JACKSON TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

DRAFT

Proposed for May 1, 2014

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Part 1
General Provisions

§27-101. Short Title.
This Chapter shall be known and may be cited as the "Township of Jackson Zoning Ordinance of 2014."

§27-102. Purpose.
This Chapter is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. This Chapter is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.

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

3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§27-103. Interpretation.
In the interpretation and application of the provisions of this Chapter they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this Chapter to repeal, abrogate, or annul or in any way interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises, nor is it intended to interfere with or abrogate or annul any easements, covenants or other legal agreements in effect between parties at the time of adoption of this Chapter; provided, however, that where this Chapter imposes a greater restriction upon the use of a building or lot, or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation, or permit, the provisions of this Chapter shall prevail.

§27-104. General Community Development Objectives.
This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include the following:

1. To achieve the best use of the land within the Township, insuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community.

2. To establish realistic population densities in order to insure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.

3. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.

4. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.

5. To provide the opportunity for a wide-range and variety of housing types to meet the needs of all Township residents – newly-formed households, growing families and senior citizens – while maintaining the rural setting.

6. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.

7. To expand local business and strengthen the economy by encouraging well-planned agricultural, forest production, commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.

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

§27-105. Comprehensive Plan Goals and Objectives.

In addition to the General Community Development Objectives set forth in §27-104, this Chapter is intended to implement the goals and objectives contained in the Township Comprehensive Plan, and any other plan which may be adopted by the Township.

Part 2
Establishment of Zoning Districts, Boundaries and Map

§27-201. Districts.

1. Zoning Districts. For the purpose of this Chapter, the Township of Jackson is divided into the following districts:

   R-1 Residential.
   V Village.
   RC Recreation Commercial.
   C Commercial.
   I Industrial.
   CV Conservation.

2. Floodplain Overlay District. The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the most current *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Chapter, the floodplain regulations in the Township Floodplain Management Ordinance shall apply.

3. Route 715 Overlay District. The Route 715 Overlay District is hereby created and establishes a consistent setback from Route 715 to provide adequate area for future widening and improvement of the Route. In addition to all other applicable standards of this Chapter, the front setback of all uses fronting on Route 715 shall be 70 feet measured from the centerline of Route 715. This setback shall apply in all cases unless a greater setback is required by other provisions of this Chapter.

§27-202. Zone Boundaries.
Zone boundaries as fixed by the map are intended to follow the centerlines of streets, roads and watercourses, or lines parallel thereto, or property lines, unless such boundary lines are fixed by dimensions on the map. In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall determine the correct district boundary. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

§27-203. Zoning Map.
The boundary lines of all zones are shown on a map attached to and made part of the Chapter and known as the Zoning Map of the Township of Jackson, adopted October 18, 2011. Said map and all notations and references thereon are hereby incorporated and declared to be a part of this Chapter.

§27-204. Uses Allowed In Zoning Districts. (See Parts 4 – 9 for individual zoning districts.)

1. Intermunicipal Cooperation.

   A. Regional Comprehensive Plan. This Zoning Ordinance is enacted in accord with an intergovernmental cooperation agreement adopted by Jackson Township and other participating municipalities, herein referred to as the Planning Region, to implement the Regional Comprehensive Plan. The adopted Regional Comprehensive Plan includes a Future Land Use Map which identifies *what future land uses would be most appropriate throughout the region and at what density*. *Future Land Use recommendations are based on a variety of factors: The patterns of development and existing conditions within the municipalities; the anticipated path of future growth in the region; existing environmental conditions and natural resources; capacity of public facilities and infrastructure; and goals of the Monroe County Comprehensive Plan.*

   B. Regional Approach. The zoning ordinances and zoning maps adopted by the participating municipalities provide for a variety of housing types and densities and accommodate all categories of land uses within the Planning Region, and are consistent with the Regional Comprehensive Plan.

   C. Pennsylvania Municipalities Planning Code. This is consistent with §916.1, §1006-A(b.1) and §1105 of the Pennsylvania Municipalities Planning Code. Section 1006-A(b.1) states: *Where municipalities have adopted a*

multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administrating zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the court shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.

D. Regional Uses. The uses listed in the Regional Uses Table are available within the Planning Region as provided by the Pennsylvania Municipalities Planning Code.

REGIONAL USES				
Land Use	**Zoning Districts Allowed**			
	Chestnuthill	**Jackson**	**Eldred**	**Ross**
Adult Business	not permitted	I	not permitted	not permitted
Agriculture Products Processing	not permitted	I	I	not permitted
Animal Shelters	not permitted	not permitted	not permitted	GC
Bulk Fuel Storage Facility	not permitted	I	I	not permitted
Concentrated Animal Feeding Operation	not permitted	not permitted	not permitted	RR
Correctional Facility	not permitted	not permitted	RR, I	not permitted
Distribution Center/Truck Terminal	not permitted	I	not permitted	GC
Flea Market, Outdoor	VC, GC	not permitted	not permitted	GC
Industrial Wastewater Treatment Facility	not permitted	I	not permitted	not permitted
Industry	not permitted	I	I	not permitted
Junk Yard	not permitted	not permitted	not permitted	RR
Kennel	not permitted	not permitted	RR	not permitted
Large- Scale Retail/Commercial Development	VC, GC, LIC*	C	C	GC
Mineral Processing	not permitted	I	I	not permitted
Mobile Home Park	R-3	not permitted	not permitted	R-2
Power Plant	not permitted	I	I	not permitted
Race Track	not permitted	not permitted	RR	GC
Recycling Facility	GI	I	I	not permitted
Resource Recovery Facility	not permitted	I	not permitted	not permitted
Shooting Range, Outdoor Commercial	RR	not permitted	not permitted	RR
Solid Waste Landfill	not permitted	not permitted	not permitted	RR
Solid Waste Facility	not permitted	I	not permitted	not permitted
Travel Plaza	not permitted	C	not permitted	GC
Wind Energy Facility, Commercial	not permitted	not permitted	RR	RR
Zoo or Menagerie	not permitted	RC	not permitted	not permitted
*Only permitted per applicable design requirements in §98-76.1, §119-40A(47) and §119-40A(48).				

Chestnuthill Township
RR - Rural Residential
R-3 - Medium High Density Residential
VC - Village Commercial/Residential
GC - General Commercial
GI - General Industrial
LIC - Light Industrial/Commercial

Eldred Township
RR - Rural Residential
C – Commercial
I – Industrial

Jackson Township
RC - Recreation Commercial
C - Commercial
I - Industrial

Ross Township
RR - Rural Residential
R-2 - Medium Density Residential
GC - General Commercial

2. Prohibited Uses and Uses Not Specified in Any District.

A. Prohibited Uses. Any use not allowed as a principal permitted use, accessory use, conditional use or special exception, or allowed by the Board of Supervisors in accord with §27-302.3.B within a particular zoning district, shall be deemed to be prohibited within that zoning district.

B. Uses Not Specified in Any District. This §27-204.2.B addresses, by conditional use, a proposed use which is neither specifically permitted nor specifically denied in any zoning district established under this Chapter and which is not permitted in a zoning district in another participating municipality by intermunicipal agreement in accord with §27-204.1.

(1) Jurisdiction. Whenever an application is made to the Zoning Officer for such use, the application shall be submitted to the Board of Supervisors which shall have the authority to permit the use or deny the use as a conditional use.

(2) Findings. The use may be permitted only if the Board of Supervisors makes all of the following findings; and, the burden of proof shall be upon the applicant:

(a) The use is similar to and compatible with the uses listed for the subject zoning district.

(b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Chapter.

(c) The use is not permitted in any other zoning district in the Planning Area.

(d) The use where proposed would be consistent with the Regional Comprehensive Plan

(3) Planning Commission and Regional Planning Committee Review. At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission and the Regional Planning Committee for its recommendation. The Board of Supervisors shall not conduct a public hearing on the application until the comments from the Planning Commission and Regional Planning Committee are received or 30 days have passed from the time the application was referred to the Planning Commission and Regional Planning Committee.

(4) Conditions. The Board of Supervisors may attach reasonable conditions and safeguards to any conditional use approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Chapter for similar uses in the district and such other conditions as the Board of Supervisors may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.

Part 3
General Regulations

In addition to all other applicable standards in this Chapter, the standards in this Part 3, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Chapter sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

§27-301. General Modifications.

The following modifications to the requirements of this Chapter are permitted under the terms and specifications herein stated:

1. Height. The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, nor to chimneys, ventilators, skylights, television and radio antennas, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall (without windows) or cornice for ornament extending above such height limit not more than 5 feet. Public and quasi public buildings, schools, churches, and recreational uses where no reasonable opportunity for occupancy by persons at a level above 38 feet exists, provided that such uses shall increase the front, rear, and side setbacks by 1 foot for each foot by which such building exceeds the height limit herein established for such zone in which it is located.

2. Projection. Chimneys, cornices or eaves may project into any front, side or rear setback providing such projection does not exceed 3 feet. An open or lattice enclosed fire escape or fireproof outside stairway may project into any front, side or rear setback providing such protection does not exceed one-quarter of the distance from the building wall to the lot line. Under no circumstances shall any projection be closer than 10 feet to any lot line.

§27-302. Regulations Applicable to All Zones.

Except as hereinafter provided, the following general regulations shall apply to all zones:

1. Conformance Required. Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structures shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located.

2. Continuing Existing Uses. Except as provided in §27-1712 for certain signs, any lawful use, building or structure existing at the time of enactment of this Chapter may be continued, even though such use, building or structure may not conform with the provisions of this Chapter for the district in which it is located.

3. Reserved

4. Change and Enlargement of Nonconforming Uses and Structures.

   A. Change to Conforming Use. A nonconforming use may be changed to a conforming use.

   B. Change to Another Nonconforming Use. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same or less external effects upon conditional use approval by the Board of Supervisors. The applicant shall satisfactorily prove to the Board of Supervisors that the proposed change complies with ALL of the following requirements:

      (1) The proposed change will be no more objectionable in external effects than the previous nonconforming use and will be no less consistent physically with its surroundings;

      (2) Traffic generation will not reduce the Level of Service, as determined by Institute of transportation Engineers' methodology, on adjoining public roads and/or intersections;

(3) Noise, smoke, dust, fumes, vapor, gases, heat, odor, glare, vibration, electrical disturbances or other nuisances will not increase;

(4) The amount of materials, supplies and/or products that are stored outside will not increase;

(5) The threat to health by reason of rodent infestation or otherwise will not increase; and,

(6) No other increase in nonconformity will result.

C. Abandonment. A change of a nonconforming use to a conforming use or to another nonconforming use shall be considered an abandonment of the prior nonconforming use.

D. Enlargement. Any nonconforming use or nonconforming structure except nonconforming signs may be enlarged by an amount not to exceed 100 percent of the square foot area previously devoted to such nonconforming use or structure at the time of the effective date of this Chapter; provided however, that on any enlargement, the structure or use complies with all setbacks, height restrictions, parking, screening, and other requirements, which are the most restrictive (i.e., either of the district in which the nonconforming use is located or of the district in which such use would be permitted).

5. Restoration, Repair, Abandonment of Nonconforming Buildings or Structures.

A. Restoration. Any lawful nonconforming building or other structure, damaged or destroyed by fire, explosion, windstorm, or other cause, may be reconstructed at the same location; provided that:

(1) The reconstructed building or structure shall not exceed the height, area or volume of the damage or destroyed building or structure.

(2) Actual reconstruction shall substantially begin within 1 year from the date of damage or destruction. The Supervisors shall grant an extension for the start of reconstruction if extenuating circumstances warrant. The exterior of the structure shall be completed within 2 years after start of construction.

B. Repair. Nothing in this Chapter shall prevent the repair, maintenance or strengthening of any part of a building or structure.

C. Abandonment. If a lawful nonconforming use of land or of a building or other structure has been voluntarily discontinued for 1 year or more, it shall be presumed to be abandoned, and subsequent use of such building or structure or land shall be in conformity with the provisions of this Chapter applicable to the district in which it is located. Abandonment shall not be presumed from mere nonuse beyond the control of the owner, but only from overt facts indicating an intention to abandon.

6. Existing Nonconforming Lots. In any zone, where a nonconforming lot exists as a separate entity at the time of passage of this Chapter then the following development is permitted:

A. If the lot is located in an R-1 Residential, V-Village, or RC- Recreation Commercial District, a single-family dwelling and customary accessory buildings may be constructed on it as a permitted use, provided that the development complies with all of the most current requirements.

B. If the lot is located in any remaining district, then a structure may be constructed on it for a use permitted in the district in which it is located, provided the development complies with all of the most current requirements.

7. Two or More Buildings and/or Uses on a Parcel.

A. Development Standards. Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Chapter which would normally apply to each building or use if each

were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.

B. Residential Density. For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Chapter. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3).

C. Nonresidential Uses. In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Chapter are satisfied. This shall not apply to adult businesses, junkyards, mineral extraction, solid waste facilities, or other uses with a special size requirement listed in this Chapter, in which case the parcel size shall be increased to provide for the minimum land area required for each use on the parcel.

D. Residential and Nonresidential on the Same Lot:

(1) One (1) residential dwelling unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of a principal nonresidential structure.

(2) All minimum dwelling unit sizes shall apply.

(3) Separate entrances and exits shall be provided.

(4) Any additional residential dwelling units, if allowed in the District, shall be permitted on the same lot as a nonresidential use only if the lot is sufficient in size to meet the residential unit density required by this Chapter in addition to the land area needed to meet the density requirement for the nonresidential use.

E. Structure Separation: Principal structures located on the same lot shall be separated by a distance of not less than 20 feet, unless an applicable building code requires a larger separation.

8. Accessory Uses and Structures.

A. Attached Structures. Any accessory structure, attached to a principal structure, is considered a part of the principal structure for all regulatory purposes.

B. Nonattached Structures. Nonattached accessory structures shall comply with all requirements applicable to principal structures except as follows:

(1) Side and rear setbacks for nonattached accessory structures less than 600 square feet in size may be reduced to 10 feet. Otherwise, accessory structures shall comply with setbacks required for principal structures.

(2) No apartment(s) or living quarters shall be located in an accessory structure.

(3) Farm produce stands may be placed in a front yard area but shall not be placed within a street right-of-way. Stands must be removed when products are no longer on sale.

(4) The height of an accessory structure shall not be more than 25 feet.

(5) Nonattached accessory structures shall be located no less than 8 feet from a principal structure.

C. Satellite Dish Antennas. All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required.

D. Garage /Yard Sales. Within any zone, an owner and/or occupant may conduct up to 2 garage/yard sales per year. A zoning permit shall not be required. No garage or yard sale shall be conducted for a period longer than 2 consecutive days. Such sales may offer for sale personal possessions; no stocking of inventory shall be permitted. Only one 4 square foot sign shall be permitted to advertise the sale, located upon the premises where the sale occurs, and shall be removed within 12 hours after the completion of the sale. In no case shall any aspect of the sale be conducted in the sidewalk or street right-of-way. The conduct of sales beyond the extent described herein represents a commercial business and requires a zoning permit.

9. Front Yards. All yards adjacent to a public street, from which legal access may be gained, shall be considered front yards, and shall conform to the minimum front setback requirements for the districts in which they are located. In the case of corner lots, the larger of the two street lines shall be considered as the frontage.

10. Street Frontage. Every principal building shall be built upon a lot with access to a street as required by §27-1000 and the Jackson Township Subdivision and Land Development Ordinance.

11. Traffic Visibility Across Corner Lots. On any corner lot, no structure, fence or wall, shrubbery or other planting, or obstruction to vision shall be erected or placed between 2.5 feet and 10 feet above the grade within a triangular area formed by the intersecting street lines and a straight line adjoining said street lines at point which are 30 feet distant from the point of intersection, measured along said street lines.

12. Outdoor Swimming Pools.

A. Every outdoor swimming pool shall conform to all applicable requirements of State law.

B. An outdoor swimming pool is permitted only in a side or rear yard area and must be at least 10 feet from all lot lines. This requirement applies to any part of the pool structure.

C. Water shall not be discharged from any swimming pool onto any adjoining property.

13. Foundations. All buildings and structures shall comply with the foundation requirements of the Uniform Construction Code.

14. Storage of Vehicles and Boats.

A. Farm vehicles and equipment are permitted as an accessory use to any agricultural activity in any district.

B. Only currently licensed and inspected vehicles registered to the owner of the lot may be parked on any lot in any residential district or on any residential lot. The engine of any such vehicle shall not be operated or idled for more than 2 hours per day.

C. One unlicensed vehicle either in good repair, intended to be restored or in the process of being restored may be stored on any lot in any residential district or on any residential lot for a period of 1 year provided that such storage shall not encroach on any setback requirements. The time of storage may be extended for 1 additional year provided that at the expiration of the first year the vehicle is still in good repair or substantial progress has been made on the restoration of the vehicle. This provision shall not be construed to permit the storage of junk vehicles, parts thereof, machinery or equipment, nor the storage of the same for the salvage of parts, on any residential lot within Jackson Township.

15. Unenclosed Storage.

A. Vehicle Storage.

(1) In all zones, dismantled or partially dismantled or abandoned automobiles, tractors (including lawn), recreational vehicles, trailers, and trucks must be parked or stored within an enclosed building.

(2) In a residential zone any vehicle that exceeds 8 feet in height or exceeds 21 feet in length, when not placed within an enclosed building, shall be placed between the front wall of the principal building and the rear setback line. Such vehicles may not be placed within a side setback area.

B. Outdoor Stockpiling. In a R-1-Residential, V-Village, CR- Commercial Recreation, or CV-Conservation zone, tire stockpiles, metal pipes, automobile parts, and similar objects and materials must be stored in a garage or an enclosed storage structure. (See §27-1008.3 for C-Commercial and I-Industrial Districts.)

C. Trash or Junk. Except as provided in other Township Ordinances, the accumulation of trash or junk out-of-doors for a period in excess of 15 days is prohibited in all zones.

D. Front Yard. In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted between the front wall of the principal building and the street line.

16. Temporary Residence or Commercial Structure. When fire, accident or natural disaster has rendered a single-family or two-family residence or a commercial structure unfit for human habitation or use as determined by the Township, the temporary use of a mobile home, a recreational vehicle or construction trailer located on the lot during rehabilitation or new construction is permitted subject to the following regulations.

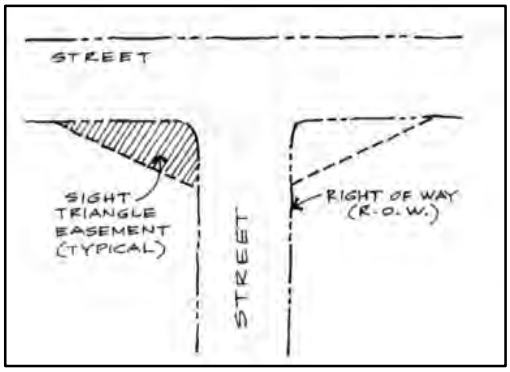
A. Water supply and sewage disposal facilities shall be provided in accord with Township requirements.

B. The maximum length of the permit shall be eighteen (18) months, but the Zoning Officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the preceding permit.

C. The temporary residence or commercial structure shall be located not less than thirty (30) feet from any public road right-of-way and fifteen (15) feet from lot lines.

D. The temporary residence or commercial structure shall be removed from the property prior to the issuance of any occupancy permit for the new or rehabilitated structure.

17. Clear Sight Triangles. At all road intersections and all land development driveways/accesses a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of two (2) to ten (10) feet above the center-line grades of the intersecting roads.



A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of two to 10 feet above the centerline grades of the intersecting roads.

B. Such triangular area shall be determined by the intersecting road centerlines and a diagonal connecting the two points, one point at each road centerline, each of which points is:

1. One hundred fifty feet from the intersection of such road centerlines if either road is an arterial road.

2. One hundred feet from the intersection of such road centerlines if either road is a collector or connector road.

3. Seventy-five feet from the intersection of such road centerlines if both roads are local roads or private access roads.

Part 4
Residential District

§27-401. R-1 Residential District.

1. Intended Purpose. The Residential District provides for agriculture, low density single-family housing and other suitable uses that will protect the rural, open character of this portion of the Township.

2. Principal Permitted Uses.

- Animal husbandry, commercial (§27-1203.5)
- Bed and breakfast inns (§27-1204)
- Conservation subdivision design as required by Part 13, Article 1*
- Crop production
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Group homes (§27-1217)
- Hunting/fishing clubs or camps
- Single-family detached dwellings on existing lots of record
- Stables, private (§27-1203.2)
- Temporary construction buildings, which must be removed 30 days after the use ends
- Township facilities and uses
- Two-family dwellings on existing lots of record or subdivisions not subject to conservation subdivision design**

*Conservation subdivision allows single-family, two-family, single-family attached/townhouse, quadraplex and multi-family dwellings in accord with §27-1305.1.
**At the same density and other requirements for single-family dwellings provided in §27-401.6.

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the R-1 District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care homes (§27-1213)
- Garages and carports
- Home occupations (§27-1003)
- No impact home-based business (§27-1002)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the R-1 District by Part 17
- Solar energy systems, accessory (§27-1006)
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Wind energy systems, accessory (§27-1006)
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Agritourism
- Cemeteries (§27-1207)
- Country clubs
- Development sales offices (§27-1214)
- Model houses (§27-1214)
- Public and semi-public uses
- Solar power generation, commercial (§27-1243)
- Wineries, farm

6. Lot and Setback Requirements. (See Part 13, Article 1 for conservation design subdivisions.)

Lot Area and Lot Width for Newly Created Lots				
	Community Water and/or Community Sewage		No Community Water and No Community Sewage	
	Minimum Required		Minimum Required	
Use	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	30,000	125	87,120	150
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.				

Lot Depth to Width Ratio for Newly Created Lots	
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	4 to 1 (no lot need exceed a width of 300 feet)

Setbacks for All Lots (Except as modified by §27-301.2)			
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	Front* 40 feet	Side 15 feet	Rear 30 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses	35% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses -Conservation design subdivisions	Principal structures: 3 stories, but no more than 38 feet. Accessory structures: 1.5 stories, but no more than 25 feet. (not applicable to agricultural structures)

Part 5
Village District

§27-501. V - Village District.

1. Intended Purpose. The Village District provides for moderate density housing and other compatible commercial uses that will enhance this area as an attractive living environment.

2. Principal Permitted Uses.

- After hours clubs
- Amusement arcades
- Animal husbandry, commercial (§27-1203.5)
- Art or craft studios
- Banks
- Bed and breakfast inns (§27-1204)
- Billiard halls
- Boarding and rooming houses (§27-1241)
- Bus shelters
- Business offices
- Business services
- Conference centers
- Conservation subdivision design as permitted by Part 13, Article 1*
- Crop production
- Cultural centers
- Domestic violence shelters
- Exercise clubs
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Funeral homes
- Group homes (§27-1218)
- Massage facilities, therapeutic
- Meeting, assembly, or banquet halls
- Nightclubs
- No impact home-based business (§27-1002)
- Office buildings
- Professional offices
- Public and semi~~/quasi~~-public buildings and uses
- Religious quarters
- Retail businesses (§27-1211)
- School, public or private primary or secondary schools
- Service establishments
- Single-family detached dwellings
- Temporary construction buildings, which must be removed 30 days after the use ends
- Theaters
- Township facilities and uses
- Trade schools
- Two-family dwellings**
- Veterinary clinics

*Conservation subdivision allows single-family, two-family, single-family attached/townhouse, quadraplex and multi-family dwellings in accord with §27-1305.1.
**At the same density and other requirements for single-family dwellings provided in §27-501.6.

