123 of this Ordinance.

J. Outside storage of material and equipment is prohibited.

K. Vehicles used by the business that have a gross vehicle weight exceeding 15,000 lbs. or more must be parked in a garage or detached building.

L. In addition to the required parking for the dwelling unit; additional off-street parking shall include, at a minimum, one (1) space for the business, two (2) spaces for patron use, and one (1) space for each employee.

M. No tractor trailer, shipping containers, recreation vehicles, vans or any other form of commercial vehicle used for storage shall be allowed on the property.

N. The low impact business shall not include any illegal activity.

O. Use of explosive, highly flammable or hazardous materials shall require Conditional Use approval.

P. At a minimum, Low Impact Businesses shall be inspected by the Zoning Officer, or other authorized agent of the Township, every three (3) years to insure compliance with this ordinance.

SECTION 1375. PRIVATE SOLAR ENERGY SYSTEM.

A. Zoning approval is required for the construction of any private solar energy system, whether ground mounted or roof mounted.

B. The applicant shall demonstrate through project planning and proposed mitigation that the proposed project's impact will be minimized for surrounding properties. This may include, but not be limited to, information regarding site selection, facility design, appearance, buffering, glare control, and screening of ground mounted electrical and control equipment.

C. Noise from any solar energy system shall not exceed 15 decibels at the lot lines, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent.

D. Construction of any solar energy system shall comply with all applicable rules, laws, and regulations of the Federal Aviation Administration.

E. All solar energy systems shall comply with the PA Uniform Construction Code.

F. All electrical components of any solar energy system shall conform to relevant and applicable local, state and national codes, such as but not limited to, NEC, Underwriters Laboratories, IEEE, Solar Rating and Certification Corporation and ETL.

G. Solar energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.

H. Solar energy systems shall not display any advertising.

I. Transmission, power, and plumbing lines shall be placed underground.

J. The surface area of the arrays of a ground mounted Solar Energy System, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The total surface area of the arrays of ground mounted Solar Energy System on the property shall not exceed more than fifty (50%) percent of the lot area.

K. For a ground mounted system, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Penn Township Stormwater Management Ordinance.

L. Solar energy systems shall meet the accessory structure setbacks that may apply in the zoning district within which it is constructed.

M. No solar energy system shall be attached to a tree, any other natural object, or any structure not intended to support such a system.

N. No solar energy system shall be installed immediately adjacent to a swimming pool or other open body of water.

O. A solar energy system mounted on a roof shall conform to the height regulations of the zoning district.

P. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

Q. Unless mounted flush on a roof, solar energy systems shall not exceed fifteen (15') feet in height above the ground elevation surrounding the system. Roof mounted solar energy systems cannot exceed the height limitations for the zoning district.

R. For roof mounted systems, structural calculations must be provided to the Township to verify existing structure can support the roof mounted system.

SECTION 1376. COMMERCIAL SOLAR ENERGY SYSTEMS.

A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed project's impact will be minimized for surrounding properties. This may include, but not be limited to, information regarding site selection, facility design, appearance, buffering and screening of ground mounted electrical and control equipment. The total surface area of the arrays of ground mounted solar energy systems on a property shall not exceed more than fifty (50%) percent of the property area.

B. A commercial solar energy system is considered a land development, and therefore, must submit a Land Development Plan that meets all the requirements

of the Penn Township Subdivision and Land Development Ordinance.

C. Noise from any commercial solar energy system shall not exceed 50 decibels at the lot line adjacent to any non-residential lot or zoning district, and not exceed 15 decibels at the lot line adjacent to any residential lot or zoning district.

D. Construction of any commercial solar energy system shall comply with all rules, laws and regulations of the Federal Aviation Administration.

E. Commercial solar energy systems shall comply with the PA Uniform Construction Code.

F. All electrical components of commercial solar energy systems shall conform to relevant and applicable local, state, and national codes, such as but not limited to, NEC, Underwriters Laboratories, IEEE, Solar Rating and Certification Corporation and ETL.

G. Commercial solar energy systems shall not be artificially lighted, except to the extent required for safety or by any applicable Federal or State Authority.