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the V District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care homes (§27-1213)
- Garages and carports
- Home occupations (§27-1003)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the V District by Part 17
- Solar energy systems, accessory (§27-1006)
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Wind energy systems, accessory (§27-1006)
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Agritourism
- Assisted living facilities
- Clubs/lodges, private (§27-1208)
- Convalescent or nursing homes
- Convenience stores (§27-1211)
- Day care centers (child or adult) or nursery schools (§27-1212)
- Day care homes (family or group) (§27-1213)
- Development sales offices (§27-1214)
- Domiciliary care homes (§27-1216)
- Dormitories
- Drive-in stands/uses otherwise allowed in the V District
- Fraternity or sorority houses
- Group quarters
- Hamlet and village conservation design as permitted by Part 13, Article 2
- Health facilities
- Homeless shelters
- Model homes (§27-1214)
- Multi-family or two family conversions (§27-1226)
- Multi-family or single family attached dwellings (§27-1227)
- Outdoor entertainment
- Personal care boarding homes
- Places of worship (§27-1232)
- Public and semi-public buildings and uses
- Public utility buildings or service structures
- Recreational facilities, commercial
- Restaurants – outdoor or take-out
- Restaurants, traditional (§27-1239)
- Shopping centers or malls
- Solar power generation, commercial (§27-1243)
- Taverns (§27-1245)
- Wineries, farm

6. Lot and Setback Requirements.
(See Part 13, Article 1 and Article 2 for conservation design subdivisions and hamlets and villages.)

Lot Area and Lot Width for Newly Created Lots						
Use	Community Water and Community Sewage		Community Water or Community Sewage		No Community Water and No Community Sewage	
	Minimum Required		Minimum Required		Minimum Required	
	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)
- Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -Development sales offices -Model houses	15,000	100	25,000	100	43,560	150
-All other uses	20,000	100	25,000	100	43,560	150
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.						

Lot Depth to Width Ratio for Newly Created Lots	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses	4 to 1 (no lot need exceed a width of 300 feet)

Setbacks for All Lots (Except as modified by §27-301.2)			
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses	Front* 25 feet	Side 15 feet	Rear 30 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses	50% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses -Conservation design subdivisions -Hamlets and villages	Principal structures: 3 stories, but no more than 38 feet. Accessory structures: 1.5 stories, but no more than 25 feet. (not applicable to agricultural structures)

Part 6
Recreation Commercial District

§27-601. RC - Recreation Commercial District.

1. Intended Purpose. The Recreation Commercial District provides for transient dwelling accommodations, commercial indoor and outdoor recreational and entertainment uses, retail establishments specifically related to service of tourists, vacationers and the visiting public as well as providing for low and moderate density housing that will preserve the rural nature of the Township while providing facilities for the vacationing public.

2. Principal Permitted Uses.

- Animal husbandry, commercial (§27-1203.5)
- Antennas mounted on an existing public utility transmission tower, communications equipment buildings, existing building or other existing structure subject to §27-1210
- Art or craft studios
- Bed and breakfast inns (§27-1204)
- Bus shelters
- Camps/retreats
- Conference centers
- Conservation subdivision design as permitted by Part 13, Article 1*
- Country clubs
- Crop production
- Cultural centers
- Farm stands
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Golf courses
- Golf courses, miniature
- Golf driving ranges
- Group homes (§27-1218)
- Hotels
- Hunting/fishing clubs or camps
- Meeting, assembly, or banquet halls
- Motels
- Nightclubs
- Professional offices
- Public and semi-public buildings uses
- Recreation facilities, commercial, specifically related to service of tourists, vacationers and visiting public and limited to the following:
  - Archery ranges
  - Billiard halls
  - Boating and canoeing facilities
  - Bowling alleys
  - Exercise clubs
  - Racquetball clubs
  - Skating rinks
  - Ski trails and slopes
  - Tennis courts
  - Water slides
- Resorts
- Restaurants, traditional (§27-1239)
- Retail establishments specifically related to service of tourists, vacationers and visiting public limited to the following: (§27-1211)
  - Antique shops
  - Bait and tackle shops
  - Gift shops
  - Golf shops
  - Gun shops
  - Hunting equipment shops
  - Ski shops
  - Sport related clothing shops
  - Sporting goods shops
  - Water ski shops
- Service establishments
- Single-family detached dwellings
- Stables, private (§27-1203.2)
- Temporary construction buildings, which must be removed 30 days after the use ends
- Township buildings and uses
- Two-family dwellings**
- Wineries, farm

*Conservation subdivision allows single-family, two-family, single-family attached/townhouse, quadraplex and multi-family dwellings in accord with §27-1305.1.

**At the same density and other requirements for single-family dwellings provided in §27-601.6.

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the RC District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care homes (§27-1213)
- Garages and carports
- Home occupations (§27-1003)
- No impact home-based business (§27-1002)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the RC District by Part 17
- Solar energy systems, accessory (§27-1006)
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Wind energy systems, accessory (§27-1006)
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Agritourism
- Amusement parks
- Campgrounds and recreational vehicle parks (§27-1206)
- Clubs/lodges, private (§27-1208)
- Communications towers, antennas and communications equipment buildings (§27-1210)
- Development sales offices (§27-1214)
- Gaming establishments (§27-1217)
- Hamlet and village conservation design as permitted by Part 13, Article 2
- Micro-breweries
- Model houses (§27-1214)
- Outdoor entertainment
- Recreation facilities, commercial, not listed as a principal permitted use
- Solar power generation, commercial (§27-1243)
- Stables, commercial (§27-1203.3)
- Zoos and menageries (§27-1203.4)

6. Lot and Setback Requirements.
(See Part 13, Article 1 and Article 2 for conservation design subdivisions and hamlets and villages.)

Lot Area and Lot Width for Newly Created Lots				
	Community Water and/or Community Sewage		No Community Water and No Community Sewage	
	Minimum Required		Minimum Required	
Use	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	20,000	125	43,560	150
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.				

Lot Depth to Width Ratio for Newly Created Lots	
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	4 to 1 (no lot need exceed a width of 300 feet)

Setbacks for All Lots (Except as modified by §27-301.2)			
-Single-family dwellings in subdivisions not subject to conservation design (See §27-1303.4 for exemptions.) -All other uses	Front* 35 feet	Side 15 feet	Rear 30 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses	35% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-Single-family dwellings in subdivisions not subject to conservation design (§27-1303.4 for exemptions.) -All other uses -Conservation design subdivisions -Hamlets and villages	Principal structures: 3 stories, but no more than 38 feet. Accessory structures: 1.5 stories, but no more than 25 feet. (not applicable to agricultural structures)

Part 7
Commercial District

§27-701. C - Commercial District.

1. Intended Purpose. The Commercial District is intended to provide areas for the erection of buildings and the use or occupancy of lots for retail, commercial and transient residential uses for the convenience, regular needs, major business and shopping functions of the Township and the transient public.

2. Principal Permitted Uses.

- After hours clubs
- Amusement arcades
- Animal husbandry, commercial (§27-1203.5)
- Antennas mounted on an existing public utility transmission tower, communications equipment buildings, existing building or other existing structure subject to §27-1210
- Art and craft studios
- Auction houses
- Automobile rental operations
- Banks
- Bed and breakfast inns (§27-1204)
- Billiard halls
- Bus shelters
- Business offices
- Business services
- Car washes
- Clubs/lodges, private (§27-1208)
- Colleges
- Conference centers
- Conservation subdivision design as permitted by Part 13, Article 1*
- Convalescent or nursing homes
- Country clubs
- Crop production
- Cultural centers
- Day care centers (child or adult) or nursery schools (§27-1212)
- Day care homes, group (§27-1213)
- Domestic violence shelters
- Domiciliary care homes (§27-1215)
- Exercise clubs
- Farmer's markets
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Funeral homes
- Greenhouses, commercial
- Health facilities
- Hotels
- Lumberyards
- Massage facilities, therapeutic
- Meeting, assembly, or banquet halls
- Motels
- Multi-family or two family conversions (§27-1226)
- Multi-family or single family attached dwellings (§27-1227)
- Nightclubs
- Nurseries, commercial
- Nurseries, wholesale
- Office buildings
- Park and ride facilities
- Personal care boarding homes
- Professional offices
- Religious quarters
- Retail establishments (§27-1211)
- Restaurants traditional, take-out (§27-1238 and §27-1239)
- Rooming and boarding houses (§27-1241)
- School, public or private primary or secondary schools
- Self-storage facilities
- Service establishments
- Single-family dwelling on a lot existing on or before the effective date of this Ordinance
- Subdivision of 2 residential lots meeting R-1 District requirements from any tract existing on or before the effective date of this Ordinance
- Tattoo, body piercing, scarifying or branding parlors
- Taverns (§27-1245)
- Temporary construction buildings, which must be removed 30 days after the use ends
- Theaters
- Township buildings and uses
- Trade schools
- Veterinary clinics
- Warehouses
- Wholesale businesses

*Conservation subdivision allows single-family, two-family, single-family attached/townhouse, quadraplex and multi-family dwellings in accord with §27-1305.1.

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the C District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care homes (§27-1213)
- Garages and carports
- Home occupations (§27-1003)
- No impact home-based businesses (§27-1002)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the C District by Part 17
- Solar energy systems, accessory (§27-1006)
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Wind energy systems, accessory (§27-1006)
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Agritourism
- Bus, limousine or taxi terminals
- Bus stations
- Cemeteries (§27-1207)
- Contractor yards
- Convenience stores
- Crematoriums
- Development sales offices (§27-1214)
- Dormitories
- Drive-in businesses otherwise allowed in the C District
- Fraternity or sorority houses
- Gaming establishments (§27-1217)
- Group quarters
- Halfway houses
- Home occupations (§27-1003)
- Homeless shelters
- Large-scale retail/commercial development (§27-1222)
- Micro-breweries
- Model houses (§27-1214)
- Outdoor entertainment
- Places of worship (§27-1232)
- Public and semi public buildings and uses
- Public utility buildings or service structures
- Recreation facilities, commercial
- Restaurants, outdoor
- Solar power generation, commercial (§27-1243)
- Storage yards for forest products and minerals
- Theaters, drive-in
- Travel plazas
- Truck washes
- Vehicle and equipment rental, repair or sales operations
- Veterinary clinics, outdoor facilities

6. Lot and Setback Requirements.

Lot Area and Lot Width for Newly Created Lots						
Use	Community Water and Community Sewage		Community Water or Community Sewage		No Community Water and No Community Sewage	
	Minimum Required		Minimum Required		Minimum Required	
	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)	Lot Area* (sq. ft.)	Lot Width (feet)
-All uses	8,000	75	30,000	125	43,560	150
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.						

Lot Depth to Width Ratio for Newly Created Lots	
-All uses	4 to 1 (no lot need exceed a width of 300 feet)

Setbacks for All Lots (Except as modified by §27-301.2)			
-All uses	Front* 35 feet	Side 15 feet	Rear 35 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-All uses	75% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-All uses	Principal structures: 3 stories, but no more than 38 feet. The maximum height limit may be increased to 5 stories, but no more than 50 feet, provided that each minimum building setback is increased in size 1 foot for each additional 1 foot of building height over 38 feet. Accessory structures: 1.5 stories, but no more than 25 feet. (not applicable to agricultural structures)

Part 8
Industrial District

§27-801. I - Industrial District.

1. Intended Purpose. The Industrial District is intended to provide an area within the Township for, and conducive to, the development of modern, small scale administrative facilities, research institutions, specialized manufacturing organizations and industrial uses.

2. Principal Permitted Use.

- Agricultural products processing
- Antennas mounted on an existing public utility transmission tower, communications equipment buildings, existing building or other existing structure subject to §27-1210
- Bus stations
- Business offices
- Business services
- Contractor yards
- Crop production
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Industry
- Lumberyards
- Manufacturing, light
- Office buildings
- Park and ride facilities
- Public and semi/ public buildings and uses
- Recycling facilities
- Retail home heating fuel distributors
- Single-family dwelling on a lot existing on or before the effective date of this Ordinance
- Subdivision of 2 residential lots meeting R-1 District requirements from any tract existing on or before the effective date of this Ordinance
- Storage yards for forest products and minerals
- Temporary construction buildings, which must be removed 30 days after the use ends
- Township buildings and uses
- Warehouses
- Wholesale businesses
- Wineries, farm

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the C District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care
- Garages and carports
- Home occupations (§27-1003)
- No impact home-based businesses (§27-1002)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the C District by Part 17
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Adult businesses (§27-1201)
- Airports
- Application of sewage sludge or septage under permit from PA DEP
- Auctions, vehicle and equipments
- Bulk fuel storage facilities
- Bus, limousine or taxi terminals
- Communications towers, antennas and communications equipment buildings (§27-1210)
- Composting facilities

- Distribution centers/truck terminals (§27-1215)
- Gaming establishments (§27-1217)
- Heliports
- Helistops
- Industrial wastewater treatment facilities
- Mineral extraction (§27-1223)
- Mineral processing
- Natural gas processing plants
- Pipeline compressor station, metering station or operation/maintenance
- Power plants
- Resource recovery facilities
- Solar power generation, commercial (§27-1243)
- Solid waste facilities (§27-1244)
- Water withdrawal facilities

6. Lot and Setback Requirements.

Lot Area and Lot Width for Newly Created Lots		
	All Types of Water and Sewage	
	Minimum Required	
Use	Lot Area* (sq. ft.)	Lot Width (feet)
-All uses	43,560	150
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.		

Lot Depth to Width Ratio for Newly Created Lots	
-All uses	4 to 1

Setbacks for All Lots (Except as modified by §27-301.2)			
-All uses	Front* 50 feet	Side 25 feet	Rear 35 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-All uses	75% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-All uses	Principal structures: 50 feet. Accessory structures: 25 feet. (not applicable to agricultural structures)

Part 9
Conservation District

§27-901. CV - Conservation District.

1. Intended Purpose. The regulations for Conservation Districts are designed to perpetuate the wooded, natural, undeveloped and unimproved areas of the Township.

2. Principal Permitted Uses.

- Animal husbandry, commercial (§27-1203.5)
- Antennas mounted on an existing public utility transmission tower, communications equipment buildings, existing building or other existing structure subject to §27-1210
- Crop production
- Forestry and forest reserves, fish and game refuges, and similar conservation uses
- Group homes (§27-1218)
- Hunting/fishing clubs or camps
- Recreational buildings and recreational uses as may be approved by the agency, authority, or municipality having jurisdiction
- Single-family detached dwellings
- Stables, private (§27-1203.2)

3. Accessory Uses. Customary accessory uses and buildings incidental to any of the uses allowed in the C District, including:

- Animal husbandry, home use (§27-1203.5)
- Decks and porches
- Family day care homes (§27-1213)
- Garages and carports
- Home occupations (§27-1003)
- No impact home-based businesses (§27-1002)
- Off-street parking required by §27-1004
- Raising of garden crops for domestic purposes, and the occasional or casual sale of products there from
- Signs permitted in the CV District by Part 17
- Solar energy systems, accessory (§27-1006)
- Storage buildings, greenhouses, swimming pools accessory to the principal use
- Wind energy systems, accessory (§27-1006)
- Other customary uses and buildings provided that such uses are clearly incidental to the principal use

4. Special Exceptions.

- None

5. Conditional Uses.

- Communications towers, antennas and communications equipment buildings (§27-1210)
- Wineries, farm

6. Lot and Setback Requirements.

Lot Area and Lot Width for Newly Created Lots		
	All Types of Water and Sewage	
	Minimum Required	
Use	Lot Area* (sq. ft.)	Lot Width (feet)
-All uses	217,800	250
*Additional lot area may be required if well testing, soil limitations for on-site sewage disposal, or other factors require the need for a larger lot.		

Lot Depth to Width Ratio for Newly Created Lots	
-All uses	4 to 1

Setbacks for All Lots (Except as modified by §27-301.2)			
-All uses	Front* 50 feet	Side 25 feet	Rear 40 feet
*See §27-201.3 for the Route 715 Overlay District which requires a setback of 70 feet measured from the centerline of Route 715 unless a greater setback is required by other provisions of this Chapter.			

Maximum Lot Coverage of Impervious Surfaces for All Lots	
-All uses	10% of gross lot area

7. Height Requirements.

Maximum Building Height (Measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof except as modified by §27-301.1.)	
-All uses	Principal structures: 3 stories, but no more than 38 feet. Accessory structures: 1.5 stories, but no more than 25 feet (not applicable to agricultural structures)

Part 10
Special Regulations

In addition to all other applicable standards in this Chapter, the standards in this Part 10, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Chapter sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

§27-1000. Access to Structures.
Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right-of-way access to a public street or approved private street existed prior to the effective date of this Chapter. After the effective date of this Chapter, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors, except that in the case of a structure related to public sanitary sewer and water systems such structure may be placed on a lot which is not adjacent to a public or private street as long as a legally recorded right-of-way access to such a street will exist. For the purposes of this Section, a service street (alley) shall not constitute a public street or highway.

§27-1001. Fences and Walls.
No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Chapter) shall be erected to a height of more than 6 feet in any residential zone or upon any lot used for residential purposes in any other zone. In a V, RC, C, or I zone a fence may be erected to 8 feet in height in any setback area but no higher. The above fencing height restrictions apply universally, except as modified in Part 12 of this Chapter.

1. Fences shall be located no less than 2 feet to any lot line.

2. No fencing may be erected that inhibits sight distance at a street intersection.

3. In the case of a fence or wall erected adjacent to a driveway in any zone, the maximum height of such fence or wall or portion thereof shall be such that adequate sight distance between the driveway and the street or road is provided as required for driveways in §27-1004.

§27-1002. No-Impact Home-Based Business
Within all zones, the No-Impact Home Based Business must satisfy the following requirements and a permit shall be required:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lights.

5. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception that is detectable on adjacent properties.

6. The business activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with single-family residential use.

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.

8. The business may not involve any illegal activity.

§27-1003. Home Occupations.

Home occupations as defined in Part 16 of this Chapter shall be subject to the following conditions and a permit shall be required:

1. The home occupation shall be conducted entirely inside the principal building or accessory structure and shall be clearly incidental and secondary to the use of the dwelling as a residence.

2. The total area used by all home occupations on the premises does not exceed 50 percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Chapter.

3. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.

4. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that a home occupation is being operated except for a sign, if permitted, and required parking area.

5. A maximum total of 2 persons other than members of the immediate family residing in the dwelling shall be employed by the home occupation(s). The total of all employees of all home occupations operated on the premises, including family members, shall not exceed 6 persons.

6. Off-street parking shall be provided on the premises as required by this Chapter to prevent parking on any public or private street right-of-way.

7. No home occupation shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

8. No goods or items for on-site retail or wholesale sale shall be permitted except for craft, art and similar items hand made on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than 200 square feet. Food or beverage service on site shall not be permitted.

9. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the V District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of 2 times per day.

10. One sign not more than 2 square feet for each face shall be permitted in accord with Part 17.

11. All performance standards applicable to commercial uses shall apply to home occupations.

12. The following uses shall not be permitted as home occupations: commercial stables; veterinarians; commercial kennels; motor vehicle repair, painting or detailing or small engine repair shops; retail or wholesale sales; food or beverage service or restaurants; crematoria; funeral parlors or other uses not meeting the requirements of this §27-1003.

§27-1004. Off-Street Parking and Loading.

This §27-1004 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the parking and loading area design standards in that Ordinance and the following subsections of this §27-1004 shall not apply: §27-1004.2, §27-1004.6, §27-1004.7, and §27-1004.8.

1. <u>Availability and Use of Facilities</u>.

   A. <u>Availability</u>. The facilities required herein 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.

B. Location of Parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §27-1004.11 or 27-1004.12.

C. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this Chapter.

D. Non-Parking Use. Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).

E. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this Chapter shall not in the future be reduced in number below the number required by this Chapter. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Chapter, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

F. Garages and Carports. Garages and carports not in the public right-of-way may be considered parking spaces.

2. Site Plan; Design.

A. Site Plan. The project application shall include a site plan that shows the parking, loading and unloading area, and access design.

B. General. Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.

C. Pedestrian Access and Circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

D. Design. Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design.

3. Lighting. In addition to the other applicable standards in this Chapter, all lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

4. Public Rights-of-Way. Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

5. Parking Between Principal Structure and Road. No parking shall be permitted anywhere between the public road right-of-way and the principal structure for any new nonresidential principal structures in V-Village Districts. This requirement shall not apply to additions or expansions of existing businesses or the conversion of one business use to another business use.

6. Number of Spaces to Be Provided. The number of parking spaces required by this §27-1004 shall be considered the minimum and maximum requirements unless modified in accord with this §27-1004.

A. Parking Required for Nonresidential Uses.

(1) Parking Generation Manual.

a. Parking Demand Table. Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table included as an appendix to this Chapter. The Parking Demand Table may be updated by resolution of the Board of Supervisors to include more current data.

b. Similar Use. The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Zoning Officer.

(2) Land Uses WITH 85th Percentile Data Listed in the Parking Demand Table.

a. Constructed. The number of paved parking spaces constructed shall be the Average Peak Period Demand or eighty-five (85) percent of the Peak, whichever is reported in the Parking Demand Table.

b. Reserved. Space shall be reserved to allow for expansion to 115 percent of the number of spaces required by §27-1004.6.A(3)a, unless a reduction is approved in accord with §27-1004.6.D.

(3) Land Uses WITHOUT 85th Percentile Data Listed in the Parking Demand Table.

a. Constructed. The number of paved parking spaces constructed shall be the Average Peak Period Demand or eighty-five (85) percent of the Peak, whichever is reported in the Parking Demand Table.

b. Reserved. Space shall be reserved to allow for expansion to 115 percent of the number of spaces required by §27-1004.6.A(3)a, unless a reduction is approved in accord with §27-1004.6.D.

B. Parking Required for Residential Uses. Two off-street parking spaces shall be provided and maintained for each residential dwelling unit except as follows:

(1) Single-Family Dwellings. 3 per dwelling unit.

(2) Two-Family Dwellings And Multi-Family Dwellings. 2 per dwelling unit.

(3) Multi-Family Senior Citizen Housing. 1 per dwelling unit.

(4) Continuing Care Retirement Community. 1 per dwelling unit.

(5) Assisted Living Facilities. 0.5 per dwelling unit.

C. Township Required Reduction. In the case of parking for conditional uses and special exceptions, if the Board of Supervisors/Zoning Hearing Board determines that the number of parking spaces required by this §27-1004 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of 25 percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §27-1004.

D. Applicant Proposed Reduction/Increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:

(1) Chapter and Plan Consistency. The project design and parking space decrease shall be consistent with the purposes contained in this Chapter and the goals and objectives of the Township Comprehensive Plan.

(2) Quality of Design. The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.

(3) Local Conditions. In making its determination the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.

(4) Burden; Conditions. If the Board of Supervisors or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Chapter, including, but not limited to, reserving parking.

E. Form of Reservation. Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.

F. Reserved Parking Disturbance and Stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.

G. Multiple Uses. (See also §27-1004.12.) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

H. Handicapped Parking. Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §27-1004.

7. Loading and Unloading Areas.

A. Type and Size. In addition to the required off-street parking spaces all uses shall provide adequate off-street areas for loading and unloading of vehicles where necessary. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify any necessary loading and unloading areas. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	50 with 14 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

B. Interior Travelways. The applicant shall demonstrate that travelways within the property are adequate to safely

and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

8. Access to Off-Street Parking and Loading Areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

   A. Width. Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the right-of-way shall be as follows:

WIDTH*	**1-Way Use**	**2-Way Use**
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet
*exclusive of the turning radius		

   B. Controlled Access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.

   C. Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Township shall require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.

9. Parking and Loading Area Setbacks.

   A. Roads and Property Lines. All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than 20 feet in width unless adjoining uses share parking in accord with §27-1004.12.

      (1) Measurement. The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.

      (2) Uses Prohibited. The buffer area shall be maintained in natural vegetative ground cover and shall not include:

         (a) Paving except for approved driveway/access way crossings
         (b) Fences unless integral to landscaping
         (c) Parking, storage or display of vehicles
         (d) Items for sale or rent

      (3) Uses Permitted. The buffer area may include the following:

         (a) Permitted freestanding signs
         (b) Pervious storm water facilities
         (c) Approved driveway/access way crossings

(4) Sidewalks. Sidewalks, existing or proposed, may be included in the buffer area.

B. Buildings. Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of 10 feet from any building wall, unless a larger distance is required by another Chapter provision. This distance does not apply at vehicle entrances into or under a building.

10. Grading and Drainage; Paving.

A. Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

B. Except for landscaped areas, all portions of required parking, loading facilities and access ways shall be surfaced with asphalt, concrete, paving block or porous pavement or pavers.

C. The Board of Supervisors may, as a conditional use, allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board of Supervisors may allow parking spaces to be grass, while major aisles are covered by stone.

11. Off-Lot Parking. Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than 400 feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

12. Joint Use Parking. In the case of multiple use on the same premises or where more than one (1) principal uses share a common property line, shared parking facilities may be approved by the Zoning Officer.

A. Documentation. The applicant shall provide information to establish that the shared spaces will be used at different times of the day, week, month, and/or year.

B. Reduction. Parking provided may be credited to both uses based on the extent that the uses operate at different times. However, the required parking shall not be reduced by more than 50 percent of the combined parking required for each use. (Example: If a church parking lot is generally occupied only to 10 percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

C. Agreement. Joint use parking shall be secured in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to maintain the parking. An attested copy of the agreement between the owners of record shall be provided to the Township. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.

D. Common Property Line. The joint-use parking area may span a common property line thereby eliminating the setback required in §27-1004.9.

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

14. Snow storage and removal. All plans for proposed parking areas of fifty (50) or more spaces shall include details for adequate snow storage and removal.

§27-1005. Reserved.

§27-1006. Alternative Energy Requirements.

This §27-1006 applies to accessory solar and wind energy systems which are designed solely to meet the energy needs of the principal uses to which the energy system is accessory, but shall not preclude the sale of any excess energy into the grid. (See §27-1243 for commercial solar power generation and §27-1248 for commercial wind energy facilities.)

1. Intent. The alternative energy requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar and wind energy components.

2. Definitions. The following terms are specifically designed for use within this Section:

   Active Solar Energy System: A solar energy system that requires external mechanical power to move collected heat.

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

   Passive Solar Energy System: A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

   Solar Collector: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.

   Solar Energy: Radiant energy (direct, diffused and reflected) received from the sun.

   Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

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

   Wind Energy Conversion System: A device that converts wind energy to mechanical or electrical energy; commonly referred to as windmills.

   Wind Rotor: The blades, and hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

3. Solar, Wind and Alternate Energy Standards. The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized, the following shall apply:

   A. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium that is intended for conveyance to a principal or accessory building. Systems may include the following, subject to the requirements contained herein:

      (1) Solar panels with a combined glazing area of 65 square feet or less may be placed in any required setback but shall not be closer than 10 feet from any property line.

      (2) Solar panels with a combined glazing area in excess of 65 square feet, provided that:

(a) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district;

(b) Solar panels that are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of this Chapter.

(3) Solar greenhouses attached to principal structures shall meet all setback requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all setback requirements specified for accessory structures in this Chapter.

(4) Detached solar greenhouses shall meet all setback requirements specified for accessory structures in this Chapter.

4. Protection and Maintenance. The improvements required and permitted within this Section shall be protected and maintained to ensure the environmental benefits of nonpolluting, replenishable alternate energy. The following requirements shall apply:

A. Protection.

(1) Where a solar or wind energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the sky space affecting the solar or wind energy system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a building and zoning permit for the solar or wind energy system.

(2) Maximum height requirements of this Chapter shall not apply to roof-mounted solar collector systems.

B. Maintenance.

(1) Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.

(2) A disconnected or abandoned energy system shall be dismantled and removed from the property within 60 days of such abandonment.

5. Plans and Permits.

A. Plans depicting solar or wind energy installations shall be submitted at the time of application for a Building and Proposed Use permit. Information maybe included on the required plot plan specified in this Chapter or submitted on a separate plan. In addition to the information required elsewhere within this Chapter, plans shall include:

(1) Exact size and location of proposed solar or wind energy conversion system.

(2) Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar or wind energy device.

B. Building and Proposed Use Permits: A Building and Proposed Use Permit shall be required for installation of, expansion or alteration to any of the energy systems described within this Section. Applicable procedures of this Chapter shall apply during the processing of such permit applications. Where desired, the Zoning Officer may refer plans to any other applicable agencies for review and comment prior to formal action on the permit application.

6. Wind Energy Conversion System. Wind Energy Conversion System for energy uses shall be permitted as an accessory to principal use within any District and comply with the following regulations:

A. Primary purpose shall be to provide power for the principal use and accessory uses of the property and is not for the generation of power for commercial purposes.

B. The number of WECS towers per parcel shall be limited to the number required to provide power for the uses on the parcel.

C. No WECS shall be located in any required front setback area.

D. Maximum height shall be 80 feet measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.

E. Minimum setback from all property lines and above ground utility lines shall be 1.1 times the height of the WECS.

F. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution line at the point of ground attachment, guy wires shall be enclosed by a fence 6 feet in height.

G. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.

H. Blade color shall be off-white or light gray.

I. Lighting of the tower for aircraft and helicopter will conform with FAA standards for wattage and color, when applicable.

J. The tower should have either:

(1) Tower climbing apparatus located no closer than 12 ft. to the ground level at the base of the structure

(2) A locked anti-climb device installed on the tower, or

(3) Shall be completely enclosed with a locked fence at least 6 feet in height to prevent uncontrolled access from unauthorized personnel.

K. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.

L. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

M. Towers may be ground or roof-mounted and shall be securely fastened as per manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governor may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than 12 feet from grade level.

M. No variance shall be issued for the placement of a WECS so close to the property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

§27-1007 Developments of Regional Significance

All subdivision and/or land development, classified by intergovernmental agreement as having regional significance, shall be brought before the Regional Planning Committee for review and comment. A development of regional significance shall be defined per §107 of the PA MPC as "any land development that, because of its character, magnitude, or location will

have substantial effect upon the health, safety, or welfare of citizens in more than one municipality." Determination of regional significance in the Planning Region shall be based on the following guidelines:

Type of Development	Threshold
Adult business	New facility or expansion of use of existing facility by 50% or more; and located within one-half mile of a jurisdictional boundary.
Airports and heliports	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length or within one-half mile of a jurisdictional boundary.
Commercial (including retail, mixed-commercial and office centers) not classified below	Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary.
Concentrated animal feeding operations (CAFO)	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Fuel storage facilities	Storage capacity greater than 75,000 gallons if within 1,000 feet of any water supply; otherwise, storage capacity greater than 150,000 gallons; and located within one-half mile of a jurisdictional boundary.
Gambling/betting facilities	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Hospitals and other major medical centers	New facility or expansion of use of an existing facility by 50% or more and within one-half mile of a jurisdictional boundary.
Housing	Housing developments if in excess of 25 lots or more, or resulting in the development of 25 units or more and within 1,000 feet of the Township boundary line; otherwise, housing developments in excess of 50 lots or more or resulting in the development of 50 units or more and within 500 feet of a jurisdictional boundary.
Industrial facilities	New facility or expansion of use of an existing facility by 50% or more or within one-half mile of a jurisdictional boundary.
Intermodal terminals (Intermodal - A facility or system that transfers people, goods, or information between two or more transport modes or networks between an origin and destination.)	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Kennels	New facility or expansion of existing facility by more than 50% and within one-half mile of a jurisdictional boundary.
Mineral extraction or mineral processing	New facility or expansion of existing facility by more than 50 percent; and located within one-half mile of a jurisdictional boundary.
Lodging facilities	Greater than 150 rooms and within one-half mile of a jurisdictional boundary.
Mixed residential and non-residential uses	Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary.
Infrastructure projects	Infrastructure projects within one-half mile of adjoining municipal boundaries. Projects outside one-half mile may be reviewed on a discretionary basis as desired by the host municipality.
Schools/colleges	New facility with a capacity of more than 750 students, or expansion by at least 25% of capacity and within one-half mile of a jurisdictional boundary.

Solid waste facilities	New facility or expansion of use of an existing facility by 50 percent or more.
Sports complexes, attractions and regional recreational facilities	New facility or expansion of use of an existing facility by 50 percent or more; or located within one-half mile of a jurisdictional boundary.
Truck terminals	A new facility with more than 3 diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces; and within one-half mile of a jurisdictional boundary.
Wastewater treatment facilities	New facility or expansion of existing facility by more than 50 percent; and located within one mile of a jurisdictional boundary.
Water supply (quantity or quality) intakes/reservoirs	New facilities or expansion of use by 50 percent or more and within one-half mile of a jurisdictional boundary.
Wholesale or distribution facilities	Greater than 100,000 square feet or expansion of an existing use by 50 percent or more and within one-half mile of a jurisdictional boundary.
Any other land development types not identified above (includes parking facilities)	Generate new vehicle trips in excess of 1,000 average daily trips (ADT) or has the potential to generate adverse environmental or human impacts, stormwater runoff, wastewater collection or treatment and within one-half mile of a jurisdictional boundary.

The Regional Planning Committee shall have the right to review developments of regional significance to determine general consistency with the Compressive Plan. No development of regional significance, as defined by the criteria above, may be recommended for approval by the Regional Planning Committee that is inconsistent with the Compressive Plan. However, nothing in this section usurps the power of the Board of Supervisors of each respective member-Township regarding subdivision or land development plan approval.

§27-1008 Performance Standards

The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §27-1008 shall not apply to normal agricultural uses unless explicitly referenced by a specific section, but shall apply to any agricultural use which is considered a land development under the Subdivision and Land Development Ordinance. With the exception of residential uses, the applicant for a Zoning Permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards in this §27-1008 and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards. Where there is reason to believe that the nature of the proposed use would make it difficult to comply with applicable standards, the Zoning Officer may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used to comply with this §27-1008. However, no applicant shall be required to reveal the secret details of any manufacturing operation or trade data and may specify that the plans or other information submitted pursuant to this §27-1008 shall be treated as a confidential matter. Regardless of whether or not a use is required to comply with this procedure, every use shall comply with all performance standards.

1. Buffers and Screening. Buffers and screening shall be provided in accord with this Chapter and the Township Subdivision and Land Development Ordinance.

   A. Buffer. In the case of conditional uses or special exceptions, increased buffers may be required.

      (1) Where required, buffers of specified width shall be provided along the lot lines. The buffer may overlap the required setbacks. In the case of a conflict, the larger setback shall apply.

      (2) All buffers shall be planted and maintained with a vegetative material, and where required for specific uses, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.

      (3) All buffers shall be planted with grass or ground cover and, where required, a dense screen planting. Buffers

shall be maintained and kept free of all debris and rubbish.

(4) No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffers. However, access roads, service drives and utility easements not more than 35 feet in width are permitted to cross a buffer, provided that the angle of the centerline of the road, drive or easement crosses the buffer at an angle not less than 60°.

(5) No parking shall be permitted in buffers.

(6) Native plants should be used and invasive species shall not be permitted.

B. Screening. Required screening shall consist of screen plantings and shall be in accord with the following requirements:

(1) Plant materials used in screen planting shall be at least 4 feet in height when planted, shall be planted no more than 5 feet apart and shall be of such species as will produce, within three years, a complete year-round visual screen of a least 6 feet in height.

(2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

(3) The screen planting shall be so placed that at maturity it will be not closer than 3 feet from any ultimate right-of-way or property line.

(4) A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets.

(5) The screen planting shall be broken only at points of vehicular or pedestrian access.

(6) Native plants should be used and invasive species shall not be permitted.

2. Landscaping. A landscaping plan for proposed nonresidential, multi-family and mobile home projects shall be submitted by the developer for review and approval by the Township in accord with the standards of the Township Subdivision and Land Development Ordinance. This shall apply to all new projects, any change to a more restrictive use and any change in use which is a conditional use or special exception.

3. Operations and Storage. All facilities and operations of any principal nonresidential use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and conducted within a building except as follows:

A. Sales Area. One outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of 10 percent of the interior retail sales space or 500 square feet.

B. Conditional Use. Outdoor storage for other uses may be approved as a conditional use and larger setbacks and/or screening and buffers to afford protection to adjoining uses and any public road rights-of-way may be required.

C. Minimum Setback. Unenclosed uses and activities shall, in any case, be a minimum of 50 feet from any existing residential structure or any R-1 or CV District, unless a greater setback is required by this Chapter.

D. Storage in Setback and Parking Areas. Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.

4. Fire and Explosion Hazards.

A. Safety Devices; Suppression. All activities involving any manufacturing, production, storage, transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required.

B. Burning. Burning of waste materials in open fires is prohibited.

C. Other Requirements. The relevant provisions of Federal, State and local laws and regulations shall also apply.

D. Hazard Details. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the Township.

E. Conditional Uses and Special Exceptions. In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas, fencing or other safety elements may be required by the Township if the nature of the proposed use as determined by the Township so requires.

5. Electromagnetic Radiation and Radioactive Radiation.

A. Electromagnetic Radiation. 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 then current regulations of the Federal Communications Commission and other applicable regulations.

B. Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with all applicable state and federal regulations.

6. Noise.

A. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is steady, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or beyond the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use		
Receiving Land Use Category	**Time**	**Sound Level Limit**
Residential, Public Space, Open Space or Institutional	1. 7 a.m. – 9 p.m. 2. 9 p.m. – 7 a.m. plus Sundays and Legal Holidays	1. 60 dBa 2. 50 dBa
Commercial or Business	1. 7 a.m. – 9 p.m. 2. 9 p.m. – 7 a.m. plus Sundays and Legal Holidays	1. 65 dBa 2. 60 dBa
Industrial	At all times	70 dBa

B. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBa. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBa over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the “fast” meter characteristic of a Type II meter, meeting ANSI S1.4-1971.

C. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.

(3) Domestic power tools, between the hours of 8 a.m. and 9 p.m.

(4) Explosives and construction operations.

(5) Motor vehicles during normal operation on public and private roads.

(6) Public celebrations, specifically authorized by the Township.

(7) Surface carriers engaged in commerce by railroad.

(8) The unamplified human voice.

(9) Periodic outdoor sports or entertainment activities approved by the Township.

7. Vibration. No vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness. This requirement shall not apply to occasional blasting and other operations conducted in accord with applicable regulations that may be necessary during construction of streets, structure and utilities, and mineral extraction operations in compliance with state regulations.

8. Control of Light and Glare. Proposals which are governed by the Township Subdivision and Land Development Ordinance shall comply with the light and glare standards of that Ordinance. All other uses shall comply with the requirements of this §27-1008.8.

A. Purpose. To set standards for outdoor lighting to:

(1) Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;

(2) Protect drivers and pedestrians from the glare of non-vehicular light sources;

(3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; and

(4) Promote energy efficient lighting design and operation.

B. Applicability.

(1) This §27-1008.8 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.

(2) Exemptions. The following lighting applications are exempt from the requirements of this §27-1008.8:

(a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.

(b) Lighting for public monuments and statuary.

(c) Underwater lighting in swimming pools and other water features.

(d) Low voltage landscape lighting.

(e) Individual porch lights of a dwelling.

(f) Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.

(g) Temporary lighting for theatrical, television, performance areas and construction sites.

(h) Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.

(i) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards.

(1) Illumination Levels. Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA).

(2) Luminaire Design.

(a) Horizontal Surfaces.

i. For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.

ii. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

(b) Non-horizontal Surfaces.

i. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.

ii. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

(3) Control of Glare.

(a) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(b) Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

(c) *Barn lights*, aka *dusk-to-dawn lights*, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.

(d) The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate parking areas.

(e) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted as a conditional use.

(f) Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §27-1008.8.C(3)(e). The use of motion detectors is permitted.

(g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

(h) Light Spillover.

i. Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0. 1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall not include glare from digital or other illuminated signs.

ii. Non-residential. The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.

(i) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, see §27-1008.8.D.

(j) The United States and the state flag may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

(k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained flootcandles and the maximum density shall not exceed 30 initial footcandles.

(l) Soft lighting around building exteriors shall not exceed 15 initial footcandles.

(m) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

(4) Installation.

(a) Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.

(b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, shielded by steel bollards or protected by other effective means.

(c) Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.

(d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.

(e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

(5) Maintenance. Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Chapter.

(6) Billboards and Signs. The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

(a) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.

(b) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.

(c) Electronic message signs shall comply with the requirements of §27-1710.

(d) The illumination of a billboard within 400 feet of a residential use shall not be permitted.

(e) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

(f) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

D. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential or open space properties. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

(1) Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §27-1008.D(5).

(2) A proposed illuminated recreational facility located within a residential district or sited on a nonresidential property located within 1,000 feet of a property in a R-1, V or CV District shall be considered a conditional use.

(3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games

(4) Maximum mounting heights for recreational lighting shall be in accordance with the following:

(a)	Basketball	20 feet
(b)	Football	70 feet
(c)	Soccer	70 feet
(d)	Lacrosse	70 feet
(e)	Baseball and softball	
i.	200-foot radius	60 feet
ii.	300 -foot radius	70 feet
(f)	Miniature golf	20 feet (See *driving range* in §27-1008.8.D(1).)
(g)	Swimming pool aprons	20 feet
(h)	Tennis	20 feet
(i)	Track	20 feet
(j)	All uses not listed	20 feet

(5) Visual Impact Plan. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §27-1008.8.E, but also by a Visual Impact Plan that contains the following:

(a) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.

(b) Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.

(c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.

(d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §27-1008.8.C(3).

(e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.

(f) A narrative describing the measures proposed to achieve minimum off-site disturbance.

E. Plan Submission. Lighting plans shall be submitted for Township review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:

(1) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.

(2) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Chapter. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.

(3) Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.

(4) Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

(5) Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

(6) When requested by the Township for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §27-1008.8.D(5).

(7) Plan Notes. The following notes shall appear on the Lighting Plan:

(a) *Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which*

demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.

(b) *The Township reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.*

(c) *All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.*

(d) *Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation*.

F. Violations; Safety Hazards.

(1) When the Zoning Officer determines that a lighting installation violates any provision of this Chapter or creates a safety hazard, an enforcement proceeding shall be initiated in accord with §27-1412.

(2) If appropriate corrective action has not been effected within fifteen (15) days of notification, the Township may take appropriate legal action.

G. Non-Conforming Lighting. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §27-1008.8 when:

(1) It is deemed by the Zoning Officer to create a safety hazard;

(2) It is replaced, abandoned or relocated;

(3) There is a change in use; or

H. Definitions. Words and phrases used in this §27-1008.8 shall have the meanings set forth in this §27-1008.8.H. Words and phrases not defined in this §27-1008.8 but defined in Part 16 shall be given the meanings set forth in said Part. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

ARCHITECTURAL LIGHTING - Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

FOOTCANDLE - The amount of illumination the inside surface of a 1 -foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

FULL CUTOFF - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is *fully shielded*.

FULLY SHIELDED - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed.

GLARE - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

LAMP - A generic term for a source of optical radiation, often called a "bulb' or "tube."

LED-Light Emitting Diode.

LIGHT FIXTURE. The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), not included the support assembly (pole or mounting bracket).

LIGHTING SYSTEM - On a site, all exterior electric lighting and controls.

LIGHT TRESPASS - Light emitted by a lurninaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LUMEN - As used in the context of this Chapter, the light-output rating of a lamp (light bulb).

LUMINAIRE - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

LUMINAIRE, SHIELDED DIRECTIONAL - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

9. Odors. No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements.

10. Other Forms of Air Pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted except in full compliance with PA DEP requirements.

11. Surface and Ground Water Protection. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination.

    A. Report. The Township may require the applicant to submit a report from a qualified engineer or geologist detailing:

        (1) The geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality.

        (2) The potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions.

        (3) The use of ground water and any processes that could result in the depletion of ground water supplies.

    B. Large Volume Use. In cases where the use is of such a nature that large volumes of ground water are required, the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within 1,000 feet of any portion of the property where the proposed use will be located.

    C. Conditional Uses and Special Exceptions. In the case of conditional uses and special exceptions the Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township.

12. Stormwater Management and Soil Erosion Control.

    A. Stormwater Management. Stormwater management shall be provided in accord with the Township Brodhead and McMichaels Creeks Stormwater Management Ordinance and the Township Subdivision and Land Development Ordinance.

    B. Soil Erosion and Sedimentation Control.

(1) All soil erosion and sedimentation control plans shall meet the specifications of the Monroe County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control and the Township Stormwater Management Ordinance.

(2) Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Monroe Conservation District. Failure to install and maintain the controls shall constitute a violation of this Chapter.

13. Waste Materials.

A. Storage. No liquid, solid, toxic or hazardous waste shall be stored, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers.

B. Discharge. No waste discharge shall be permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground except in accord with applicable state and federal regulations.

C. Disposal. All waste materials shall be disposed of only in accord with all applicable Township, state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

D. Trash Storage. Outdoor trash storage areas shall be designed and maintained to be completely screened from view by a landscape buffer or other approved screening not less than 8 feet in height, and the storage area shall conform to all building setbacks. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

14. Settling and/or Storage Ponds and Reservoirs. All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than 4 feet high and of a design to restrict access to the area to be controlled. Any such facility which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than 8 feet high.

15. Security. In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall:

A. Describe the specific services to be offered, type of patients and/or residents, to be served, and the staff to be employed for this purpose.

B. Identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security.

C. At a minimum, provide for the reasonable restriction of unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof.

D. Include measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

16. Industrial and Manufacturing Traffic. Traffic to an industrial or manufacturing use shall not use a local street through a

residential district, except for emergency vehicle access.

17. Heat. Heat, defined as thermal energy of a radiated, conductive or convective nature, emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10°F., whether such change be in the air or in the ground, in a natural stream or lake, or in any structure of such adjacent property.

18. Other Regulations. The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, may require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including, but not limited to, the PA Department of Transportation, the PA Department of Environmental Protection the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

§27-1009. Water Supply and Sewage Disposal.