H. Commercial solar energy systems shall not display any advertising, except for reasonable identification of the manufacturer of the system.

I. On-site transmission, power, and plumbing lines shall be placed underground.

J. The following project information shall be submitted to the Township for every proposed commercial solar energy facility:

1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.

2. An affidavit or similar evidence of agreement between the property owner and the solar energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a solar energy facility.

3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.

4. A site plan showing the planned location of each proposed solar energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.

5. A view shed impact analysis, illustrating views of the proposed facility, from multiple angles.

6. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

K. Commercial solar energy systems shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.

L. All commercial solar energy systems and any associated accessory equipment shall comply with all area, dimensional, buffering, parking, landscaping, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply.

For all commercial solar energy systems in the Agricultural District, buffering and landscaping requirements will be according to Section 1105 of the Zoning Ordinance.

M. The surface area of the arrays of a commercial solar energy system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.

N. Secure perimeter fencing shall be installed around a commercial solar energy facility. The fencing shall not be constructed within any required setback or landscape buffer. The fencing shall be of chain-link construction with rubberized coating in neutral earth tone colors such a black, brown, tan, or green.

O. Decommissioning Funds shall be posted and maintained with the Township in an amount equal to one hundred twenty-five percent of the estimated decommissioning costs for as long as the facility exists, regardless of change of ownership of the facility or property on which it sits.

P. Decommissioning shall include removal of all solar energy systems, buildings, cabling, electrical components, roads, foundations and any other associated appurtenances. 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.

Q. An independent and licensed professional engineer shall estimate the total cost of decommissioning, without regard to salvage value of the equipment.

R. Decommissioning funds shall be posted and maintained with a bonding company provided that the bonding company is authorized to conduct such businesses within Pennsylvania and approved by the Township. The bond shall be a form

acceptable to the Township Solicitor.

S. If a commercial solar energy system is unused for a period of twelve consecutive months, the owner, or landowner shall at their expense, complete the decommissioning of the system within six months.

T. If the owner, operator, or landowner of a commercial solar energy system fail to appropriately complete decommissioning, the Township may take such action as necessary to complete the decommissioning.

U. 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.

SECTION 1377. OUTDOOR WOOD-FIRED BOILERS

A. A Zoning Permit shall be required for the installation, use and operation of an Outdoor Wood-Fired Boiler (OWB) in Penn Township. The number of OWBs shall be limited to one per lot. OWBs are permitted as an accessory use in all zoning districts.

B. All OWB's shall be certified by EPA as a Phase 2 Outdoor Wood Boiler. Non-phase 2 OWB's acquired through real estate transfer are exempt from this requirement. Owners of Non-Phase 2 OWBs shall register the device with township zoning officer within 120 days of the effective date of amended ordinance.

C. All OWB's shall be installed at least 50 feet from any property line; and at least 100 feet from any residential structure not on the lot where the OWB is to be located.

D. OWB's shall not be located in the front yard between the principal building and the street right-of-way.

E. No person shall install an OWB unless it has a permanent attached stack with a minimum stack height of ten (10) feet above the ground; or at least two (2) feet above the highest peak of any residence located less than 50 feet from the OWB.

F. All OWB shall have a permanent attached stack with a minimum stack height of ten (10) feet above ground; or at least two (2) feet above the highest peak of any residence located less than 50 feet from a Phase 2 OWB, and at least two (2) feet above the highest peak of any residence located less than 200 feet from a Non-Phase 2 OWB.

G. No person that operates a new or existing OWB shall use a fuel other than the

following:

1. Clean wood
2. Wood pellets made from clean wood
3. Home heating oil, natural gas, or propane that complies with all applicable sulphur limits and is used as a starter or supplemental fuel for dual-fired OWB.
4. Other types of fuel approved in writing by DEP upon receipt of a written request.

H. An OWB shall not be used as a waste incinerator. During the entire period of use, every owner of an OWB shall have a current contract with a licensed solid waste hauler and shall use its services for disposal of all household trash. Upon request, every owner and user of an OWB shall present proof of current waste disposal contract; unless exempted by the Board of Supervisors.