1. Water Supply. All uses shall be provided with an adequate and safe water supply meeting Township and PA DEP requirements, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses shall assure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.

2. Sewage Disposal.

   A. System Required. All uses shall be provided with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the PA DEP. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with PA DEP or local sewer authority requirements.

   B. Recertification of On-lot Systems. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the system if necessary for the proposed flow.

§27-1010. Special Conservation Standards.

All uses permitted by this Chapter shall be subject to the following special conservation performance standards. The procedures and standards are as follows:

1. Steep Slope Areas. In order to preserve the natural vegetation and to minimize erosion, sedimentation and rainfall runoff, the following controls, limitations, restrictions and conditions are placed on use of the areas having a slope in excess of 25 percent. The following uses are permitted in an area designated as steep slope area:

   A. Agricultural operations, exclusive of buildings, not requiring cultivation.

   B. Outdoor plant nurseries.

   C. Forestry, tree farming and seed production, exclusive of storage and mill structures.

   D. Parks, playgrounds and recreational uses.

   E. Residential, commercial and industrial development subject to the following conditions: A special building and grading plan(s) shall be required for proposed development located in steep slope areas which have a slope of 25 percent or more. The plans shall contain, but not be limited to, existing and proposed contours, areas to be disturbed, location of structures and methods of minimizing rainfall runoff and preventing erosion. The Township Engineer shall review the plan and determine its adequacy for minimizing rainfall runoff and preventing erosion

prior to issuance of a permit and shall submit the plan to the Monroe County Conservation District when requested, for comment prior to issuance of a permit.

2. Buffers for Streams, Wetlands, Vernal Ponds and Lakes.

   A. Buffers. Buffers for streams, wetlands, vernal ponds and lakes shall be provided in accord with the Township Brodhead and McMichaels Creeks Stormwater Management Ordinance.

   B. Wetland Studies.

      (1) It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submission of development plans.

      (2) Wetlands shall be delineated by a qualified professional as determined by Board of Supervisors.

      (3) If no wetlands are present, the applicant shall provide a certified statement to that effect.

3. Flood Area Controls. In order to preserve and restore the efficiency and carrying capacity of floodways; conserve the natural runoff characteristics and ground water replenishment water level; preserve and maintain areas of drainage; preserve and maintain the natural regime, current and cross-section of the waters of the Township; protect property and people in the flood areas from damage of flood waters and from materials carried by such flood waters; the following controls, limitations, restrictions and conditions are placed on use of premises within any flood area:

   A. The following uses are permitted in an area designated as a flood area and no others, except as hereinafter provided:

      (1) Customary agricultural operations exclusive of buildings as defined in this Chapter.

      (2) Outdoor plant nurseries.

      (3) Forestry and seed production excluding storage and mill structures.

      (4) Parks, playgrounds and recreational uses.

   B. Structures or other matter may not be placed in streams or flood areas where they may impede, retard or change the direction of the flow of water in such stream, or flood area, or where they will catch or collect debris carried by such water, or where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the said stream or floodplain, except as such structures may be elevated or floodproofed in accordance with applicable Township, State or Federal statutes or regulations.

   C. The physical characteristics, including excavation and fill, of a flood area may be altered when authorized as a special exception by the Zoning Hearing Board under Part 11 of this Chapter, providing approval has been obtained from the Department of Environmental Protection, and any other governmental agency having jurisdiction for such alteration prior to the application for such special exception.

   D. Flood areas shall include, but not be limited to, those areas shown on the Flood Insurance Rate Map for Jackson Township prepared by the Department of Housing and Urban Development, Federal Insurance Administration. The owner shall have the obligation, if required by the Zoning Hearing Board, to provide that any area is not in fact in a flood area and therefore is not subject to the restrictions imposed by this §27-1010.3. All development shall be in accordance with the Township Brodhead and McMichaels Creeks Stormwater Management Ordinance.

§27-1011. Property Line Buffer Areas

It is the intent of this section to preserve the rural character of the Township by requiring the conservation of trees and

other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's agricultural and other open land is vital to the rural character of the Township, which is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township in accord with a timber harvesting plan using best management practices. (Note: This §27-1011 shall not apply to agricultural uses and lands owned by the Commonwealth of Pennsylvania or the Pennsylvania Game Commission.)

1. Natural Vegetation. In order to minimize soil erosion and storm water run-off, and to preserve the rural character of the Township, natural vegetation shall be maintained to the greatest extent possible.

   A. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.

   B. Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover.

   C. In the case of conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Township where the same are determined by the Township as necessary to protect adjoining uses.

2. Buffer Areas Prior to Development Approval. In addition to the requirements of §27-1011.1, the following requirements shall apply to all parcels in V, RC, C, I and CV Districts and parcels of more than ten (10) acres in R-1 Districts.

   A. A buffer shall be maintained until such time as a development plan is approved for the parcel and buffers are provided in accord with this Chapter. The buffer shall not be less than 75 feet in width and shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below 50 percent of the basal area present before cutting or below 65 square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

   B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

§27-1012. Traffic Impact Study (TIS)

1. Purpose. Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and to:

   A. Ensure that proposed uses do not adversely affect the transportation network.

   B. Identify any traffic problems associated with site access

   C. Determine traffic problems on private, Township, County or State roads in the project traffic study area.

   D. Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

2. Thresholds. A traffic impact study (TIS) shall be required for all residential and nonresidential proposals that are projected to generate150 or more trip-ends per project peak hour or 1,500 trip-ends or more per day based on the

latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) that meet or exceed the peak hour or daily thresholds.

3. Requirements.

A. State Roads. In cases where PennDOT requires a TIS for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.

B. Township Roads. If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

Part 11

Special Exceptions and Conditional Uses

In addition to all other applicable standards in this Chapter, the standards in this Part 11, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Chapter sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

§27-1101. Intended Purpose.

Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township of Jackson, and at the same time recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are designated as special exceptions or conditional uses.

§27-1102. Guiding Principles.

1. The use for which application is being made shall be specifically authorized as a special exception or conditional use in the zone in which proposed.

2. The design, arrangement and nature of the particular use are such that the public health, safety and welfare will be protected and reasonable consideration is afforded the:

   A. Character of the neighborhood and zone.

   B. Conservation of property values.

   C. Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood.

   D. Potential congestion of vehicular traffic or creation of undue hazard.

   E. Principles and objectives of this Chapter.

§27-1103. Requirements for All Conditional Use and Special Exception Applications.

(See §27-1405.2 for special exception procedure and §27-1405.3 for conditional use procedure.)

1. The applicant may contact the Zoning Officer to arrange a pre-submission conference to informally outline the nature of the request and to determine the nature of the information outlined in §27-1103.2 to be supplied on the site development plan. In addition to the site development plan, the applicant shall also submit a statement setting forth full particulars of the need, purpose and operation of the structure or use.

2. The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, architect, or other competent person. Site development plan elements shall include those listed below which are appropriate to the proposed development or use:

   A. Legal Data.

      (1) Tax number of the property from the latest tax records.

      (2) Name and address of the owner of record.

      (3) Name and address, person, firm or organization preparing the map.

      (4) Date, north point, written and graphic scale.

(5) Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed 1 in 5,000.

(6) The locations and owners of all adjoining lands as shown on the latest tax records including those across any street.

(7) The locations, names and existing right-of-way widths of adjacent streets.

(8) Locations, width and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within or adjoining the property.

(9) A complete outline of existing deed restrictions or covenants applying to the property.

(10) Zoning district in which the property is located.

B. Natural Features.

(1) Existing contours and proposed finished contours with intervals of 20 feet or less, as may be required to adequately define the property.

(2) The boundary of any area subject to flooding, including stormwater overflow area.

(3) Location of existing wetlands, watercourses, including intermittent streams, rock outcrops, wooded areas and any other natural features.

(4) Soil survey data as taken from the Soil Conservation Soil Survey or as mapped by a qualified soils scientist.

(5) Soil percolation test results as required.

C. Utilities, Structures and Uses on and Immediately Adjacent to the Site.

(1) Location of all utilities including but not limited to:

(a) Power lines.

(b) Telephone lines.

(c) Storm sewers (including culverts) giving dimensions, grades, and elevations and direction of flow.

(d) Sanitary sewers, giving dimensions, grades, elevations and direction of flow.

(e) Water lines, giving dimensions and elevations.

(2) Curbs and gutters, sidewalks, paved areas and access.

(3) Outline of existing structures and use areas.

(4) Fences, landscaping, screening and other improvements.

D. Proposed Improvements and Use.

(1) Design and location of all uses and use areas not requiring structures.

(2) Location of proposed buildings or structures.

(3) Design and location of all outdoor signs, if any.

(4) Design and location of driveways, areas including existing and proposed profiles and cross-sections.

(5) Location of proposed well and sewage disposal systems or water and sewer lines.

(6) Plan and location of any proposed grading, landscaping or screening.

(7) Copy of any proposed deed restrictions or covenants.

(8) Plan and location of any proposed public improvements on or adjacent to the property.

(9) Stormwater management plan.

(10) Soil erosion and sedimentation control plan, approved by the Monroe County Conservation District.

E. Any other information which may be determined during a presubmission conference to be necessary to ascertain the conformity on the site plan with the intent and requirements of this Chapter.

Part 12
Standards for Specific Uses

In addition to all other applicable standards in this Chapter, the standards in this Part 12, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Chapter sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

§27-1201. Adult Businesses.

1. Findings. In adopting these standards which apply to adult businesses, the Township has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of The Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Township, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Northend Cinema, Inc., v. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

   A. Health Concerns. The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.

   B. Behavior. Certain employees of sexually oriented business regulated by this Chapter as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.

   C. Sexual Acts. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Chapter as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.

   D. Unhealthy Conditions. Offering and providing such space, encourages such activities, which create unhealthy conditions.

   E. Sexual Activities. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

   F. Communicable Diseases. At least fifty 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.

   G. Unhealthy Conditions. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

   H. Bodily Fluids. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view *adult* oriented films.

   I. Accountability. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that

operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

J. Externalities. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

K. Operational Characteristics. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

L. Reason for Control. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

2. Intent. It is the intent of this §27-1201 to:

A. Secondary Effects. Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.

B. Zoning District. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.

C. Content. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.

D. First Amendment. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.

E. Intended Market. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

F. PA Code. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

3. Standards. In addition to the other applicable general standards and the conditional use criteria contained in this Chapter, the following standards shall apply to adult businesses:

A. Setback. Adult businesses shall not be located less than 500 feet from any:

(1) Building used primarily for worship.
(2) Public or private school or college.
(3) Public recreation building or facility.
(4) Public library.
(5) Public museum.
(6) Child day care center.
(7) Commercial enterprises catering primarily to persons less than 18 years of age.
(8) Gaming establishment.

B. Similar Businesses. Adult businesses shall not be located within 1,000 feet of any other adult business.

C. Measurement. The setbacks established in this §27-1201 shall be measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies. In the case of a required setback use without a building, the setbacks shall be measured from the nearest edge of the building used for the adult business to the nearest point of any structure associated with the use from which the setback applies. The measurement shall be made in a straight line without regard to intervening structures or objects.

D. Enlargement. An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of this Chapter, but only in accord with the limitations of this Chapter.

E. Limit of One Use. It shall be a violation of this Chapter for any person to cause or permit: the operation, establishment, or maintenance of more than 1 adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.

F. Nonconformity. Any adult business lawfully operating on the date of enactment of this Chapter that is in violation of any of the provisions of this §27-1201 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection "D" above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Chapter be changed to any type of adult business.

G. Location of New Neighboring Uses. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §27-1201.3.A is developed within the required setback distance.

H. Lighting. Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Chapter.

I. Visibility. Any building, structure, or room used and occupied as an Adult Business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.

J. Signs. Exterior signs shall comply with the provisions of Part 17; however, business identification signs shall be limited to a maximum of 20 square feet and signs attached to the building facade shall be limited to a maximum total of 10 square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.

K. Entrances. Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of 18 are not permitted to enter, and warning all others that they may be offended upon entry.

L. Physical or Sexual Contact. No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers. At an Adult Live Entertainment Use or Facility, employees, entertainers and dancers shall maintain a minimum distance of 3 feet from customers.

M. Hours of Operation. The use shall not operate between the hours of 2 a.m. and 7 a.m.

N. Viewing Booths. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

O. Garments. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Use or Facility.

P. State Law Compliance. As a specific condition of approval under this Chapter, the applicant shall prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

Q. Exemption for Modeling Class. Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §27-1201:

(1) By a proprietary school, licensed by the State, or an academically accredited college or university;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;

(3) In a structure.

(a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(b) where, in order to participate in a class, a student must enroll at least 3 days in advance of the class; and

(c) where no more than one (1) nude model is on the premises at any one time; or

(4) By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

§27-1202. Airports and Heliports

The standards in this §27-1202, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports and heliports as defined and regulated by this Ordinance.

1. Conditional Use. The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would affect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of Part 11, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

A. Any extension of a runway's length or location;

B. Any change in the height of a runway;

C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;

D. Any change of runway direction or alignment;

E. Any change in the status of taxiways or holding areas affecting the location areas of airport hazard zones;

F. Any change in airport rating category under *67 Pa. Code §471.5* as amended, effecting or altering the location or extent of any airport hazard zone.

G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

2. Application Contents. The application for conditional use shall contain the following documents and information:

A. A full narrative description of the airport and any changes proposed.

B. Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.

C. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.

D. Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.

E. A plan showing of how the lands or air rights negatively affected shall be acquired.

F. A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of 75 feet from the surface of said lands by the change in airport hazard zones.

G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

3. Engineering Review. The Township Engineer shall review the application and report whether the application to the Planning Commission complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed airport or change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the airport or change, and upon the adequacy, feasibility and practicality of the applicant's plan to acquire the necessary air rights.

4. Notice to FAA, the Bureau of Aviation, and the County. The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Department by certified mail, at least 14 days before the date of the hearing.

5. Criteria to Review. In acting on a conditional use, the Supervisors shall consider:

A. The effect upon reasonable use of properties affected by the proposal.

B. How the applicant plans to acquire any necessary air rights.

C. The character of the flying operations expected to be conducted at the airport;

D. The nature of the terrain within the airport hazard zone area;

E. The character of the community which is affected by the proposal.

F. The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;

G. The provision of hazard lighting and marking;

H. The importance of aircraft safety.

6. Runway and Landing Pad Setbacks. The edges and ends of any runway and/or helicopter landing pad shall be a minimum of 250 feet from any property line.

§27-1203. Animals, Keeping of.

TABLE 27- 1203
LOT SIZE AND SETBACKS FOR KENNELS AND STABLES

Type of Use	Minimum Lot Size* (acres)	Land Requirements for Horses	Property Line Setback (ft.)	Road** Setback (ft.)	Existing Building*** Setback (ft.)
Private Stables in all Districts	2	1 acre per horse	75	75	100
Commercial Stables/Horses for Hire	25	1 acre per horse	100	75	100
Kennels	10	Not applicable	125	100	200

* Including the principal structure.
** Applies to any public or private road right-of-way.
***Applies to any existing principal residential or commercial building not located on the project premises.

1. Kennels. Kennels are considered regional uses permitted only in certain districts in the Planning Region in accord with §27-204.1 and are not permitted in Jackson Township. Changes and expansions of nonconforming kennels in Jackson Township shall be subject to the following conditions:

   A. Setbacks. Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall meet the setbacks on Table 27-1012.

   B. Parking. Adequate off-street parking shall be provided pursuant to this Chapter with one space for each non-resident employee and 1 space per 4 dogs kept on the premises.

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

   D. Hours Outdoors. All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 a.m.

   E. Wastes. All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §27-1203.1.A until disposed of and proof of such disposal shall be provided to the Township.

   F. Nuisances. All animal wastes shall be stored in an area meeting the setbacks in §27-1203.1.A and shall be disposed of properly.

2. Stables, Private. Private stables are permitted as an accessory use to a single-family residence in accord with the Schedule of Uses and the following conditions:

   A. Parcel Size. A minimum of 2 acres shall be required (plus one additional acre for each horse).

   B. Number of Horses. The number of horses permitted shall not exceed 1 horse per every 1 acre of land.

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

   D. Fences. All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.

E. Parking. Adequate off-street parking shall be provided pursuant to this Chapter.

F. Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written notarized letter stating the acceptance of a lesser, specified setback.

G. Existing Structures. On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 806-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.

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

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

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

(2) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 27-1012.

(3) Boarding of horses.

3. Stables, Boarding, Commercial and Horses for Hire. Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Chapter, comply with the following requirements:

A. Parcel Size. A minimum parcel of 20 acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Chapter and other applicable standards are met.

B. Number of Horses. The number of horses permitted shall not exceed 1 horse per every 1 acre of land.

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

D. Fences. All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.

E. Parking. Adequate off-street parking shall be provided pursuant to this Chapter with one space provided for each non-resident employee and 1 space per 2 horses kept on the premises.

F. Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 27-1012. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.

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

H. Uses Permitted. The following types of uses shall be permitted as part of the horse farm operation.

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

(2) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 27-1012.

(3) Boarding of horses, and necessary buildings and structures.

(4) The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.

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

(6) Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

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

A. A minimum parcel size of 5 acres shall be required.

B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.

C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.

E. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.

F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.

E. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.

H. The operation shall conform to all applicable local, state and federal laws and regulations.

I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.

J. The applicant shall provide for adequate disposal of any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

5. Animal Husbandry, Commercial and Home Use. In addition to the other applicable standards of this Zoning Ordinance, animal husbandry uses shall be subject to the following requirements:

A. State Protected Agricultural Operations. Nothing in this Zoning Ordinance is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such

uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

B. Animal Husbandry, Commercial.

(1) A minimum parcel size of 10 acres shall be required in the CV District and 20 acres in all other Districts.

(2) The minimum front, side and rear setback distances shall be 100 feet for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste in all Districts.

(3) The operation shall comply with PA DEP Chapter 102 rules and regulations.

C. Animal Husbandry, Home Use.

(1) The following minimum parcel sizes shall be required (including the dwelling unit):

(a) Livestock - 2 acres.

(b) Small animals and fowl – no minimum parcel size.

(2) The following minimum front, side and rear setback distances shall be maintained for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste:

(a) Swine - 100 feet.

(b) Other livestock - 75 feet.

(b) Small animals and fowl – 25 feet.

(3) The maximum number of animals shall not exceed the following:

(a) Cattle, bison, swine and similar animals - 1 per acre with a maximum total of 3.

(b) Sheep, goats, llamas, alpacas, ostriches, emus, and similar animals - 4 per acre with a maximum total of 12.

(c) Small animals and fowl - 10 per acre with a maximum total of 30.

(4) The keeping of rooster(s) and the raising of fur bearing animal(s) shall be prohibited.

(5) All animals shall be confined to the property of the animals' owner.

(6) Notwithstanding compliance with this §27-1203.5.C, the keeping of any livestock or small animals and fowl which constitutes a public nuisance as regulated by the Township Nuisance Ordinance shall be prohibited.

§27-1204. Bed and Breakfast Inn.

A Bed and Breakfast Inn as defined in Part 16 of this Chapter shall conform to the following requirements:

1. Guest stays shall be limited to a maximum of 14 consecutive days.

2. The maximum number of guest rooms shall be 5.

3. One sign may be erected on the property. The maximum size shall be 2 square feet, and it may be illuminated only by indirect lighting.

4. The inn must comply with local regulations including, but not limited to, fire, health, and building codes where applicable.

5. Bed and breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

6. Meals shall be served only to overnight lodgers.

7. The owner and/or manager shall live on the premises.

§27-1205. Bulk Fuel Storage Facilities.

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this §27-1205. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

1. Parcel Size. Bulk fuel storage facilities shall be located on a tract of land not less than three (3) acres in area.

2. Setbacks. Storage tanks shall be located not less than one hundred and fifty (150) feet from any property line or any road or street right-of-way line. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road or street right-of-way line.

3. Fence. The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township.

4. Other Regulations. Bulk fuel storage facilities shall be developed in complete compliance with all applicable local, state, federal and insurance regulations and requirements.

§27-1206. Campgrounds and Recreational Vehicle Parks.

Campgrounds and recreational vehicle parks shall comply with the Township Subdivision and Land Development Ordinance.

§27-1207. Cemeteries.

A cemetery as defined in Part 16 of this Chapter shall conform to the following requirements:

1. All cemeteries shall be located on a tract of land not less than 5 acres in area.

2. All graves or other places of burial shall be not less than 35 feet from any public road or street right-of-way line or property line.

3. Cemetery plot sales office buildings, maintenance buildings, and storage buildings shall be situated in accordance with the setback and building height requirements for principal buildings in the zone.

4. Interior roads and driveways shall be at least 20 feet in width and shall provide adequate access, within 100 feet to all grave sites.

5. Existing natural features, vegetation, and drainage patterns shall not be removed, changed, or destroyed except where absolutely necessary for the layout of the cemetery.

6. All cemeteries shall have a boundary of decorative fence at least 3 feet in height along all boundaries.

7. The provisions of this §27-1207 shall not apply to the expansion of public or religious cemeteries in existence prior to the original enactment of this §27-1207; however, any such expansion shall comply with other applicable ordinance provisions and any applicable State and Federal rules, regulations, statutes, codes and law.

8. The provisions of this §27-1207 shall not apply to private family cemeteries, provided the total number of individuals interred in any such cemetery does not exceed 10 on any one lot or group of lots and such internment complies with other applicable ordinance provisions and any applicable State and Federal rules, regulations, statutes, codes and law.

§27-1208. Clubs/Lodges, Private

Clubs/lodges, private as defined in Part 16 of this Chapter shall conform to the following requirements:

1. A statement setting forth full particulars on the operation of the use, a copy of the articles of incorporation, if a corporation, or trade name certificate, if any, shall be filed with the Zoning Officer. In addition, the Zoning Officer may, in any case, require that names and addresses of all charter members be furnished.

2. The proposed use must be a bona fide nonprofit organization operated solely for the recreation and enjoyment of the members of said organization.

§27-1209. Reserved.

§27-1210. Communication Towers, Antennas and Communication Equipment Buildings.

(See definition of *antenna* which excludes residence mounted satellite dishes and television antennas and amateur radio equipment including, without limitation, ham or citizen band radio antennas.)

1. Antennas and Communication Equipment Buildings.

   A. Building mounted antennas shall not be located on any single family dwelling or two family dwelling.

   B. Building mounted antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

   C. Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

   D. Directional or panel antennas shall not exceed 5 feet in height and 3 feet in width.

   E. Any applicant proposing an antenna to be mounted on a building or other structure shall submit verified drawing from a Pennsylvania registered professional engineer certifying and attesting 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.

   F. Any applicant proposing an antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer.

   G. Any applicant proposing an antenna to be mounted on a building or other structure shall submit credible evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

   H. Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure by electromagnetic radiation.

   I. Antennas shall not cause radio, TV or other wireless frequency interference with other communications facilities.

J. A communications equipment building shall comply with the height and setback requirements of the applicable zoning district for an accessory structure.

K. The owner or operator of antennas shall be licensed by the Federal Communications Commission to operate such antennas.

2. Communication Towers.

A. In addition to the information required elsewhere in this Chapter and the Jackson Township Subdivision and Land Development Ordinance, applications for communications towers shall include the following information and documentation:

(1) A report from a qualified and licensed professional engineer which:

(a) Describes the communication tower height and design including a cross section and elevation.