I. Use of starter fluid such as lighter fluid, gasoline and other chemicals to ignite an OWB is prohibited.

J. All OWBs should be equipped with a properly functioning spark arrestor.

K. All OWBs shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the owner or property or upon termination of the useful life of same. The OWB shall be presumed to be discontinued or abandoned if the unit has not been in operation for a period of twelve (12) months.

L. The use of an OWB shall not cause a nuisance, as regulated by Section 805 of the Zoning Ordinance, to any neighboring or other properties.

M. Any storage of materials to be burned in the OWB shall be kept 5 feet away from the OWB.

N. An area not less than 20 feet in any direction around the OWB shall be kept free of any vegetation with the exception of grass no higher than 4 inches in height.

O. Installation, use and operation of an OWB must comply with manufacturer's specifications as well as all applicable local, county, state and/or federal laws, regulations and codes.

SECTION 1379. PRIVATE WIND ENERGY SYSTEMS

A. Private Wind Energy Systems shall be considered accessory structures and the generation of energy as an accessory use. There shall be no commercial use of the private wind energy systems for the generation of energy, except for that energy

generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

B. Wind energy generation shall be limited to one (1) private wind energy system per lot or tract of land.

C. The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the private wind energy system.

D. The maximum height of any private wind energy system, measured from the average approved finished grade at the perimeter of the private wind energy system foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 45 feet.

E. Wind Energy Systems shall not be placed in a front yard.

F. The structure supporting the wind rotor unit, including any required supporting cables, etc. shall not be connected to any occupied structure and shall be located a minimum distance of the wind rotor unit tower height, plus ten (10) feet from any occupied dwelling.

G. All mechanical equipment and buildings associated with the operation shall be enclosed with a six (6) foot fence. Each tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.

H. When a Building is required for storage cells or related mechanical equipment, the building may not exceed one hundred fifty (150) square feet in area or eight (8) feet in height, and must be located at least seventy-five (75) feet from any property line.

I. Only a single pole (monopole) windmill structures shall be permitted. A private wind energy system pole shall be self-supporting upon its foundation (i.e. no guy wires).

J. No private wind energy system shall be placed closer to a property line, occupied structure, utility, utility line, and structure or fuel source than the distance measured by its height plus twenty-five percent (25%) of its height.

K. No private wind energy system blade at its lowest point shall be closer to the surface of the ground than fifteen (15') feet.

L. The proposed location of the private wind energy system shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the

least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent roadways and neighboring properties.

M. The proposed location and operation of the private wind energy system shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a private wind energy system shall be clear of and shall not interfere with any existing trees, structures, wires and the like.

N. All utilities, lines, cables, wires and other connections to or from the private wind energy system and any other structure associates with the private wind energy system shall be installed below grade. Noise emitted from the operation of the private wind energy system shall be in accordance with Township Ordinances, including but not limited to those of Section 1914.

O. Private wind energy systems shall not be lighted except as otherwise required by law.

P. There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the private wind energy system, except those required for safety or for the identification of the manufacturer of the system.

Q. Ground-mounted private wind energy systems shall not be climbable up to fifteen (15') feet above the surrounding ground surface.

R. Any private wind energy system which 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. All structures enclosures accessory to the private wind energy system shall also be completely removed from the property to a place of safe and legal disposal. The former private wind energy system site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.

S. Wind Energy Systems shall meet all applicable manufacturer's, the Commonwealth of Pennsylvania, and U.S. standards for the construction, operation and maintenance of the proposed windmill including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

SECTION 1380. COMMERCIAL WIND ENERGY FACILITY

A. The applicant shall demonstrate that the proposed Commercial Wind Energy Facility will comply with this Ordinance. Among other things, the application shall contain the following:

    1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location, the approximate generating capacity of the Wind Energy Facility, the approximate number, representative types and height or range of height of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

    2. An affidavit or similar evidence of agreement between the property owner 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 Wind Energy Facility.

    3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

    4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility 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. Documents related to decommissioning including a schedule for decommissioning.

    6. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Board of Supervisors to ensure compliance with this Ordinance.

B. All commercial wind energy facilities shall submit a subdivision and/or land development plan(s) which shall be compliant with all provisions of Penn Township Subdivision and Land Development Ordinance. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

C. To the extent applicable, the Wind Energy Facility 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.

D. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

E. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

F. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

G. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulations air safety.

H. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.

I. On-site transmission and power lines between Wind Turbines shall be placed underground.

J. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

K. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

L. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

M. Wind Turbines shall be set back from the nearest occupied building a distance of not less than the maximum setback requirements for the zoning district where the turbine is located, or 1.1 times the turbine height, whichever is greater. These setback distances shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied building.

N. Wind Turbines shall be set back from the nearest occupied building located on neighboring property a distance of not less than five (5) times the hub height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied building.

O. All Wind turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification 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.

P. All Wind Turbines shall be set back from the nearest public road a distance of 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.

Q. The applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

1. The Township Engineer or a qualified third party engineer hired by Penn 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 as weather permits.

2. The Township may bond the road in compliance with state regulations.

3. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

4. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

R. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire departments. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

S. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any occupied building on a neighboring property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility 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.*

T. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a neighboring property.

U. 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.

V. Liability Insurance – There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to

Penn Township upon request.

W. The facility owner and operator shall at its expense, complete decommissioning of the Wind Energy Facility or individual Wind turbines, within (12) twelve months after the end of the useful life of the facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twenty (12) months.

1. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

2. 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.

3. An independent and licensed professional engineer shall be retained to estimate the total cost of decommissioning 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 Penn Township after the first year of operation and every fifth year thereafter.

4. 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 percent (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 of Pennsylvania.

5. 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 Solicitor.

6. If neither the facility owner or operator, nor the landowner complete decommission within the period prescribed, then Penn Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to Penn Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Penn Township may take such action as necessary to implement the decommissioning plan.

7. The escrow agent shall release the decommissioning funds when the facility

owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommission plan.

X. 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 facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

Y. The Commercial Wind Energy Facility shall provide Penn Township written confirmation that the public utility company to which the Commercial Wind Energy Facility will be connected has been informed of the intent to install a grid connected system and approved of such connection.

Z. Accessory structures and equipment associated with the commercial wind energy facility shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.

SECTION 1381. RECYCLING COLLECTION FACILITIES

A. Existing commercial facilities which sell products containing recyclable materials such as aluminum, glass and plastics may establish as an accessory use a recycling collection facility for those materials.

B. All collected materials shall be stored in wholly enclosed facilities, and the area shall be kept free of litter and debris. Odors shall not be perceptible at the property line.

C. The collection facilities shall be designed and located so that the removal of collected materials does not interfere with normal traffic flows into, out of, and through the commercial facility.

ARTICLE XIV

NONCONFORMING USES

SECTION 1400. GENERAL

All lawful uses of land or of a building or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such nonconforming uses shall comply with the provision of this Article.

SECTION 1401. ALTERATIONS AND RECONSTRUCTION

A. Repairs and structural alterations, not constituting an extension, expansion, or enlargement, may be made to a nonconforming building or to a building occupied by a nonconforming use.

B. A nonconforming building which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purposes, provided that:

   1. The reconstruction of the building is commenced within two (2) years from the date of the destruction of the building and is carried to completion within three (3) years, unless an extension is granted as a Conditional Use by the Township Supervisors.

   2. The reconstructed building does not exceed in height, area, and volume that of the building destroyed.

   3. The reconstructed building shall comply with the area regulations of the district in which it is located; provided, however, reconstruction may be carried out upon existing sound foundations.

   4. The reconstruction reduces the nonconformity of the structure to the maximum extent feasible.

SECTION 1402. EXTENSIONS, EXPANSIONS, AND ENLARGEMENT

A. The Board of Supervisors may authorize, as a conditional use, the following types of extensions, expansions, and enlargements for nonconforming uses and buildings existing on the effective date of this Ordinance.

1. A nonconforming use of an existing building may be extended throughout the building if no structural alterations are made therein.