(b) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.

(c) Describes the communication tower's capacity, including the number and type of antennas that it can accommodate.

(d) Documents what steps the applicant will take to avoid interference with established public safety telecommunications, or other licensed telecommunications.

(e) Includes an engineer's license/registration number and seal.

(2) A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(3) Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:

(a) A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alternation" (FAA Form 7460-1) shall be submitted to the Jackson Township Zoning Officer.

(b) Proof of compliance with all applicable Federal Communications Commission, Federal Aviation Administration, Commonwealth Bureau of Aviation and any applicable airport zoning regulations.

(4) One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.

(5) A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property.

(6) Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.

(7) Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.

(8) Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.

(9) A written agreement to remove the communication tower within 180 days of cessation of use, which written agreement shall be in form acceptable to the Township.

(10) Written certification by applicant and applicant's engineer that the proposed antenna and equipment could not be placed on a preexisting facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.

(11) A letter of intent committing the communication tower owner and the common carrier(s) utilizing the communication tower, and their respective heirs, personal representatives, successors and assigns to allow Jackson Township and any other governmental agency to utilize the communication tower in the case of an emergency, upon reasonable terms and conditions.

(12) Any and all permits and/or approvals required from any and all local, State and Federal authorities shall be obtained by the applicant and copies of such permits and/or approvals forwarded to the Township upon receipt. Failure to obtain all required local, State and Federal permits and/or approvals within 6 months of the issuance of the zoning permit shall result in said zoning permit becoming null and void with no further action on the part of the Township.

(13) The applicant shall submit certification from a Pennsylvania registered professional engineer that the 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.

B. Additional standards for all communication towers erected, constructed or located within Jackson Township which are classified as a conditional use in the zoning district where proposed shall comply with the following requirements:

(1) A proposal for a new communication tower shall not be approved unless the Board of Supervisors finds that the communications equipment planned for the proposed communication tower cannot be accommodated on an existing or approved communication tower, public utility tower, building or other structure within Jackson Township, or within a 1 mile search radius of the proposed tower if such 1 mile search radius would include other municipalities, due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved public utility tower, communication tower, building or other structure, as documented by a qualified and licensed professional engineer, and the existing or approved public utility tower, communication tower, building or other structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the public utility tower, communication tower, building or other structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved public utility towers, communication towers, buildings and other structures within Jackson Township (or within the 1 mile search radius of the proposed site for the communication tower if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably.

(d) Addition of the planned communications equipment would result in electromagnetic radiation from such existing or approved public utility towers, communication towers, buildings and other structures exceeding applicable standards established by the FCC governing exposure to electromagnetic radiation.

(e) After a bona fide, diligent attempt, a commercially reasonable agreement could not be reached with the owners of such other public utility towers, communication towers, buildings or other structures.

(2) The proposed communication tower in the specific location desired must be necessary for the efficient operation and provision of the wireless communications service to the area or region for which it is proposed.

(3) The design of the proposed communication tower and related facilities and equipment shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of the properties owned by other property owners in the zoning district in which it is located.

C. Design Requirements.

(1) Any proposed communication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the communication tower is over 100 feet in height, or for at least one additional user if the communication tower is over 60 feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(2) Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration.

(3) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. Any other exterior lighting at the communication tower sight shall be directed away from all adjacent properties.

(4) All communication equipment buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects the architectural character of the neighborhood.

(5) The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.

(6) 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 20 feet in width and shall be unproved to width of at least 10 feet with a dust free, all weather surface for its entire length.

(7) Drainage facilities shall be provided in accordance with stormwater management regulations.

(8) All communication towers shall be surrounded by a 12 foot high non-climbable fence with barbed wire extending in an outward direction around the top of the said fence.

(9) Adequate off-street parking, but no less than one space, shall be provided to accommodate the needs of the communication tower and communication tower equipment building, which off-street parking shall be paved with a crushed stone surface at a minimum.

(10) Subdivision and/or land development approval (as applicable) shall be required for all proposed communication towers.

(11) All guy wires associated with any communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

D. Interference with Public Safety.

(1) No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service, changes in existing service, or additions of new antennas, telecommunication providers shall notify Jackson Township at least 10 calendar days in advance of such changes and allow Jackson Township to monitor interference levels during the testing process.

(2) Wireless communication facilities shall be maintained and kept in a state of repair so that the same shall not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.

E. Abandoned or Unused Communication Towers or Portions of Communication Towers. Abandoned or unused communication towers or portions of communication towers shall be removed as follows:

(1) All abandoned or unused communication towers and associated facilities shall be removed within 180 days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which requires the applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within 180 days of the cessations of operations at a site, the communication tower and associated facilities may be removed by Jackson Township and the cost of removal assessed against both the applicant and the owner of the property on which the communication tower and associated facilities exist.

(2) Unused portions of communication towers above the manufactured connection shall be removed within 180 days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new zoning permit.

F. Setbacks. The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to 100 percent of the antenna height, or the building setback requirements for the underlying zoning district, whichever is greater.

G. Lot Size. The minimum lot area requirement for a communication tower use shall be in accordance with the building setback requirements for the underlying zoning district, or the minimum area necessary to comply with the setback requirements of §27-1210.2.F, whichever is greater.

H. Antenna Height. The maximum antenna height shall not exceed 150 feet in any zoning district.

§27-1211. Convenience Store and Retail Establishment.

Convenience stores and retail establishments as defined in Part 16 of this Chapter shall conform to the following requirements:

1. All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least 50 feet from any street right-of-way line.

2. All ventilation equipment associated with fuel storage tanks shall be set back 100 feet and oriented away from any adjoining residential uses.

3. All automated teller machines shall be located, or contain convenient parking spaces, so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

§27-1212. Day Care Center (Child or Adult) or Nursery School.
Day care centers (child or adult) or nursery schools as defined in Part 16 of this Chapter shall conform to the following requirements:

1. This use may be considered as an accessory use to an existing or proposed principal use in the I- Industrial zone provided that all applicable provisions for its establishment are satisfied.

2. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and provide a copy of said certificate to the Township prior to occupancy approval by Jackson Township.

3. Outdoor play areas for children must be located in a side or rear setback and be sufficiently enclosed so as to provide for the health and safety of the children.

§27-1213. Day Care Home (Family or Group)
Day care homes (family or group) as defined in Part 16 of this Chapter shall conform to the following requirements:

1. The facility shall obtain a certificate of registration from the Pennsylvania Department of Public Welfare and provide a copy of said certificate to the Township.

2. Outdoor play areas must be located in a side or rear setback of the dwelling and be sufficiently enclosed so as to provide for the health and safety of the children.

3. Day care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

§27-1214. Development Sales Offices and Model Homes.
Development sales offices and model homes as defined in Part 16 of this Chapter shall conform to the following requirements:

1. Commercial activity conducted within the sales office and upon the development shall be limited to offerings within the development only.

2. The lot and structure shall conform to all requirements for single-family detached dwellings.
3. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.

4. The occupancy permit for the limited commercial activity shall be valid for a period of 5 years from the date of issuance and may be renewed, upon application, for one successive period. At the time of expiration of a valid permit or at the time all the lots within the development are conveyed prior to the expiration of the permit, the limited commercial activity shall cease and the use revert to a single-family residence. Only one such occupancy permit for the limited commercial activity may be issued to any developer in any single development.

§27-1215. Distribution Center/Truck Terminal.
Distribution centers/truck terminals as defined in Part 16 of this Chapter shall conform to the following requirements:

1. Minimum lot size shall be 5 acres.

2. The minimum setback adjoining any Residential District or adjoining any nonconforming residential use shall be not less than 100 feet.

3. The minimum setback adjoining any Commercial District or Recreation Commercial District shall be not less than 50 feet.

§27-1216. Domiciliary Care Home.
Domiciliary Care Home as defined in Part 16 of this Chapter shall conform to the following requirements:

1. If applicable the facility must be certified by the Monroe County Area Agency on Aging prior to occupancy approval by Jackson Township.

2. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single-family residence.

3. The domiciliary care home must be owner occupied, and only family members residing on the premises shall provide the care associated with a domiciliary care facility.

4. No facilities for cooking or dining shall be provided in individual rooms or suites.

5. The home must comply with all local regulations, including but not limited to fire, health, and building codes.

§27-1217. Gaming Establishments.

Off-Track betting and gaming facilities, when permitted by conditional use shall comply with the following requirements.

1. A gaming establishment shall not be permitted within 1,000 feet of any other separately deeded lot containing a gaming establishment. The distance between any 2 such facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded lots upon which each facility is located.

2. No gaming establishment shall be located within 1,000 feet of any residential use. The distance between any such facility and any residential use shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the facility is located to the closest point of the property line of any residential use.

3. No gaming establishment shall be located on the same separately deeded lot or within 1,000 feet of any separately deeded lot which contains any 1 or more of the following uses.

   A. Camp (for minors' activity),

   B. Child day care facility,

   C. House of worship or related use, or other similar religious facility,

   D. Community center,

   E. Museum,

   F. Parks and playgrounds,

   G. School or any kind of educational institution that provides instructions to minors,

   H. Other lands where minors congregate.

   The distance between any gaming establishment and any of the uses specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the off-track betting facility or gaming facility is located to the closest point on the exterior lot line of the separately deeded lot on which the specified use is located.

4. No more than 1 gaming establishment may be located within 1 building or be located on the same separately deeded lot.

5. The applicant shall furnish evidence satisfactory to the Township that the proposed use will not be detrimental to the use of adjoining lots due to hours of operation, light, and/or litter.

6. The applicant shall furnish evidence satisfactory to the Township as to how the use will be controlled so as to not constitute a nuisance, particularly concerning noise and loitering outside the building.

7. A working plan for the cleanup of litter shall be furnished and implemented by the applicant, subject to the approval by the Township.

8. The facility shall provide evidence of compliance with all applicable State and Federal regulations.

9. The facility shall comply with all other applicable regulations of this and other Township ordinances.

10. The facility shall provide 1 parking space for each employee plus sufficient spaces to meet the reasonable demands of the business as determined by the Planning Commission.

§27-1218. Group Homes.

Group homes as defined in Part 16 of this Chapter shall conform to the following requirements:

1. A plan showing the layout of the facility, specifically identifying all rooms or other areas of the property to be used and the uses to be made there, and all of the services to be provided.

2. The applicant shall meet all safety requirements for such facilities as required by any federal, state or local law. Group Homes shall be registered and licensed as required by either the Federal Government or the Commonwealth of Pennsylvania and shall be in compliance with all applicable rules and regulations of the licensing body.

3. Traffic shall not exceed normal residential levels and ingress and egress must be from safe and proper locations.

4. Each group home shall provide off street parking as required for single family dwellings.

5. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites.

6. Not more than eight (8) persons shall reside in a group home, <u>including</u> the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.

§27-1219. Group Quarters.

Group Quarters as defined in Part 16 of this Chapter shall conform to the following requirements:

1. A minimum of 250 square feet of habitable floor area shall be provided for each occupant.

2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.

3. Each group quarters shall provide 1 off street parking space for each occupant.

4. All group quarters shall comply with all applicable building, health, and fire codes.

5. All group quarters shall be connected to water and sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.

6. Group quarters may be an accessory or principal use but must be directly affiliated with a parent religious, educational, charitable, or philanthropic institution.

§27-1220. Junk Yards.

Junk yards are considered regional uses permitted only in certain districts in the Planning Region in accord with §27-204.1 and are not permitted in Jackson Township. Changes and expansions of nonconforming junk yards in Jackson Township shall, in addition to Township Ordinance No. 55 of 1990 Junk Vehicle – Automobile Salvage Yard Ordinance and all other applicable regulations, be subject to the following conditions:

1. Parcel Size and Setbacks.

   A. Setbacks: All junk yards shall maintain a setback of not less than 50 feet from any public road right-of-way unless state or federal regulations require a greater setback, 50 feet from property lines, and 250 feet from any residential district or any property the use of which is principally residential.

   B. Body of Water, Stream, Wetland, or Well Setback: No junk yard shall be located closer than 200 feet to any body of water, stream, wetland, or well.

2. Access. There shall be a minimum of two exterior points of entry to the junk yard, one specifically limited to the use of emergency vehicles.

3. Fence. All junk yards shall be completely enclosed by a chain link fence not less than 10 feet in height not less than 10 feet from any public road right-of-way and property lines. Evergreen trees 5 to 6 feet in height shall be placed on 12-foot centers immediately outside the fence. The fence and gate shall be maintained in such a manner as not become unsightly. There shall be not advertising of any kind placed on the fence. Junk shall not be stacked so as to protrude above the fence. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion or land is not being used of the storage of junk as defined in this Chapter.

4. Buffer. All junk yards shall be screened from view from all adjoining properties and any public right-of-way and natural vegetative cover shall be maintained in all required setbacks. Vegetative plantings of sufficient density or fencing of such design to effect the required screening may be used. In any case, a buffer not less than 20 feet wide shall be required in accord with §27-1008.1.

5. Dumping Prohibited. The area used for a junk yard shall not be used as a dump area for trash or garbage.

6. Burning Prohibited. No burning whatsoever shall be permitted on the premises.

7. Hazardous Materials. To further protect ground water and surface water all batteries, coolants, gasoline diesel fuel, engine oil, Freon any other petroleum products and any other noxious or potentially contaminating materials shall be removed from all junk within 2 working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials while stored on the premises shall be kept separately in leak proof containers at a central location on the premises.

8. Water Monitoring. The owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three month on any stream located on the premises or any stream within 500 feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period 2 samples shall be collected; 1 sample shall be taken from upstream of the junk yard drainage area and 1 sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and if said samples exceed the limits established by the Board of Supervisors, and if said samples exceeding the limits established by the Pennsylvania Department of Environmental Resources, the junk yard shall cease operation until such time as the source of the contamination has been identified and corrected. Tests results shall be submitted to the Township by the certified laboratory.

9. Fire Lanes. Fire lanes of a minimum width of 20) feet shall be maintained so that no area of junk shall span a distance of more than 50 feet

10. Noise. The junk yard shall comply with the noise standards in §27-1008.6.

11. Hours of Operation. Any activity associated with the operation of a junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 am and 8:00 pm and not on Sundays. During business hours, an adult attendant shall, at all times, remain on the premises.

12. Height. No junk shall be stacked or piled to a height of greater than 12 feet.

13. Storage. Paper, rags, plastic materials, garbage, organic waste and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than 1 month.

14. Tires. Tires shall not be stored or stockpiled in any junkyard in an amount exceeding 2 weeks of accumulation.

15. Public Nuisance. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin, and shall not constitute a nuisance due to hours of operation, noise, light or litter, the generation of dust, smoke or other pollutants, or the accumulation of stagnant water.

16. Lock and Door Removal. Locks shall be removed from junk or abandoned vehicles and doors shall be removed from freezers and similar items to prevent entrapment of children.

17. Subdivision and Land Development Ordinance. Applications for permits for junk yards, in addition to meeting the requirements of this Chapter for permits, shall follow the place submission and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

18. Financial Guarantees. Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

§27-1221. Landings/Haul Roads for Forestry and Stone Removal.

The intent of this section is to provide standards for accesses to public roads, setbacks for landings, and the restoration and stabilization of haul roads, skid roads and skid trails associated with 1) the cultivating, harvesting, transporting and selling trees for commercial purposes, and 2) the removal, collection, transporting and selling of flag stone, landscaping stone, and wall stone from existing stone walls or quarries which contain already quarried material.

1. Access to Public Roads.

   A. Highway Occupancy Permit. Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.

   B. Stabilization. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

   C. Weight Limitations. All operations shall comply with all posted weight limits and road bonding regulations.

   D. Use of Public Roads. Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.

   E. Road Ditches. Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-project condition.

2. Landings. Landings shall comply with the following requirements:

A. Setbacks.

(1) Residential and Nonresidential Buildings. Landing areas shall not be less than 200 feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.

(2) Property Lines. Landings shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.

(3) Public Roads. Landings shall not be less than 50 feet from any public road right-of-way.

(4) Streams, Water Bodies and Wetlands. Landings shall comply with all required water body, stream, and wetland buffers.

B. Slope. Landings shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

3. Restoration and Stabilization- Litter and Refuse.

A. Restoration and Stabilization. Following completion of the operation, all landings, skid roads and disturbed areas shall be smoothed to be free of ruts and shall be seeded to reestablish cover or shall be otherwise stabilized. Storm water diversion measures shall be used where necessary to prevent soil erosion.

B. Litter and Refuse. Litter and refuse, including but not limited to, oil cans, paper, plastic, and tires resulting from any operation shall be gathered, removed from the site, and disposed of properly.

4. Permit, E & S Plan.

A. Permit. All operations governed by this §27-1221 require a zoning permit and the application shall include a site plan accurately showing the location and setbacks for any landings.

B. E&S Plan. The applicant shall provide a copy of the soil erosion and sedimentation control plan and a copy of the plan approval letter from the Monroe County Conservation District.

§27-1222. Large-Scale Retail/Commercial Development.

1. General Provisions.

A. Applicability. This §27-1222 applies to all large-scale retail/commercial land.

B. Intent. This §27-1222 addresses the physical relationship between large-scale retail/commercial land development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement the Township's vision for an attractive, efficient, and livable community as described in the Township Comprehensive Plan.

The general intent of this §27-1222 is to promote sustainable business development by providing and requiring a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped open space, planned and designed as an integrated unit, and in a manner so as to provide an efficient, safe, convenient and attractive shopping and service areas in an area of the Township accessible to a regional road system.

More specifically, large-scale retail/commercial development shall:

(1) Create safe, efficient and separate pedestrian and vehicular circulation patterns;

(2) Protect existing residential areas from incompatible land uses;

(3) Result in well-planned and well-designed development in scale and character with the setting;

(4) Minimize the conflict between non-residential and residential uses;

(5) Manage access along the Township's commercial road frontages;

(6) Enhance streetscapes along road corridors and monitor and control billboards and other large signs;

(7) Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township

(8) Accommodate planned interconnected Township and regional open space within commercial areas;

(9) Protect large trees and other natural resources in accord with §601, §602 and §603 of the Township Subdivision and Land Development Ordinance; and,

(10) Protect property values.

2. Conflict. In the case of conflict between this §27-1222 and the other requirements of this Chapter or the Township Subdivision and Land Development Ordinance, the more restrictive standard shall apply.

3. Land Development Standards.

A. Intensity of Development, Area and Bulk Regulations. Intensity of development shall be determined by meeting all standards herein, as well as all requirements of the Zoning district in which the tract is located and the applicable requirements of the Township Subdivision and Land Development Ordinance.

B. Traffic Design. Large-scale retail/commercial land developments shall comply with the traffic and circulation design standards in the Township Subdivision and Land Development Ordinance.

C. Pad Sites. For pad site buildings located within 150 feet of a perimeter road of any classification, parking and aboveground utilities including mechanical equipment and trash collection areas shall be prohibited between the building and the road, but driving aisles shall be permitted between the building and the road.

D. Common Open Space. Common open space shall be provided in accord with the recreation land dedication requirements in §619 of the Township Subdivision and Land Development Ordinance.

(1) The common open spaces shall follow the design requirements in §603 and §619 of the Township Subdivision and Land Development Ordinance.

(2) In calculating common open space as required by §619 of the Township Subdivision and Land Development Ordinance the following standards shall apply:

(a) Areas not credited. Lands within the following areas shall not be counted towards Common Open Space or pedestrian amenities required by this section:

- Private yards;

- Landscaping and screening otherwise required by this Chapter and Chapter 98;

- Public or private roads or rights- of- way;

- Parking areas and driveways for dwellings; and

- Water quality and stormwater detention ponds.

(b) Dimensional requirements. Common open space areas shall have a minimum area of 300 square feet and in no case shall the length or width be less than ten feet. Common open space shall not exceed 20,000 square feet except where continuing an adjacent trail, park, or continuation of greenway land.

4. Reserved.

5. Outdoor Display, Storage and Sales Areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.

A. Outdoor Display Areas. All exterior display areas shall be separated by a minimum of ten feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of ten feet shall be maintained between the display items and any vehicle drives.

B. Outdoor Storage Areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by §27-1008.1 and §27-1008.2.

C. Outdoor Sales Areas.

(1) Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.

(2) Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

(3) If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building façade.

6. Landscaping. Landscaping shall meet the requirements of §27-1008.1 and §27-1008.2, and §615 of the Township Subdivision and Land Development Ordinance.

7. Parking. Parking shall meet the requirements of §27-1004.

8. Screening. In addition to the requirements in this §1222.8, screening shall also meet the requirements of §27-1008.1 and §27-1008.2 and §615 of the Township Subdivision and Land Development Ordinance. In the case of conflict, the more restrictive shall apply.

A. Mechanical Equipment.

(1) All ground-mounted and wall-mounted mechanical equipment, and any permitted outdoor storage shall be fully screened from on-site and off-site ground level views, with building materials identical to or of equal quality to those used on the building exterior.

(2) All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs to not be visible from public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.

B. Loading Docks. Loading docks shall be screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, complementary landscaping at time of planting, or combinations of the above.

C. Solid Waste. Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall be screened in accord §27-1008.1 and §27-1008.2.

9. Pedestrian and Bicycle Facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in the Township Subdivision and Land Development Ordinance.

10. Signs. All signs shall comply with the regulations in Part 17.

§27-1223. Mineral Extraction.

Mineral extraction as defined in Part 16 of this Chapter shall conform to the following requirements:

1. All mineral extraction operations and activities shall conform to all state and federal regulations and the applicant shall forward a copy of the Department of Environmental Protection permit to the Zoning Officer prior to the issuance of a zoning permit.

2. In addition to the minimum distance requirements set forth in state and federal regulations, the applicant shall maintain a minimum 200 foot wide buffer strip between the active mineral extraction operation and the exterior property lines. The vegetation in the buffer shall not be removed except to provide for adequate access, but shall be maintained and/or increased to provide for adequate visual screening of the operation.

3. The Board of Supervisors may require that all or portions of the extraction operations be enclosed with a fence to ensure the general welfare and public safety.

4. No dust, fumes, odor, vibration or noise in excess of 85 dBA in excess of 1 minute nor for a cumulative time in excess of 20 percent of any 1 day shall be discernible at the exterior property line. Noise control shall conform to the provisions of §27-1008.6.

5. Dust and debris shall not be allowed to accumulate within the right-of-way of any public road, and it shall be the responsibility of the owner of any such property, where the operations exist, to maintain the affected public roads in a clean condition satisfactory to the Township Board of Supervisors.

6. The grading, backfilling and replacement of all over burden material in a manner which will restore the premises to the same or more suitable condition and/or usable grade as existed on the original site is required.

7. All such excavations and backfilling operations must be adequately drained to prevent the formation of pools of water.

8. The side walls of any excavation operation which are not completely backfilled shall not have a slope steeper than 1 foot of vertical distance for each 2 feet of horizontal distance.

9. Nothing in this Chapter shall be construed to prohibit a property owner from conducting surface mining operations for the production of materials to be utilized totally within the confines of the property on which the mining operations are being conducted.

§27-1224. Mobile Home Parks.

Mobile home parks are considered regional uses permitted only in certain districts in the Planning Region in accord with §27-204.1 and are not permitted in Jackson Township.

1. Nonconforming Mobile Home Parks. Changes and expansions of nonconforming mobile home parks in Jackson Township, in addition to the applicable requirements of this Chapter, shall comply with the Township Subdivision and Land Development Ordinance.

2. Density. Density shall be determined by using the Adjusted Tract Acreage Approach in §27-1306.5 and a density factor of one mobile home site per acre.

§27-1225. Model Houses.
See §27-1214.

§27-1226. Multi-Family or Two-Family Conversions.
Any conversion of a building to multi-family or two-family dwelling units shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit density, living space, lot coverage, dimensions of setbacks and other open spaces, off-street parking, and other applicable standards.

§27-1227. Multi-Family or Single-Family Attached/Townhouse Dwellings.
Multi-family dwellings are permitted in certain districts in order to provide the opportunity for the development of a variety of housing types in the Township.

1. Project Design Process and Procedure.

   A. Subdivision and Land Development. Multi-family projects shall also subject to the Township Subdivision and Land Development Ordinance.

   B. Four-Step Design; Density.

      (1) Four-Step Design. All multi-family projects shall be designed using the Four-Step process for Conservation Design Development detailed in the Township Subdivision and Land Development Ordinance.

      (2) Density. The number of dwelling units permitted shall be determined in accord with the Adjusted Tract Area Approach requirements for Conservation Design Developments in §27-1306.5 and the density factor in the Multi-Family Dwelling Standards Table.

   C. Site Plan. A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

   D. Open Space

      (1) Minimum Requirement. The development shall include as conservation open space at least thirty (30) percent of the adjusted tract area plus all of the primary conservation areas in §27-1304.2.

      (2) Standards. Open space areas shall meet the standards of §27-1309 and §27-1310 shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in accord with the Township Subdivision and Land Development Ordinance.

2. Bulk and Density Standards; Parcel Configuration. The bulk and density factors listed in the Multi-Family Dwelling Standards Table shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2
Density -- number of dwelling units per acre of useable land area (See §27-1306.5 for Adjusted Tract Area)	2	4	4
Maximum number of dwelling units per building	6	8	10
Maximum building height (feet)	same as the zoning district		
Maximum lot coverage (percent)	applicable to overall project site, not individual lots - see §27-1227.1.D		

3. Design Criteria. The following design criteria shall apply to multi-family projects:

A. Setbacks. No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums; however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

B. Road Standards. Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance. Direct access of individual parking spaces to a road shall not be permitted, and any such access drive shall remain private.

C. Building Separation. All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.

D. Landscaped Buffers. Buffers shall be provided in accord with the landscaping requirements of the Township Subdivision and Land Development Ordinance.

E. Pedestrian Access. Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.

F. Trash Storage. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.

G. Architectural Renderings. Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

H. Single-Family Attached/Townhouses: Facade Changes. A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1)

building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

4. Non-Residential Use. Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

5. Common Property Ownership and Maintenance. In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with the Subdivision and Land Development Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

6. Water Supply and Sewage Disposal. All multi-family dwelling projects shall be served by an off-site water supply and an off-site sewage disposal system.

7. Lighting. Lighting shall be provided sufficient in number and intensity to provide for the safe movement of vehicles and pedestrians. Lighting shall not reflect toward public streets or cause any annoyance to surrounding properties.

§27-1228. - §27-1231. Reserved.

§27-1232. Place of Worship.
Places of worship as defined in Part 16 of this Chapter shall conform to the following requirements:

1. The primary organization utilizing the facility shall be a nonprofit organization registered in the Commonwealth of Pennsylvania.

2. Principal structures shall have minimum front, rear, and side setbacks of 75 feet each; all other setbacks and structures shall be sited in compliance with district requirements.

3. One single-family residence is permitted as an accessory use when located upon the same lot as the principal place of worship, subject to the following conditions.

   A. The total floor area of the residential use shall not exceed 25 percent of the floor area of the principal structure.

   B. The residents must be directly involved in the operation of the place of worship.

   C. All residential structures shall comply with the structure height and setback requirements of the zone in that it is located.

§27-1233. - §27-1237. Reserved.

§27-1238. Restaurant, Drive-In or Take-Out.
Restaurants, drive-in or take-out as defined in Part 16 of this Chapter shall conform to the following requirements:

1. The drive-in service shall have access to either an arterial or collector road.

2. Exterior trash receptacles shall be provided and routinely emptied so to prevent litter.

3. All drive-in window lanes shall be separated from the internal accessways of the parking lot.

4. Any exterior speaker/microphone system shall be arranged and/or screened to minimize the impact of objectionable noise impact upon adjoining properties.

5. All exterior seating and play areas shall be completely enclosed by a fence having a minimum height of 3 feet.

6. No part of the subject property shall be located within 200 feet of any residential zoning district or use.

7. Uses providing outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate visual and/or audible impacts on adjoining properties.

8. The applicant shall demonstrate adequate stacking lanes can be provided to prevent vehicle back-ups onto adjoining roads. The stacking lanes shall not count as parking spaces.

§27-1239. Restaurant, Traditional.
Restaurants, traditional as defined in Part 16 of this Chapter shall conform to the following requirements:

1. The applicant shall furnish evidence of an approved water supply and sewage disposal.

2. All off-street parking and/or loading areas shall be screened from adjoining residents and roads.

3. All restaurant seating shall be provided within the completely enclosed building, except that limited exterior seating may be provided if:

   A. Such seating is situated and designed so as not to adversely impact nearby residences;

   B. Such seating is accessory to the principal interior seating accommodations;

   C. During use, such seating is continuously supervised by an employee or owner of the restaurant;

   D. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties;

   E. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from outdoor seating; and,

   F. Such seating is removed during seasons when not in use.

§27-1240. Reserved.

§27-1241. Rooming and Boarding House.
Rooming and boarding houses as defined in Part 16 of this Chapter shall conform to the following requirements:

1. Any structure proposed as a rooming or boarding house shall have a habitable floor area in addition to that required for the person or family operating the facility of at least 300 square feet for each roomer or boarder.

2. No facilities for cooking or dining shall be provided in individual rooms or suites.

3. All rooming and boarding houses shall comply with all applicable local regulations, including but not limited to fire, health, safety, and building codes.

§27-1242. Reserved.

§27-1243. Solar Power Generation, Commercial.
In addition to all other applicable standards in this Chapter, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by this Chapter.

1. Purposes.

A. Location and Number. Accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

B. Critical Development Areas. Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.

C. Grid Infrastructure Costs. Minimize utility grid infrastructure development costs by requiring solar facilities to be near substations with the capacity to accommodate the generated electricity.

D. Traffic. Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

2. Permits; Use Regulations.

A. Permits: A permit shall be required for every solar power facility installed in the Township.

B. Associated Use: All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.

C. Solar Power Facility as a Second Principal Use: A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:

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

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

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

3. Standards and Design.

A. Parcel Size, Location, Setbacks, Lot Coverage.

(1) The minimum parcel size shall be 10 acres.

(2) The parcel shall not be more than three miles from a utility substation with the capacity to service the proposed facility.

(3) The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be 100 feet from property lines.

(4) The maximum lot coverage shall be 75 percent and the area of the solar collectors shall be included in the calculation of lot coverage.

B. Height. Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

C. Fencing. A fence may be required around the facility or portions of the facility for safety reasons.

D. Landscaping. Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

E. Licenses; Other Regulations; Insurance. The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; 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 solar power facility.

F. Access; Required Parking. Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

G. Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.

H. Glare. The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.

I. Reserved.

J. Standards; Certification. The design of the solar power 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 or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.

K. Uniform Construction Code. To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.

L. Electrical Components. All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

M. Warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

N. Signs. No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.

O. Transmission and Power Lines. On-site transmission and power lines shall, to the greatest extent possible, be placed underground.

P. Stray Voltage/Electromagnetic Fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.

Q. Emergency Services. The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.

R. Site Plan. A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Chapter.

4. Public Inquiries and Complaints. The solar power 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, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

5. Decommissioning.

A. Time Limit. The solar power facility owner and operator shall, at their own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

B. Depth Requirement. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

C. Disturbed Earth. 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.

D. Professional Engineer. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

E. Financial Security Bond. The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than $50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within 180 days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.

F. Funds. 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.

G. Landowner Responsibility. If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have 180 days to complete decommissioning.

H. Township Intervention. If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

I. Release of Decommissioning Funds. The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

§27-1244. Solid Waste Facilities.

(Note: Solid waste landfills are a regional use and are not permitted in Jackson Township. See §27-204.1.)

1. Intent. The intent of this §27-1244 is to minimize the effects of solid waste facilities on the environment, the community and the public health, safety and general welfare by:

   A. Controlling the location of facilities and establishing setbacks to minimize dispersal of material, provide adequate open space, minimize odors and limit the spread of vermin.

   B. Requiring fencing and buffers to prevent the dispersal of material and minimize odors.

   C. Establish base line testing and water quality safeguards to limit the leaching of any liquids into surface and ground water and minimize air and soil pollution.

   D. Establishing reporting procedures to ensure the proper operation and maintenance of the facility.

2. Compliance; Application.

   A. Compliance.

      1. Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities shall, in addition to the other applicable standards in this Chapter, be subject to all applicable state and federal regulations and the requirements of this §27-1244.

      2. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §27-1244 that the more stringent requirements shall apply.

   B. Application. In addition to the application requirements of this Chapter, the facility application shall include copies of all information, documents, plans and reports required by PA DEP.

3. Setbacks and Buffers.

   A. Setbacks. The facility shall comply with PA DEP requirements, but in no case shall any facility be operated less than :

      1. Two hundred fifty feet from a public or private right-of-way or property line.

      2. Seven hundred fifty feet from any occupied principal building unless the owner of the building has provided a written waiver consenting to the facility being closer than 750 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner. A closed landfill that submits an application to reopen and expand shall also be subject to this requirement.

   B. Buffers. The setback areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than 20 feet in width shall be provided in all setback areas in accord with §27-1008.1 and additional buffers and setbacks may be required.

4. Fencing. All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

5. Storage and Loading/Unloading. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and

unloading of solid waste shall only occur within an enclosed building with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.

6. Effluent Treatment. The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.

7. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

8. Emergency Access. The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided and maintained.

9. Hours of Operation. Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve, Christmas Day, New Year's Day, Memorial Day, 4th of July, Labor Day, or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.

10. Nuisances. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Township that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Township that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.

11. Attendant and Inspections. An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.

12. Traffic Study. The applicant shall provide a traffic study in accord with §27-1012 of this Chapter.

13. O & M and Reporting.

    A. O & M. The operation and maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit issued by the Township. Violations of this condition shall also be considered to be violations of this Chapter.

    B. Reporting. If the facility is approved by the Township, the operator shall concurrently submit to the Township a copy of all information, documents, plans and reports required by PA DEP, and shall forward to the Township a copy of all correspondence, notices and documents received from DEP which are related to the ongoing operation, maintenance and compliance of the facility.

    C. Violation. The failure to comply with the requirements of this §27-1244.13 shall be a violation of this Chapter.

§27-1245. Tavern.

Taverns as defined in Part 16 of this Chapter shall conform to the following requirements:

1. Buffers and screens shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes, but is not limited to, fences, walls, plantings, and open spaces.

2. The use shall not constitute a public or private nuisance.

3. The use must be more than 300 feet from any church, hospital, charitable organization, school, or public playground.

§27-1246. Reserved.

§27-1247. Vehicle and Equipment Rental, Repair or Sales Operations.

Vehicle and equipment rental, repair or sales operations as defined in Part 16 of this Chapter shall conform to the following requirements:

1. All such operations shall conform to district requirements and further provided that:

   A. No repair work is performed out of doors.

   B. Pumps, lubricating or other devices are located at least 30 feet from any street line or highway right-of-way.

   C. All fuel, oil, or similar substances are stored at least 35 feet from any street line or lot line.

   D. All automobile parts, dismantled vehicles, unlicensed vehicles, equipment and similar articles are stored within a building.

2. All fuel tanks or other such containers for the storage of flammable materials, either liquid or solid, shall be installed underground in accordance with the required permit issued by the Pennsylvania State Fire Marshal.

3. No motor vehicle or equipment parts or partially dismantled motor vehicles or equipment shall be stored outside of an enclosed building.

4. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective islands or provided for in a suitable metal stand or rack.

Part 13

Article 1
Conservation Design Development

§27-1301. Concept.

A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.

§27-1302. Purposes.

In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:

1. To conserve open land, including those areas in R-1, RC and V Districts containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands.

2. To conserve areas critical to the visual integrity of the landscape by setting them aside from development.

3. To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public viewing points.

4. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

5. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.

6. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.

7. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Township Comprehensive Plan* and the *Township Open Space and Recreation Plan*.

8. To implement adopted land use, transportation, and community policies as identified in the *Regional Comprehensive Plan* for Chestnuthill, Jackson, Eldred and Ross Townships.

9. To protect productive forest land in the Township for continued use by conserving blocks of land large enough to allow for efficient forest management operations.

10. To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.

11. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.

12. To provide multiple options for landowners in order to minimize impacts on environmental resources and sensitive lands such as streams, water bodies, wetlands, flood plain, and steep slopes, and minimize the disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls.

13. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

§27-1303. Districts; Development Options.

1. Applicability.

   A. Required in R-1 District. In all R-1 Districts, conservation subdivision design shall be required in accord with this Part 13 using Option 1, Option 2, Option 3 or Option 4.

   B. Optional in RC and V Districts. In all RC and V Districts, conservation subdivision design may be used at the developer's option in accord with this Part 13 using Option 1, Option 2, Option 3 or Option 5. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this Chapter.

2. Development Options. In order to achieve the purposes in §27-1302, this §27-1303 provides for flexibility in designing new residential subdivisions by allowing the following forms of development referred to as *options*, as listed below:

   A. By Right (Permitted Use) in R-1, RC and V Districts.

      (1) Option 1 - *Basic Density and Basic Conservation* providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §27-1306, with not less than 45 percent of the tract comprised of conservation open space.

      (2) Option 2 - *Increased Density with Increased Conservation* providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §27-1306, with not less than 55 percent of the tract comprised of conservation open space.

      (3) Option 3 - *Greater Density with Greater Conservation* providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §27-1306, with not less than 60 percent of the tract comprised of conservation open space.

      (4) Option 4 (R-1 District Only) - *Standard Subdivision* in R-1 Districts providing larger lots in accord with the standards in the Density and Conservation Open Space Table in §27-1306 and other applicable standards without providing open space. Any lots platted using this Option 4 shall be restricted from further subdivision.

   B. By Conditional Use in RC and V Districts.

      (1) Option 5 - *Hamlets and Villages*, providing for higher density residential and mixed-use/commercial development in the form of traditional hamlets and villages in accord with Part 13 Article 2.

3. RC and V Districts. In RC and V Districts tracts of 8 acres of gross tract area or larger may, at the Developer's option, be developed using Conservation Subdivision Design Development in accord with this Part 13.

4. R-1 Districts.

   A. Eight Acres or More. In R-1 Districts all tracts of 8 acres of gross tract area or larger shall be subject to Conservation Subdivision Design Development in accord with this Part 13.

   B. Limited Exemption. In lieu of the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance the normal subdivision process as governed by the Township Subdivision and Land Development Ordinance may be applied to parcels of 8 acres of gross tract area or larger validly existing as of the effective date of this Part 13 provided all of the following are satisfied:

      (1) The applicant shall submit with the subdivision application the applicable USGS 7.5 minute series

quadrangle showing the entire parcel and a sketch of the entire parcel showing the proposed lots in relation to the entire parcel. This will enable the Township and the applicant to identify and discuss any effects the proposed subdivision may have on the long term use of the property, primary and secondary conservation areas, and the network of open land in the Township.

(2) The total number of lots subdivided from the original tract (i.e., the parcel as it existed at the time of the effective date of this Part 13) shall not exceed 2 lots in any 5 year period.

(3) Each lot shall comply with the applicable District standards in Part 4 for R-1 Districts.

C. Less Than Eight Acres. Separately deeded tracts of less than 8 acres of gross tract area validly existing as of the effective date of this Part 13 may be developed as:

(1) A Conservation Subdivision Design Development in accord with this Part 13.

(2) A standard subdivision with each lot in compliance with the applicable District standards in Part 4 for R-1 Districts.

D. Act 319 Lands. On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of 1 lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this Part 13, and the lot shall count against the 2 lot maximum established in §27-1303.4.B(2).

E. Existing Conservation Easements. Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this Part 13 provided such easement preexisted the effective date of this Part 13 and the lot size stipulated in the easement for the lots to be subdivided complied with the requirements of the zoning ordinance provisions in effect at the time the conservation easement was recorded.

5. Conservation Design Process. All Conservation Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance.

§27-1304. General Regulations.

The design of all Conservation Subdivision Design Developments shall be governed by the following minimum standards:

1. Ownership. The development tract shall be held in single ownership.

2. Primary Conservation Areas. The proposed design shall conserve the Primary Conservation Areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under the Subdivision and Land Development Ordinance. Primary Conservation Areas include:

A. Delineated wetlands.

B. Floodplain (including the floodway) as shown on the Township Flood Insurance Rate Map.

C. Slopes of 25 percent or more.

3. Secondary Conservation Areas. The protection of Secondary Conservation Areas shall be addressed through the Four-Step Design Process detailed in the Township Subdivision and Land Development Ordinance.

§27-1305. Use Regulations.

1. Uses Permitted in Options 1 through 3. The following uses shall be permitted in Option1, Option 2 and Option 3 Conservation Subdivision Design Developments:

A. Single-family detached dwellings.

B. Two-family dwelling units, single-family attached units/townhouses, quadruplexes and multi-family dwellings.

C. Conservation open space with the uses permitted by §27-1309.

D. No-impact home-based businesses and home occupations in accord with §27-1002 and §27-1003, respectively.

E. Accessory uses on the same lot with and in accord with applicable District regulations.

2. Uses Permitted in Option 4. The following uses shall be permitted in Option 4 Conservation Subdivision Design Developments:

A. Single-family detached dwellings.

B. Conservation open space with the uses permitted by §27-1309.

C. No-impact home-based businesses and home occupations in accord with §27-1002 and §27-1003, respectively.

D. Accessory uses on the same lot with and in accord with applicable District regulations.

3. Uses Permitted In Option 5: Hamlets And Villages. See Article 2.

§27-1306. Maximum Dwelling Units and Minimum Conservation Open Space.

1. Dwelling Units The maximum number of dwelling units shall be determined by using 1 of 2 approaches: a calculation using the density factor in the Density and Conservation Open Space Table and the Adjusted Tract Area Approach in §27-1306.5, or by a Yield Plan detailed in §27-1306.6. The applicant shall determine which approach is most suitable.

2. Conservation Open Space. The minimum conservation open space shall be as set forth in the Density and Conservation Open Space Table, regardless of which method is used to determine the maximum number of dwelling units.

A. Delineation. Conservation open space shall be delineated to include all primary conservation areas and, in addition, sufficient secondary conservation areas that, when added to the primary conservation areas, shall not be less than the minimum required conservation open space.

B. Common Greens.

(1) In Option 1, Option 2 and Option 3 part of the required conservation open space may be in the form of common greens as follows:

(a) A minimum of 2 percent of the required conservation open space when the average lot size is 15,000 square feet or more.

(b) A minimum of 3 percent of the required conservation open space when the average lot size is less than 15,000 square feet.

(c) A maximum of 5 percent of the required conservation open space.

(2) In Option 5, at least 15 percent of the required conservation open space shall consist of multiple common greens, squares, or parks.

C. Conservancy Lots. In Option 1, Option 2 and Option 3, up to 80 percent of the required conservation open space may be in the form of conservancy lots of not less than 10 acres in size provided:

(1) The conservancy lot is permanently restricted from further subdivision or development is used only for those uses listed in §27-1309.

(2) The restriction shall be in the form of a conservation easement as provided in the Township Subdivision and Land Development Ordinance.

3. Reserved.

4. Reserved.

5. Adjusted Tract Area Approach. Determination of the maximum number of dwelling units shall be based upon the following calculations:

A. Determine Gross Tract Area. Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.

B. Determine Constrained Land. Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If 2 or more resources overlap, only the resource with the highest protection factor shall be used.

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 0.50	=
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	=
E	wetlands as determined by a delineation		X 0.50	=
F	prohibitive steep slopes (25% or greater)		X 0.50	=
G	precautionary steep slopes (15% to less than 25%)		X 0.10	=
H	ponds, lakes and streams to the high water mark		X 0.50	=
I	**CONSTRAINED LAND = SUM OF A through H =**			

C. Determine Adjusted Tract Area (ATA). Adjusted Tract Area equals the gross tract area minus the constrained land.

ADJUSTED TRACT AREA		
A	gross tract area	_____ acres
B	minus Constrained Land from Constrained Land Table in §27-1306.5.B.	- _____ acres
C	equals Adjusted Tract Area	= _____ acres ATA

D. Maximum Number of Dwelling Units.

(1) In Options 1, 2 and 3, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) divided by the applicable density factor set forth in the Density and Conservation Open Space Table. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

MAXIMUM NUMBER OF DWELLING UNITS		
A	Adjusted Tract Area (from the Adjusted Tract Area Table in §27-1306.5.C) converted to square feet	_____ SF
B	divided by density factor (from the Density and Conservation Open Space Table)	÷ _____
C	equals maximum number of dwelling units	= _____ DU

(2) In Option 4, the number of dwellings shall be based on the minimum lot size listed in the Density and Conservation Open Space Table and other applicable standards in this Chapter and the Subdivision and Land Development Ordinance.

6. Yield Plan Approach (applicable to Options 1, 2 and 3).

A. Number of Units Permitted.

(1) Option 1. For Option 1, the maximum number of dwelling units shall be determined by a layout with conventional lots using the minimum lot size standards applicable to the District of location. The number of units permitted in the Conservation Subdivision Design Development shall equal the number of units on the Yield Plan, provided it meets the requirements of this section and the Subdivision and Land Development Ordinance applicable to conventional subdivisions.

(2) Option 2. For Option 2, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.25.[1]

(3) Option 3. For Option 3, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.43.[2]

B. Constrained Lands. For the purposes of meeting the minimum lot size requirement in the Option 1 Yield Plan the proportion of constrained land as calculated using the protection factors in the Constrained Land Table in 27-1306.5.B shall not be included.

C. Plan Requirements.

(1) SALDO Requirements. Yield Plans shall be prepared in accord with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it shall be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if un-severed, the suitability of soils for subsurface sewage disposal.

[1] The 1.25 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (e.g., 30,000 SF ÷ 24,000 SF = 1.25).

[2] The 1.43 multiplication factor was determined by dividing the Option 1 density factor by the Option 3 density factor (e.g., 30,000 SF ÷ 21,000 SF = 1.43).