2. A nonconforming use may be extended upon a lot occupied by such use and held in single and/or separate ownership.

    a. Such an extension cannot replace a conforming use, and cannot violate the yard requirements of the zone in which the nonconforming use exists.

    b. The expense of the extension cannot exceed eighty (80%) percent of the fair market value of the building or structure existing at the time of enactment of this Ordinance.

    c. The proposed expansion cannot exceed fifty (50%) percent of the square foot area of any enclosed area in use at the time the lot or use became nonconforming.

3. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

B. The foregoing extension, expansions, and enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would be permitted as a matter of right.

2. The entire building or use shall be provided with off-street parking and loading spaces as required by this Ordinance.

3. The extension, expansion, or enlargement does not replace a conforming use.

4. The extension, expansion, or enlargement of the nonconforming building or use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

SECTION 1403. CHANGE OF USE

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

SECTION 1404. DISCONTINUANCE

If a nonconforming use of a building or land ceases or is discontinued for a continuous period of two (2) years or more, the nonconforming status thereof shall be lost, and subsequent use of such building or land shall be in conformity with all the provisions of this Article except in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

SECTION 1405. NONCONFORMING LOTS

A. Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon any vacant nonconforming lot provided a conditional use is approved by the Board of Supervisors, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Ordinance. Such development shall comply with the following provisions.

   1. The proposed use is permitted by right within the district in which it is located.

   2. The proposed building shall comply, as much as possible, with all applicable area, height, and bulk regulations, including, but not limited to, applicable district requirements and yard requirements.

SECTION 1406. NONCONFORMING SIGNS

A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in this Ordinance.

B. If and when a nonconforming sign is replaced, the new sign shall comply with the requirements in this Ordinance. "Replacement" shall not only include simply revising the text or color of the sign, but shall also refer to structural replacement and/or relocation of the sign.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

ARTICLE 1500. APPOINTMENT AND POWERS OF THE ZONING OFFICER

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

SECTION 1501. ENFORCEMENT

It shall be the duty of the Zoning officer and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the township may require. Special exception uses, construction permits associated with special exceptions uses, and variances to be requirements of this Ordinance shall be issued only upon approval of by the Zoning Hearing Board. Conditional use and construction permits associated with conditional uses shall be issued only upon approval by the Board of Supervisors.

SECTION 1502. PERMITS

A. Requirements of Permits

1. A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change of use of a building or land; prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations, which do not structurally change a building or structure.

B. Application for Permits

1. All applications for permit shall be accompanied by three (3) sets of plans, drawn to scale, showing the actual shape and dimensions of the lot to be built

upon, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existence and intended use of each building or part of a building, the number of dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. A copy of such plans shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

C. Issuance of Permits

1. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the applicable provisions of this Ordinance, as well as the provisions of all other applicable ordinances.

2. The Zoning Officer shall act upon request within thirty (30) days following the submission of the application.

3. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date. An extension shall be for an additional twelve (12) months.

SECTION 1503. FEES

A. The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for zoning permits, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township office and may be amended only by the Board of Supervisors.

B. Such fees shall be payable to the Township and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on the applications.

C. Any fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township of Penn if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

SECTION 1504. INSPECTION BY THE ZONING OFFICER

A. It shall be the duty of the Zoning Officer, Building Permit Officer, or other qualified individual authorized by the Township Supervisors, to make the following minimum number of inspections of property for which a permit has been issued:

1. Beginning of Construction - A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approval permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall continue.

2. Completion of Construction - A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Ordinance.

SECTION 1505. CERTIFICATE OF NON-CONFORMANCE

A. A Certificate of Non-conformance may be issued by the Zoning Officer upon the request of the owner of any property which is identified as containing a non-conforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

1. The Certificate of Non-conformance shall set forth in detail all of the non-conforming conditions of said property.

2. A copy of the Certificate of Non-conformance shall be retained and filed by the Zoning Officer.

3. The Certificate shall be for the purpose of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this Ordinance.

SECTION 1506. CONDITIONAL USES, APPLICATION

A. Where provided for in this Ordinance, the Board of Supervisors shall hear and decide requests for conditional uses in accordance with stated standards and criteria. In granting a conditional use, the Board of Supervisors 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. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in this Ordinance, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.

B. The applicant shall submit five (5) copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Board of Supervisors and in the Township's files for its use and review as necessary. The site plan shall contain sufficient information, studies and other data to demonstrate compliance with all applicable regulations.

C. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Board of Supervisors or by the court. Unless otherwise specified by the Board of Supervisors or by law, a conditional use shall expire within two (2) years from the date of authorization thereof by the Board of Supervisors or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Board of Supervisors may extend the approval of a conditional use for any additional period of up to one (1) year upon the written request of the applicant

SECTION 1507. HEARINGS ON CONDITIONAL USE APPLICATIONS

The Board of Supervisors shall conduct hearings and make decisions on conditional use applications in accordance with the following:

A. The Board of Supervisors shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the land owner, all owners of adjacent property, the zoning officer, such other persons as the Board of Supervisors shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than thirty (30) days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The Supervisors may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.

C. The hearing shall be scheduled within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing.

E. The chairperson or acting chairperson of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. 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 to cross exam adverse witnesses on all relevant issues.

G. Formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by them, or shall be paid by the person appealing from the decision of the Board of Supervisors if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

I. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code 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. When the Board of Supervisors fails to render a decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the

applicant unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as herein above provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

J. 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 or her not later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors 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.

K. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

SECTION 1508. HEARINGS ON SPECIAL EXCEPTIONS

A. Where the Supervisors, in the Zoning Ordinance, have stated special exceptions to be granted or denied by the Zoning Hearing Board, the Board shall hear and decide requests for such special exceptions.

B. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this ordinance.

C. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

D. The special exception shall produce a total visual impression and environment, which is consistent with the environment of the neighborhood.

E. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

F. The special exception shall preserve the purpose of this Ordinance

SECTION 1509. APPEALS AND APPLICATIONS

A. An appeal, or application for amendment, special exception, conditional use, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain the following information:

1. The name and address of the applicant.

2. The name and address of the owner of the real estate to be affected by such proposal.

3. A brief description and location of the real estate to be affected by such proposal.

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

5. A statement of the Section of this Ordinance under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.

6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.

7. Any other pertinent data required by the Zoning Hearing Board, Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

SECTION 1510. VIOLATIONS

Failure to comply with any provision of this Ordinance, or failure to secure permit or Zoning Hearing Board certification, when required, shall be violations of this Ordinance.

A. Enforcement Notice

1. If it appears to the Township that a violation of any zoning ordinance provisions has occurred, the Zoning Officer shall initiate enforcement

proceedings by sending an enforcement notice, as provided by Section 616.1 of the Pennsylvania Municipalities Code, Act 170 of 1988.

2. The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:
   a. The name of the owner of record and any other person against whom the Township intends to take action.

   b. The location of the property in violation.

   c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.

   d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

   e. The recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the determination.

   f. The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Causes of Action

1. In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant or real property who shows that his or her property or person will substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constitute a violation. Such action is instituted by a landowner or Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint of the Board of Supervisors.

C. Enforcement Remedies

1. Any person, partnership, or corporation, who or which has violated or permitted the violation of the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of or not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township and a result thereof. No judgement 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 Township may enforce 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 person, partnership, or corporation violating the Ordinance to be 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 shall be paid over to the Township of Penn.

2. The court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1511. APPOINTMENT OF A ZONING HEARING BOARD

The Penn Township Board of Supervisors shall, by resolution and in accordance with Section 903 of Act 170 of 1988 (the Pennsylvania Municipalities Planning Code) appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 906 of Act 170 of 1988, one (1) alternate member. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of Act 170 of 1988. Members and alternative members of the Zoning Hearing Board shall be residents of Penn Township and shall hold no other elected or appointed office in Penn Township.

SECTION 1512. ORGANIZATION OF THE ZONING HEARING BOARD

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of

any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of Act 170 of 1988.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the board shall designate as many alternate members of the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws for the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

SECTION 1513. HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988. Notice shall be given to the public, the applicant, the land owner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate, and any person who has made timely request from the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The Township Supervisors may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final

E. The parties to the hearing shall be the Township, 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 the 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.

F. The chairperson or acting chairperson of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.

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

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. Unless otherwise required by this Ordinance or Act 170 of 1988, as amended (the Pennsylvania Municipalities Planning Code), the Township shall have the responsibility of presenting its evidence first.

J. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee of a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

K. The Board or the hearing officer, as the case may be, shall render a written finding 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 or her decision or findings are final, the Board shall make the hearing officer's 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 decisions 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 section, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. 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 herein above 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 Section 1513.A. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. 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 or her 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 1514. JURISDICTION

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters, set forth in the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

A. Substantive challenges to the validity of a zoning ordinance, except those brought before the governing body pursuant to Sections 609.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

B. Challenges to the validity of a zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act of the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.

D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

E. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

F. Appeals from the determination of any officer or agency charged with the administration of any performance density provisions of the Zoning Ordinance.

G. Appeals from the Zoning Officer's determination pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V and VII of the Pennsylvania Municipalities Planning Code, Act of 170 of 1988.

SECTION 1515. VARIANCES

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptionally topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision 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 provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, and the Zoning Ordinance of the Township of Penn.

SECTION 1516. PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD

Appeals under Section 909.1(a)1), (2), (3), (4), (7), and (9) of Act 170 of 1988 may be filed with the Board in writing by the landowner affected, any officer or agencies of the township, or any person aggrieved. Requests for a variance under Section 910.2 of Act 170 of 1988 and for special exception under Section 912.1 of Act 170 of 1988 may be filed with the Board by any landowner or any tenants with the permission of such landowner.

SECTION 1517. TIME LIMITATIONS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or limit the approval in any matter unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment thereto shall preclude an appeal from a final approval except in the case where the final subdivision substantially deviates from the approved tentative approval. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1518. STAY OF PROCEEDINGS

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing 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 or 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 Zoning Hearing 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 Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

ARTICLE XVI

LEGAL PROVISIONS

ARTICLE 1600. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, all provisions shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, or regulation shall be controlling. This Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between any party, including the Township. However, where this Ordinance imposes greater restrictions than those imposed by such easement, covenant, or agreement, the provisions of this Ordinance shall govern. Where such easement, covenant, or agreement imposes greater restrictions than those imposed by this Ordinance, the provisions of such easement, covenant, or agreement shall govern.

SECTION 1601. SEVERABILITY

If any article, section, sub-section, provision, regulations, limitation, restriction, sentence, clause, phrase, or work in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any other article section sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and work thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

SECTION 1602. REPEALER

All Township of Penn Ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 1603. EFFECTIVE DATE

Upon the adoption and enactment of this Zoning Ordinance, according to law, by the Board of Supervisors of Penn Township, County of Cumberland, Commonwealth of Pennsylvania, this Zoning Ordinance shall become effective on the 5th day after enactment.

DULY PRESENTED AND ORDAINED AND ENACTED BY of the Board of Supervisors of Penn Township, Cumberland County, Pennsylvania, this **14TH** day of **January 2021**.

GARY MARTIN
Chairman, Board of Supervisors

RONALD TRITT
Vice Chairman

KEN SHEAFFER
Supervisor

ATTEST

CORRIE WADEL
Township Secretary

(Township Seal)

Prepared by:

Cumberland County GIS
Drawn: June 2006
Updated: November 2020

DRAFT

West Pennsboro Township

Dickinson Township

South Newton Township

Cooke Township

Map Scale: 1:27,000

Miles
0 0.25 0.5 1 1.5 2

Proposed Penn Township Zoning

COUNTY DISCLAIMER

This map was digitally compiled for internal maintenance and developmental use by the Cumberland County, Pennsylvania, GIS & Planning Departments to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Cumberland, Pennsylvania makes no claims as to the completeness, accuracy or content of any data contained hereon, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein.

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Refer to the officially enacted "Penn Township Zoning Ordinance" for information regarding interpretation of zoning district boundaries, floodplain area boundaries, procedures for requesting amendment to this map, etc.

Legend

Reference

- Municipal Boundary
- Tax Parcels
- Interstates
- State Roads
- Local Roads
- Streams

Zoning/Overlay Districts

- Agriculture - A
- Residential - R
- Commercial - CO
- Industrial - I
- Quarry - Q
- Conservation - CON
- Flood Plain - FP