DENSITY AND CONSERVATION OPEN SPACE							
OPTION 1 Basic Density and Basic Conservation neutral density)		**OPTION 2** Increased Density with Increased Conservation 20% density bonus (ATA/unit reduced by 20%)		**OPTION 3** Greater Density with Greater Conservation 30% density bonus (ATA/unit reduced by 30%)		**OPTION 4** Standard Subdivision with no Conservation Open Space	
Density Factor (SF ATA / DU[1])	**Minimum Conservation Open Space Required[2]**	**Density Factor (SF ATA / DU[1])**	**Minimum Conservation Open Space Required[2]**	**Density Factor (SF ATA / DU[1])**	**Minimum Conservation Open Space Required[2]**	**Minimum Lot Size (SF)**	**Minimum Conservation Open Space Required[3]**
R-1 Residential District - Option 1, Option 2, Option 3 or Option 4 required.							
R-1 - Community Water Supply and/or Community Sewage System							
30,000	45% ATA	24,000	55% ATA	21,000	60% ATA	60,000	none
R-1 - No Community Water Supply and No Community Sewage System							
87,120	45% ATA	69,700	55% ATA	60,980	60% ATA	174,240	none
V Village District - The developer may use Option 1, Option 2 or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this Chapter.							
V - Community Water Supply and Community Sewage System							
15,000	45% ATA	12,000	55% ATA	10,500	60% ATA	not applicable	
V - Community Water Supply or Community Sewage System							
25,000	45% ATA	20,000	55% ATA	17,500	60% ATA	not applicable	
V - No Community Water Supply and No Community Sewage System							
43,560	45% ATA	34,850	55% ATA	30,490	60% ATA	not applicable	
RC Recreation Commercial District - The developer may use Option 1, Option 2 or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this Chapter.							
RC - Community Water Supply and/or Community Sewage System							
20,000	45% ATA	16,000	55% ATA	14,000	60% ATA	not applicable	
RC - No Community Water Supply and No Community Sewage System							
43,560	45% ATA	34,850	55% ATA	30,490	60% ATA	not applicable	

OPTION 5 - Hamlets and Villages - May be used by the developer in V and RC Districts. See Part 13 - Article 2. Community water supply and community sewage system is required.

40% density bonus (ATA/unit reduced by 40%)	**Density Factor (SF ATA / DU[1])**	**Minimum Conservation Open Space Required[2]**
V Village District	9,000	70% ATA
RC Recreation Commercial District	12,000	70% ATA

[1] SF ATA = square feet of Adjusted Tract Area in §27-1306.5.C.
[2] Plus Constrained Land calculated in §27-1306.5.B. (See Row I of Table.)
[3] Minimum conservation open space is permitted but not required.

(2) Resource Identification. The Yield Plan shall identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the required dimensional standards. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplain and land with slopes greater than 15 percent.

(3) Individual Sewage Disposal Systems. On sites not served by community sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by soils-based individual on-lot sewage disposal systems. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems.

Based on the Existing Resources/Site Analysis and observations made during an on-site visit of the property, the Township shall select a 10 percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second 10 percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual soils-based on-lot sewage disposal system.

7. Total Number of Dwelling Units. The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:

A. Maximum number of dwelling units permitted in §27-1306.5 or §27-1306.6, as selected by the applicant.

B. Any additional units permitted as the result of the discretionary density bonus permitted in §27-1308.

8. Preservation of Historic Dwellings. To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:

A. Such dwellings are at least 75 years old;

B. The dwelling is preserved in accord with the National Park Service historic preservation standards; and

C. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Township.

§27-1307. Dimensional and Design Standards for Option 1, Option 2 and Option 3.

1. Option 1, Option 2 and Option 3. The standards in the Dimensional Standards for Single-Family Dwellings Option 1, Option 2 and Option 3 Table shall apply to Option 1, Option 2 and Option 3.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal ►►►►	**community water and community sewage**	**on-lot water and community sewage**	**community water and on-lot sewage**	**on-lot water and on-lot sewage**
Minimum individual lot area	5,500 square feet	21,780 square feet	32,670 square feet	43,560 square feet
Minimum lot width at required setback	40 feet	70 feet	85 feet	100 feet

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal ►►►►	**community water and community sewage**	**on-lot water and community sewage**	**community water and on-lot sewage**	**on-lot water and on-lot sewage**
Minimum street frontage	35 feet	50 feet	50 feet	50 feet
Maximum depth to width ratio	5 to 1			
Flag Lots	permitted in accord with provisions of the Subdivision and Land Development Ordinance			
Setback Regulations				
- minimum front	20 feet	40 feet		
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

2. Option 4. The standards in the following Dimensional Standards for Single-Family Detached Dwellings Option 4 Table shall apply to Option 4.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 4 - Standard Subdivision		
	R-1 District community water supply and/or community sewage system	**R-1 District no community water supply and no community sewage system**
Minimum lot area	60,000 square feet (1.38 acres)	174,240 square feet (4.00 acres)
Maximum depth to width ratio	5 to 1	
Minimum front setback	40 feet	50 feet
Minimum rear setback	30 feet	40 feet
Minimum side setback	15 feet	25 feet
Maximum building height	Principal – 3 stories, but not more than 38 feet Accessory – 1½ stories, but no more than 25 feet	

3. Maximum Lot Coverage. Maximum ground coverage for single-family dwellings in Options 1 through 4 shall be limited in accord with the following Maximum Lot Coverage Table.

MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2, Option 3 and Option 4	
Lot Area	**Maximum Impervious Coverage**
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 5%

4. Dimensional Standards for Two-Family Dwellings, Single-Family Attached Units/Townhouses, Quadruplexes and Multiple-Family - The standards in the Dimensional Standards for Two-Family Dwellings, Single-Family Attached Units/Townhouses, Quadruplexes and Multiple-Family Table shall apply:

DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS, SINGLE-FAMILY ATTACHED UNITS/TOWNHOUSES, QUADRUPLEXES AND MULTIPLE-FAMILY Option 1, Option 2 and Option 3	
minimum individual lot area	none
separation of principal buildings	35 feet
if individual lots are provided: minimum lot width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet

5. Community Water Supply and Sewage Disposal. Two-family dwellings, single-family attached/townhouses, quadruplexes and other multiple-family dwellings shall be served by a community water system and a community sewage disposal system.

6. Dwelling Lots / Conservation Open Space. No part of any dwelling lot shall encroach upon conservation open space.

7. Setbacks. All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

DWELLING SETBACKS			
from:	**Single-Family**	**Two-Family, Single-Family Attached/ Townhouses, Quadraplexes**	**Other Multi-Family**
external Township or State road rights-of-way	100 feet	150 feet	200 feet
other perimeter boundaries of the development tract	50 feet	100 feet	150 feet
crop land or pasture land not on the development parcel	100 feet	100 feet	100 feet

DWELLING SETBACKS			
from:	**Single-Family**	**Two-Family, Single-Family Attached/ Townhouses, Quadraplexes**	**Other Multi-Family**
buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet	300 feet
active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet	150 feet

§27-1308. Discretionary Density Bonus.
Additional density may be permitted by the Board of Supervisors as a conditional use in accord with the following standards. The total for all bonuses shall not exceed 25 percent of the dwelling units permitted in §27-1306.5 or §27-1306.6, as selected by the applicant.

1. Age-Restricted Dwelling Units.

   A. Definition. A dwelling unit restricted to occupancy for at least one person 55 years of age or older and with no person less than 19 years of age pursuant to the Housing for Older Persons Act of 1995, as may be amended. For the purposes of this Chapter, such dwelling unit is not located in a facility where health services are provided to occupant(s) including, but not limited to, assisted living facilities, continuing care retirement communities, skilled nursing care facilities, intermediate care facilities, nursing and personal care facilities, residential care facilities and convalescent homes.

   B. Bonus. For each age-restricted unit provided, 1 additional dwelling unit shall be permitted, up to a maximum increase of 15 percent over the maximum number of units permitted in §27-1306.7.A.

2. Public Usage of Open Space Land. The Board of Supervisors may encourage the dedication of land for public use (including active and passive recreation areas, municipal buildings, etc.) according to the following standards: A density bonus for greater public usage of open space land in new subdivisions shall be computed on the basis of a maximum of 1 dwelling unit per 5 acres of open space land or per 2,500 feet of trail that becomes publicly accessible (per 1,250 feet for paved trails). The decision whether to accept an applicant's offer to dedicate open space land to public usage within a proposed subdivision shall be at the discretion of the Board of Supervisors, which shall be guided by the recommendations contained in the Comprehensive Plan and Open Space and Recreation Plan and the Official Map, particularly those sections dealing with active recreational facilities and passive trail networks.

3. Endowment For Open Space Maintenance.

   A. Permanent Fund. When open space land is to be donated to a land trust or to the Township, the Board of Supervisors may allow up to a 10 percent density bonus over the maximum number of units permitted in §27-1306.7.A to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the open space land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of 5 percent, the amount designated for the Endowment Fund shall be at least 20 times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board of Supervisors, and with experience in managing conservation land and recreational facilities.

   B. Cost Estimate. When estimating the projected maintenance costs of the open space land, open space land that is not accessible by the subdivision residents for their common enjoyment need not be included in the

calculations. Such lands would typically include areas designated on the Final Plan as land reserved for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which is protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

4 Open Space; Lot Size. When a density bonus is approved for the public purposes in this §27-1308, the required open space land may be reduced by up to 10 percent or the minimum lot area requirement may be reduced by up to 10 percent, or by a combination of these approaches, at the discretion of the Board of Supervisors if the Board is satisfied that the public purposes are being served.

§27-1309. Uses Permitted on Conservation Open Space.
The following uses are permitted in conservation open space areas:

1. Open Land. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

2. Agriculture and Horticulture. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

3. Horses. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 50 percent of the minimum required conservation open space.

4. Forestry. Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.

5. Neighborhood Open Space. Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.

6. Recreation. Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:

   A. Such areas shall not consume more than 50 percent of the minimum required conservation open space or 5 acres, whichever is less. The 5-acre limit may be increased to 10 acres on development parcels 200 acres or larger.

   B. Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.

   C. Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.

7. Golf Courses. Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 50 percent of the minimum ATA of the required conservation open space. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 1,200 square feet. Accessory facilities and parking areas shall not count toward the minimum conservation open space requirement.

8. Water; Sewer; Stormwater. Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed 20 percent of the minimum ATA required in the conservation open space. The following standards shall apply:

   A. Water Supply Systems.

      (1) Drainage easements for water lines may be counted toward the minimum conservation open space

requirement.

(2) Land used for ground-level well structures and associated parking exceeding 5,000 square feet shall not count toward the minimum conservation open space requirement.

B. Sewage Disposal Systems.

(1) Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the conservation open space requirement.

(2) Soil absorption areas shall be appropriate for active or passive recreation.

(3) Sewage disposal areas in conservation open space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum conservation open space requirements.

(4) Absorption fields serving individual dwelling units may be located in the conservation open space, but individual treatment tanks shall be located within the lots they serve.

(5) Each proposed absorption field area located in the conservation open space shall be situated in the closest proximity to the lot served.

(6) The responsibility for the maintenance of any individual absorption system shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.

(7) Drainage easements for sewer lines may be counted toward the minimum conservation open space requirement.

C. Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum conservation open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

(1) Infiltration basin, provided the berms do not exceed 36 inches in height;

(2) Subsurface infiltration bed;

(3) Infiltration trench;

(4) Rain garden;

(5) Vegetated swale;

(6) Infiltration berm, provided the berm does not exceed 24 inches in height.

9. Easements. Easements for drainage, access, sewer or water lines, or other public purposes.

10. Utility Rights-of-Way. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.

§27-1310. Conservation Open Space Design and Other Standards.

1. Four-Step Design. Conservation open space in all options shall be identified and laid out in accord with the Four-Step Design Process and conservation open spaces Design Standards in the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas.

2. Map of Potential Conservation Lands. Conservation open space shall be laid out in accordance with the Township's Map of Potential Conservation Lands in the Comprehensive Plan, to ensure that, over time, an interconnected network of conservation open space will be created.

3. Layout. The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.

4. Permanence, Ownership and Maintenance. The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The conservation open space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance.

5. Use by Development Residents. In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than 20 percent of the Adjusted Tract Area. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes over 15 percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.

6. Trails. When the Board of Supervisors determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board of Supervisors may consider:

   A. Implementation of the Township Comprehensive Plan, Open Space Plan, trail map or official map;

   B. Trails integral to children's access to schools and parks;

   C. Impact on woodland and stream corridors.

7. Buffers for Adjacent Public Park Land. Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least 150 feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or under story growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.

   A. Where existing vegetation provides an adequate buffer, as determined by the Board of Supervisors, the depth may be reduced to 75 feet.

   B. Where the buffer is un-wooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.

8. Building Lots.

   A. The lot layout shall respect Secondary Conservation Areas.

   B. No portion of any building lot shall be used for meeting the minimum conservation open space requirement except as permitted by §27-1306.2.C.

   C. Building lots shall generally be accessed from interior streets, rather than from roads bordering the tract, unless otherwise permitted as part of the approval under the Township Subdivision and Land Development Ordinance.

9. Views from Dwellings. At least 50 percent of the dwelling units shall face the required open space, with the front façade of the dwelling, either directly or across the street.

10 Access. Pedestrian and maintenance access shall be provided to conservation open space in accord with the following requirements:

A. No more than 15 lots shall be contiguous to each other without a community access point meeting the following standards:

(1) The width of the access strip shall not be less than 20 feet.

(2) The access strip shall extend the full depth of the adjacent lots.

B. Access to conservation open space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.

11. Landscaping. Conservation open space that is not wooded or farmed shall be landscaped in accord with the landscaping requirements and conservation open space management plan standards.

12. Exterior Views. Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of this Chapter and the Township Subdivision and Land Development Ordinance.

§27-1311. Commercial Uses Within Developments 250 or More Dwelling Units.

If a subdivision includes a minimum of 250 dwelling units, then as a conditional use, a maximum of 2 acres within the subdivision may be used for commercial development meeting the requirements of the C District. The applicant shall prove to the Board of Supervisors that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development. To the maximum extent feasible, traffic access shall be fully coordinated with adjacent development.

Part 13

Article 2
Conservation Design Development
Standards for Option 5 – Hamlets and Villages

§27-1312. General

1. Purpose. The primary purpose of the Hamlet and Village Option is to provide for a diversity of housing types, age groups and income levels in a manner consistent with the variety of existing homes in the municipality and with traditional village building and site development patterns. Additionally, it is the purpose of this Chapter to:

   A. Encourage creation of a functionally diverse, but visually unified, community focused on a central square.

   B. Promote use of common greens, landscaped streets, boulevards, parkways, and "single-loaded" streets woven into street and block patterns that provide neighborhood identity and space for social activity, recreation, and visual enjoyment.

   C. Provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.

   D. Promote pedestrian movement by locating new village housing, services, jobs and public places within convenient walking distance of each other, wherever practicable;

   E. Reduce traffic congestion and dependence on the automobile by creating a hierarchy of streets and ways that effectively serve pedestrians, cyclists and drivers;

   F. Provide for a hierarchy of conservation open space from public greens or parks to farmland and woodland conserved as greenbelt areas protected under permanent conservation easements.

2. Applicability and Location Criteria. Hamlet and village development is a conditional use in the V District and RC District.

   A. Hamlets and villages should be sited and designed to avoid or minimize negative impacts on existing woodlands and hedgerows, wetlands, stream valleys, cultural landscapes and scenic views from municipal roads.

   B. The use of special site design techniques is encouraged as a way of conserving the municipality's rural character in situations where topography, hedgerows or other vegetation would not provide naturalistic screening opportunities.

   C. Villages proposed to contain more than fifty (50) dwelling units shall be located with direct access to at least one primary arterial or collector road identified in the Comprehensive Plan.

   D. Hamlets and villages shall be served by community sewage disposal and community water supply.

3. Scale Criteria.

   A. Hamlets shall include at least 4, but no more than 25 units. The minimum land area for a hamlet shall be 4 acres of Adjusted Tract Area (ATA).

   B. Villages shall contain 26 or more dwelling units. The minimum land area for a village shall be 26 acres of ATA.

4. Village Areas. All villages shall contain both a Village Residential Area and Village Conservation Open Space. Villages may also contain a Village Commercial Area. These areas are intended to provide for the diversity necessary for traditional village life while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.

A. The Village Residential Area is intended to contain dwelling units and related accessory uses.

B. The Village Commercial Area is intended primarily to provide uses that meet the retail and service needs of a traditional village center and its vicinity, and may contain other compatible uses such as civic and institutional uses of community-wide importance and second-floor residential uses. The Village Commercial Area may be located either at the approximate center of the village, or at the edge, near an existing municipal collector or arterial street.

C. The Village Conservation Open Space is intended to provide a greenbelt surrounding the Village Residential Area and common greens within the Village Residential and Village Commercial Area.

§27-1313. Permitted Uses

1. Hamlets. Uses permitted in hamlets are:

A. Residential Uses.

(1) Single-family detached dwellings.

(2) two-family dwellings.

(3) Single-family attached units/townhouses with 3 or 4 dwelling units per building designed to resemble traditional multi-family homes built in the boroughs and villages of the county prior to 1930, and sited so they front directly onto streets, not parking areas.

(4) No-impact home-based businesses in accord with §27-1002.

B. Conservation Open Space. Uses permitted in conservation open space are those listed in §27-1309, and shall conform to the standards of §27-1317.

2. Villages. Village uses may be located within Village Residential, Village Commercial and Village Conservation Open Space.

A. Village Residential Area. The Village Residential Area shall be located outside the Village Commercial Area and shall contain primarily single-family detached dwelling units, but may include some two-family and single-family attached units/townhouses units. Permitted uses are:

(1) Uses permitted in §21-1313.1.A except that at least 20 percent of the units shall be of a type other than single-family detached, provided that when developments contain fewer than 50 dwelling units, the units may be 100 percent single-family detached.

B. Village Commercial Area. Permitted uses are:

(1) The residential uses permitted in §21-1313.1.A.

(2) Retail uses, professional offices and personal or professional services occupying 6,000 square feet or less in 1 ½ -story buildings, and up to 8,000 square feet in buildings of two or more stories. Uses with drive-in windows are prohibited.

(3) Civic and institutional uses such as schools, libraries, and places of worship.

(4) Governmental or public uses, excluding storage of materials, trucking or repair facilities, private or municipal sanitary landfills, recycling facilities, township garages and sand/salt storage facilities.

(5) Bed and breakfast establishments.

(6) Day-care centers.

(7) Elderly congregate housing, senior citizen/disabled housing, and nursing homes.

(8) Second-story dwelling units are specifically encouraged and shall be permitted in addition to the maximum number of units otherwise permitted, provided the total number of dwelling units in a development shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater. Shared parking arrangements shall be permitted.

(9) Live/work units for artisans, professionals and service providers.

(10) Gasoline stations only along major arterial roads.

(11) Active recreation.

C. Village Conservation Open Space. Uses permitted in conservation open space are those listed in §27-1309, and shall conform to the standards of §27-1317.

§27-1314. Density, Intensity and Minimum Conservation Open Space

1. Number of Dwelling Units. The maximum number of dwelling units shall be determined as set forth in §27-1306.

2. Density Bonus. The discretionary density bonuses in §27-1308 shall apply to village and hamlet development.

3. Commercial Intensity. Village Commercial development, including associated parking areas, may occupy up to 5 percent of the Adjusted Tract Area of the entire village. This maximum may be increased:

A. Up to 10 percent if the new buildings include second-story non-retail commercial uses above at least 10 percent of the new commercial building coverage.

B. Up to 15 percent if they include second-story residential uses and at least half the new building coverage shall be of two-story construction and at least 25 percent of the second-story shall be designed for residential use.

4. Conservation Open Space.

A. The minimum required conservation open space shall be as set forth in the Density and Conservation Open Space Table in §27-1306.

B. Conservation open space shall include multiple greens, commons, squares or parks:

(1) In hamlets, at a rate of at least 1,000 square feet for each dwelling unit.

(2) In villages, at a rate of 15 percent of the minimum required conservation open space.

C. At least 20 percent of the required conservation open space shall be in a form accessible to the residents, such as a central green, neighborhood squares or commons, recreational playing fields, walking trails, other kinds of footpaths, a community park, or any combination thereof. In addition, no more than 50 percent of the required conservation open space may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. conservation open space shall not be used for residential lots.

§27-1315. Area and Dimensional Standards

1. Residential Uses.

A. Residential uses shall meet the lot area and width standards in the Dimensional Standards for Two-family Dwellings and Single-Family Attached Units/Townhouses Units Table.

DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS AND SINGLE-FAMILY ATTACHED UNITS/TOWNHOUSES UNITS		
	Minimum Lot Area	**Minimum Lot Width at Required Setback**
Single-family detached dwelling	5,500 square feet	40 feet
Two-family dwellings	2,750 square feet	30 feet
Single-family attached/townhouses	1,950 square feet	18 feet

B. Residential uses shall meet the setback requirements in the Setback Requirements Table. Side setbacks may be modified in accordance with §27-1319.

SETBACK REQUIREMENTS			
	Minimum Front Setback (from street line unless otherwise indicated)	**Minimum Rear Setback**	**Minimum Side Setback**
Principal dwelling: Single-family detached Two-family Single-family attached /townhouses	 12 feet 12 feet 12 feet	 30 feet 20 feet 20 feet	 Note 1 Note 1 Note 1
Front porch, open, with steps	6 feet	NA	Note 1
Front porch, enclosed by windows or screens	10 feet	NA	Note 1
Garage, detached front-loading	40 feet	7 feet	5 feet
Garage, attached side-loading	10 feet	10 feet	Note 1
Garage, attached front-loading	10 ft behind the plane of the front façade of the principal dwelling	10 feet	Note 1
Garage, rear-loading	NA	10 feet from rear service lane or alley	5 feet[2]

[1] Minimum 20-foot separation between principal dwellings on adjacent lots.
[2] May be reduced to 0 feet for twins and single-family attached /townhouses; i.e. they may be attached.

C. Front facades of dwellings on opposite sides of the street shall be located a minimum of 70 feet and a maximum of 90 feet apart, excluding porches. This requirement shall not apply to dwellings which front on boulevards, common greens or other conservation open space.

2. Setbacks.

A. The applicant is encouraged to consider variations in the principal building position and orientation, but shall meet the minimum standards in the Setback Requirements Table.

B. Residential side setbacks may be reduced to zero ("zero lot line") in the Village Residential Area, when a dwelling has either no side windows, or when the side windowsills are located at least 64 inches above the finished grade.

3. Nonresidential Uses. Nonresidential uses in the Village Commercial Area shall be contained on a lot for which the minimum lot area is determined by adding 20 percent to the land area needed for the building, on-site parking, ingress/egress, and any on-site infrastructure that is required, including septic systems and stormwater management facilities. The additional 20 percent shall serve as setback areas and landscaped buffers. Each lot shall meet the following standards:

A. Minimum street frontage: 50 feet

B. Maximum building coverage: 50 percent

C. Maximum impervious surface coverage: 75 percent

D. Minimum front setback: 0 feet

E. *Maximum* front setback ("build-to" line): 15 feet
At least 60 percent of the buildings shall be located at the "build-to" line.

F. Minimum side setback: 5 feet

G. Minimum rear setback: 20 feet

H. Maximum building height: 38 feet
Except for schools, libraries, and churches: None

4. Maximum Impervious Cover.

A. Hamlet residential lots: 50 percent on each lot

B. Village, total impervious coverage within each area:

(1) Village Residential Area: 60 percent of ATA

(2) Village Commercial Area: 80 percent of ATA

(3) Village Conservation Open Space: 5 percent of ATA

5. Street Frontage. Lots must have frontage either on a street or on a rear service lane or shared driveway, except that dwellings served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.

6. Building Height.

A. Hamlets. The maximum building height shall be 38 feet.

B. Villages. Building height shall be between 1.5 and 2.5 stories above grade at the front elevation, with a maximum height of 38 feet.

C. Exceptions. The height limitations of this Chapter shall not apply to chimneys, spires, steeples, gables, cupolas, standpipes, flagpoles, monuments, transmission towers, radio or television antennas, cables, water tanks and similar structures and necessary mechanical appurtenances, provided that no such exception shall cover, at any level, more than 10 percent of the area of the building's roof or the ground on which it is located. Such architectural features on institutional or civic buildings may equal the height of the building.

§27-1316. Additional Standards for Hamlets and Villages

1. Lot Area. Area contained within a lot shall be exclusive of 100-year floodplains, wetlands and slopes exceeding 25 percent.

2. Flag Lots. Flag lots are permitted in limited applications in conservation subdivisions to locate dwellings at the ends of cul-de-sacs and between "fingers" of conservation open space in order to avoid extending streets further than necessary. The following standards shall apply:

   A. No more than two contiguous flag lots shall be created. Shared driveways are encouraged between adjacent flag lots.

   B. Flag lots shall comprise no more than 10 percent of all lots in the development.

   C. The access strip of a flag lot shall be owned by the owner of the main portion of the flag lot and shall extend to an existing public or private street. The access strip shall serve as the primary access for the lot.

   D. The access strip shall have a minimum width of 20 feet. The width shall be increased as necessary to contain all grading for the driveway within the access strip.

   E. The access strip shall have a maximum length of 200 feet.

   F. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 20 feet.

   G. The minimum lot area of the flag lot shall be calculated exclusive of the access strip.

3. Open Space. At least 50 percent of the lots in hamlets and villages shall directly abut conservation open space or face conservation open space across a street.

4. Integrating Mixed Dwelling Types. When two-family dwellings or single-family attached /townhouse units are proposed, such dwellings shall be designed to reflect the County's vernacular building tradition for such building types. When attached dwelling types are proposed, they shall be integrated architecturally and in scale so that they are physically incorporated within the same streetscape as single-family dwellings and nonresidential buildings, and not isolated in separate areas.

5. Parking.

   A. Minimum Off-Street Parking Requirements. The minimum number of parking spaces required in §27-1004 shall be provided unless different standards are stated below:

      (1) Offices, professional and public buildings: 1 space per 300 SF of gross floor area.

      (2) Retail Uses and Personal Services: 1 space per 300 SF of gross floor area.

(3) All uses not listed above or in §27-1004: Sufficient number of parking spaces as determined by the Township.

B. Other Provisions.

(1) On-street parking spaces along the front property line of a lot shall be counted toward the minimum number of parking spaces required for the use on that lot.

(2) Non-residential off-street parking shall be to the side or rear of buildings, or located within internal parking areas not visible from the street.

(3) On-street parking spaces shall always be parallel to the curb.

(4) Off-street parking may be located on a lot within 600 feet (measured along a publicly accessible route) from the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory continues and it is owned by an entity capable of assuring its maintenance as accessory parking.

§27-1317. Conservation Open Space Design Standards

1. Delineation. Conservation open space shall be delineated in accordance with the standards in Sections 602 and 603 of the Subdivision and Land Development Ordinance.

2. Location and Design. Conservation open space shall be located and designed to add to the visual amenities of villages and hamlets and to the surrounding area, by maximizing the visibility of conservation open space as terminal vistas at the ends of streets or along the outside edges of street curves, and as perimeter greenbelts. Greenbelts shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

3. Type. Conservation open space shall consist of 2 types: natural and formal.

A. Natural. Natural conservation open space shall consist of, but not be limited to: meadows, woodlands, specimen trees, hedgerows, wetlands, floodplain and steep slopes.

B. Formal. Formal conservation open space shall consist of: greens, commons, squares and parks that are defined by building walls, streets and street trees.

4. Greens, Commons, Squares and Parks.

A. Leisure and Assembly. Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village.

B. Distribution. Greens, commons, squares and parks shall be distributed throughout hamlets and, in villages, the Village Residential Area and, when included, the Village Commercial Area.

C. Common Greens in Village Commercial Areas. When a Village Commercial Area is proposed, a central village green shall be required. The central green shall be designed as an attractive gathering place for village residents in both day and evening and:

(1) Shall be located within 200 feet of the outer perimeter of the Village Commercial Area. These location requirements may be adjusted by reason of topography or natural resources to be preserved, at the discretion of the Board of Supervisors;

(2) Shall border on the principal street running through the Village Commercial area, or be located so as to constitute the “terminal vista” of that street;

(3) Should be surrounded by buildings on all sides, and shall be surrounded by streets on at least three sides;

(4) Shall be located within 1500 feet of 80 percent of all dwelling units in the village. Alternatively, two smaller common greens at least 6,000 square feet in area may be substituted for the central green, in order to meet this proximity standard;

(5) Shall be of pedestrian scale, between 20,000 and 40,000 square feet in area, and shall be no longer or wider than 300 feet;

(6) Should ideally be surrounded by two-story development that may include residential, civic and institutional uses in addition to commercial uses;

(7) Shall be landscaped using elements of formal gardens including walkways, monuments, statues, gazebos, fountains, park benches and pedestrian scale lampposts.

D. Locations for Civic or Institutional Uses. Lots with front lot lines along at least 20 percent of the circumference of a central green (either facing the green across a street or directly fronting on to a green) shall be reserved for civic or institutional uses and be so designated on the Final Plan. However, after two years subsequent to approval of a Final Plan for a Village Commercial Area, other uses may be permitted in these locations by majority vote of the Board of Supervisors as an amendment to the conditional use approval.

E. Smaller greens, commons and squares, at least 5,000 square feet and no larger than 30,000 square feet, shall be dispersed throughout the hamlet or village in such a way that no lot is more than 1,250 feet from a green, common or square.

F. Shade Trees. All greens, commons and squares shall be planted with shade trees along their edges, at intervals not greater than 40 feet.

G. Visibility. The visibility of greens, commons, and squares shall be maximized by locating conservation open space in "terminal vista" locations as often as possible, such as the ends of streets at 3-way intersections or occupying a corner of a 4-way intersection.

H. Impervious Coverage. Greens, commons and squares shall contain no more than 10 percent impervious coverage.

5. Protection, Ownership and Management of Conservation Open Space. The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The conservation open space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance.

§27-1318. Design Standards for Villages

1. Overall Form.

A. Well-Defined Edge. New village development shall be compact with a well-defined edge between new developed areas of the village and adjacent rural, undeveloped lands. This shall not apply in the case of infill parcels within an existing village.

B. Continuation of Streets. New streets shall connect with existing streets when possible and shall continue the settlement pattern of existing villages and boroughs.

2. Block Design.

A. Rectilinear Pattern. Villages shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To

avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.

B. Block Length. The maximum block length shall be 800 feet, with mid-block footpaths connecting to sidewalks or other paths when block length exceeds 500 feet.

C. Modification. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Board of Supervisors when topography, existing vegetation, or hydrology considerations influence block shape and size.

D. Pedestrian Pathways. In the Village Commercial Area, at least one pedestrian pathway, a minimum of eight feet wide, shall be provided for every 250 feet of street frontage, connecting with rear parking lots.

E. Rear Alleys. Each block that includes storefronts and/or residential lots less than 40 feet wide shall be designed to include a rear alley serving parking areas or garages in the rear.

F. Design Speed. Local access streets shall be configured using a design speed of 25 mph.

G. Traffic Calming. Traffic calming techniques shall include "T" intersections, traffic islands, circles, loops or crescents, and roundabouts. Speed bumps, humps and tables shall be avoided. At least 25 percent of local access streets shall terminate in "T" intersections. The distance between "T" intersections shall not exceed three blocks or 1,500 linear feet, whichever is less. "T" intersections shall meet the offset requirements from other intersections set forth in the Subdivision and Land Development Ordinance.

3. Location Considerations for Village Uses.

A. Residential Uses. Residential uses, excluding upper story dwelling units in the Village Commercial Area, shall not be located within 500 feet of an arterial highway having 4 or more lanes, nor within 300 feet of a 2-lane arterial road, unless effectively screened from public view by topography, dense vegetation or other physical or visual barriers.

B. Village Commercial Areas.

(1) Village Commercial Areas may be located either at the approximate center of the village, or at the edge, near an existing Major or Minor Collector (including all state highways). If the Village Commercial Area is located along a collector road, parking areas shall be screened from view, preferably by locating them behind the commercial buildings, as seen from the collector.

(2) Village Commercial Areas shall be located within ¼ mile (about a 5-minute walk) from as much of the residential areas as possible. Non-residential uses that are intended to serve an area beyond the village shall be located to permit vehicular access from outside the village without passing through village residential streets. Village Commercial Areas may be located close to state highways.

C. Use Transitions.

(1) Similar land uses shall face one another across a street, while dissimilar land uses shall abut along alleys or rear parking areas.

(2) Where feasible, a village green shall be used to separate residential blocks from mixed-use blocks.

D. Commercial Access. At least 80 percent of dwelling units shall be within 1,500 feet of the Village Commercial Area.

E. High Traffic Uses. Nonresidential uses generating more than 1,500 trip-ends per day shall be located to permit vehicular access from outside the village without passing through residential streets. This part of the village shall be located close to streets having a functional class designation of collector or higher.

4. Design Standards for Village Commercial Area.

A. Design Considerations along an Existing Major Arterial Street. When the Village Commercial Area is located along an existing major arterial street the following provisions shall apply:

(1) The buildings shall be designed with display windows and signage facing the major arterial street.

(2) Canopy trees shall be planted at intervals not greater than 40 feet along the major arterial street unless the Subdivision and Land Development Ordinance requires a lesser spacing.

(3) The Village Commercial Area shall not parallel the major arterial street for a distance greater than 600 feet, unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the Village Commercial Area as it parallels the major arterial street. If berms are used within the buffer, they shall be no taller than two feet and shall taper gradually into the landscape with slopes not exceeding 1:5.

B. Landscaping of Commercial Buildings. In addition to the requirements of the, the following regulations shall apply:

(1) To reduce maintenance, ensure longevity, and reinforce the indigenous plant materials of the area, landscaping around commercial buildings and their parking lots shall emphasize native plant species. Species shall be selected to provide visual interest at different times of the year, with low maintenance needs.

(2) The facades of commercial buildings may be separated from the sidewalk by a landscaped strip no greater in depth than 3 feet, except as necessary to accommodate outdoor eating establishments, or in courtyard designs.

C. Street Furniture.

(1) At least one public trash receptacle of a design and color approved by the Board of Supervisors shall be provided in each block on each side of the street.

(2) Public benches of a design and color approved by the Board of Supervisors shall be provided at bus stops and at intervals no greater than 100 feet on each block, and in greens, commons, squares and parks at a rate of one bench per 5,000 square feet.

(3) At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad.

D. Signs. In addition to the requirements in Part 17, signs shall conform to the following regulations:

(1) Signs shall not be freestanding pole signs and shall be affixed to a building facade, canopy, or arcade.

(2) The top of signs (except window signs) shall be located no higher than the sills of second-story windows.

(3) Signs shall be constructed of wood, metal or synthetic material, provided that the typeface and logos have a dimensional rather than flat quality.

(4) Sign colors shall preferably be dark background colors with light-colored lettering.

(5) Signs may be illuminated from external light sources only; lighting shall conform to the regulations contained in Part 17 and §27-1008.8. Flashing and moving lighting, or signs with color changes are prohibited.

(6) Animated signs that use actual motion or the illusion of motion or change of lighting are prohibited.

(7) External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15 percent of the glass area of the window in which they are displayed.

5. Design Standards for Village Residential Areas.

A. Architecture. Housing styles, shapes and materials shall be varied within the overall theme of traditional village dwellings as shown in *Monroe County's Historic Legacy: A Survey of Historic Sites and Structures in Monroe County, April 1980*, prepared by the Monroe County Planning Commission. Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms. Regardless of which architectural style is utilized, it shall be applied consistently to residential, commercial and institutional uses throughout the village, in order to create an architecturally cohesive community.

(1) Single-family detached dwellings, excluding those on country properties, shall be designed so that:

(a) At least two-thirds shall be oriented with their gable ends facing the street.

(b) At least 35 percent shall have a covered front entry porch, raised a minimum of 18 inches above ground level.

(2) Two-family dwellings and single-family attached units/townhouses units shall be designed to emulate traditional buildings of this nature in *Monroe County's* historic settlements or to resemble large single-family residences as shown in *Monroe County's Historic Legacy: A Survey of Historic Sites and Structures in Monroe County, April 1980*, prepared by the Monroe County Planning Commission.

§27-1319. Modifications

1. Modifications Permitted. With the exception of dwelling unit density, the Board of Supervisors may, at its sole discretion as part of the conditional use process, permit the modification of the provisions of this Article, including, but not limited to, provisions relating to the percentages of dwelling types and the amount of nonresidential development, in order to encourage a well-planned traditional township center.

2. Criteria. Any such modification shall be subject to the following criteria:

A. The design and modifications shall be in harmony with the purposes and the land-use standards contained in this article;

B. The design and modifications shall generally enhance the development plan, the central core area, the streetscapes, and the neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this article;

C. The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the District, and shall not adversely affect emergency vehicle access or deprive adjoining non-commercial properties of adequate light and air.

D. Intensification of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.

E. The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent the minimum modification necessary.

3. Burden. If the Board of Supervisors determines that the applicant has met his/her burden, it may grant a modification of the requirements of this Article.

4. Conditions. In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this article.

Part 13

Article 3
Optional Transferrable Development Rights

§27-1320. Optional Transferable Development Rights (TDR).

1. Purpose. The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve open land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of the Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

2. Basic Concept and Authorization.

   A. Sending Properties and Receiving Properties. The provisions of this Chapter which permit transferable development rights allow owners of parcels in the Township proposed for conservation, called *sending properties*, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in The Township proposed for additional development, called *receiving properties*.

   B. Pennsylvania Municipalities Planning Code. The transferable development rights provisions set forth in this section are specifically authorized under §603c.(2.2) and §619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a *sending property* to a *receiving property*.

   C. Development Rights. When landowners sell their right to develop all or a portion of their land, they shall restrict that portion of land from which development rights are sold against any future development as provided in this Chapter, although the land may still be used for purposes that do not involve development, such as agriculture or forestry. When the owner of a *receiving property* buys the development rights from the owner of a *sending property*, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.

   D. Voluntary Agreement. The owners of the *sending property* and *receiving property* shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *sending property*. The applicant for the *receiving property* is responsible to negotiate with, and pay compensation to, the owner of the *sending property* for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the *sending property*.

   E. Conservation Easement.

      (1) Land Sale and Development. The conservation easement imposed on the *sending property* shall not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes.

      (2) Easement Holders. The easement shall be held by the Township and a bona fide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, §501(c)(3) which is devoted to the conservation of open Space acceptable to the Township.

(3) Conservation Organization Terms. It shall be responsibility of the *sending property* owners to meet all of the terms of acceptance of the easement by the conservation organization, including, but not limited to, baseline documentation, monitoring endowment, and legal fees.

F. Disposition of Development Rights. The owner of the *sending property* from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a *receiving property.* The Township shall have no obligation to purchase the development rights which have been severed from a *sending property*.

G. Donations or Intermediaries. The development rights from a *sending property* may be purchased by or may be donated to the Township, the County or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the *sending property* at the time of such purchase or donation.

H. Permanent Severance. Once severed from a *sending property*, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.

I. Term of Development Rights. The development rights severed from a *sending property* shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.

3. *Sending Property* Qualifications, Calculations and Requirements. Owners of qualifying tracts may sell their development rights in accord with the following:

A. *Sending Property* Qualifications. The *sending property* shall not be otherwise restricted from development and:

(1) The *sending property* shall be located in any R-1, V, RC, I or CV District and shall be a minimum of ten (10) acres in size.

(2) At least 80 percent of the *sending property* or a minimum of one hundred (100) acres shall be restricted from future development by a conservation easement in accord with this §27-1320.

(3) The restricted acreage shall be contiguous and shall not be less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.

(4) The portion of the parcel which will not be restricted shall be useable under the use, area, dimensional, performance and other standards of this and other Township Ordinances.

B. Declaration of Transferable Development Rights and Certification by Township. Any owner of a qualified *sending property* may elect to declare the severance of development rights, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld. Such request shall be made to the Zoning Officer on the form provided by the Township.

C. Calculation of Transferable Development Rights; Conditional Use. The calculation of transferrable development rights shall be considered a conditional use based on application made by the *sending property* owner.

(1) Determination of Number of Development Rights. The Township shall determine the total number of development rights available from a *sending property* by dividing the adjusted tract area as calculated for the property in accord with §27-1306.5.C by the density factor (number of acres of adjusted tract area per dwelling unit) in the Calculation of Transferable Development Rights Table.

CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS[1]	
Sending Property Location	**Density Factor - 30 Percent Density Bonus** (per dwelling unit)
R-1 Residential I Industrial	21,000 square feet of adjusted tract area[2]
V Village	10,500 square feet of adjusted tract area[2]
RC Recreation Commercial	14,000 square feet of adjusted tract area[2]
CV Conservation District	152,460 square feet of required minimum lot area[3]

[1] See §27-1320.3.C(2) below for parcels subdivided after the effective date of this §27-1320.
[2] Based on Conservation Design Option 3, Community Water Supply and Community Sewage System (§27-1306).
[3] Based on 217,800 per dwelling unit reduced by 30%.

(2) Subdivision Prior to Transfer. The density factors in §27-1320.3.C(1) shall not apply where the transfer of rights is proposed from any parcel to any other parcel created by a common subdivision approved after the effective date of this §27-1320. Density in such case shall be determined using the density factors in Part 6, Article 1 applicable to Option 1conservation design subdivisions.

(3) Plan Requirement. The applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of adjusted tract area. At a minimum, the plan shall show the site features enumerated in §27-1306.5.

(4) Partial Severance. If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a survey of the entire parcel made and sealed by a surveyor licensed in Pennsylvania.

(5) Preserved Land. Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

D. Severance of Transferable Development Rights.

(1) Severance. Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Monroe County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the *sending property*, or another person in gross.

(2) Conservation Easement. The Deed of Transferable Development Rights which severs the development rights from the *sending property* shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.

(3) Township Approval of Easement. All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording, which endorsement shall not be unreasonably withheld.

(a) Deeds submitted to the Township for endorsement shall be accompanied by a title search of the *sending property* and a legal opinion of title affirming that the development rights being transferred by the Deed have not been previously severed from or prohibited upon the *sending property* and that the *sending property* is not Preserved Land as described in §1320.3.C(5) above.

(b) A title report shall be prepared not less than ten (10) days prior to submission of the Deed, and the legal opinion of title which has met the reasonable approval of the Township Solicitor.

E. Partial Sale of Severed Rights. If an agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.

F. Sending Property Conservation Easement. Any *sending property* from which development rights have been severed shall be permanently restricted from future development by a conservation easement provided to the Township which meets the following minimum requirements:

(1) Development Restricted. Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than agricultural uses, public park land, conservation areas and similar uses.

(2) Township Approval. The conservation easement shall be approved by the Board of Supervisors in consultation with the Township Solicitor.

(3) Enforcement Rights. The conservation easement shall designate The Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:

(a) All future owners of any portion of the *sending property*, and

(b) All future owners of any portion of any parcel to which the transferable development rights are permanently attached.

(4) Specification of Rights Sold and Retained. The conservation easement shall specify the number of development rights to be severed as well as any to be retained.

(5) Lot Area and Setback Prohibition. No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum setback setbacks or lot area requirements for any development rights which are to be retained or for any other development.

(6) Other Provisions. The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this Section.

(7) Legal Interest Owners. All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.

(8) Development Approval. Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Monroe County Recorder of Deeds.

4. *Receiving Property* Qualifications, Calculations and Requirements. Owners of tracts which meet the following requirements may use development rights that are purchased from *sending property* owners.

A. *Receiving Property* Location. Development rights may only be transferred to any property in any R-1 District.

B. Conservation Design Required. All *receiving properties* shall be governed by the Conservation Design Development standards in Part 13 Article 1 and the minimum conservation open space shall be 60 percent of the adjusted tract acreage calculated in §27-1306.5C plus Constrained Land calculated in §27-1306.5.B. (See Row I of Table.)

C. *Receiving Property* Base Residential Density. The base residential density of the *receiving property* shall be determined by dividing the adjusted tract area as calculated for the property in accord with Part 6, Article 1 for Option 1 development.

D. *Receiving Property* Increase in Permitted Residential Density. The number of dwelling units on a receiving *property* may be increased above the *receiving property* base density only to the extent that all applicable standards, including, but not limited to, the minimum required open space are satisfied.

E. Modification of Area and Bulk Standards via Conditional Use. For any development where at least twenty (20) transferable development rights are received, applicable area and bulk requirements may be modified up to 50 percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:

(1) Chapter Consistency. The design and modifications shall be consistent with the purposes and the design standards contained in this Chapter.

(2) Street System. The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.

(3) Quality of Design. The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification.

(4) Burden; Conditions. If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Chapter.

5. Plan Submission Process.

A. Plans Required. All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with the Township Subdivision and Land Development Ordinance for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:

(1) Proof of Available Development Rights. A Deed of Transferrable Development Rights or an agreement of sale for all development rights proposed to be purchased from the *sending property*.

(2) Dwelling Unit Numbers. A note on the plan showing the total number of dwelling units proposed on the *receiving property*, the total number that could be built not using TDR's, and the incremental difference between the two.

(3) Plan. The adjusted tract area plan of the *sending property* required by §27-1320.3.C(3) for the site(s) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a *sending property*, the plan shall show the areas of severed rights. If the development rights have previously been severed from a *sending property*, a copy of the recorded Deed of Transferable Development Rights shall be submitted.

(4) Title Search. A title search of the *sending property* sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the *sending property*, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.

B. Final Approval; Conservation Easement. In order to receive final plan approval, the Applicant shall provide documentation that the required conservation easement has been recorded for all *sending property* lands whose development rights are being used by the applicant. These restrictive covenants shall meet the requirements stipulated herein. The restrictive covenant on the *sending property* shall be recorded first, followed by a Deed of Transfer, in accord with the provisions of the Pennsylvania Municipal Planning Code, which transfers the development rights from the *sending property* landowner to the *receiving property* landowner.

C. Public Acquisition. The Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by §27-1320.3.F.

6. Amendment and/or Extinguishment.

A. Amendment. The Township reserves the right to amend this Chapter in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a *sending property* and the manner in which development rights can be conveyed.

B. Termination. The Township further expressly reserves the right to terminate its transferable development rights program at any time.

C. Claims. No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Chapter relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.

D. Vested Rights. If the transferable development rights program is abolished by the Township, only those rights which were severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any *receiving property*. This shall also apply in the case where an application for severance in conformity with the provisions of this §27-1320 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

Part 14
Administration

§27-1401. Enforcement.

1. The Township Board of Supervisors shall appoint a zoning administrative officer, to be known as the Zoning Officer, who may not hold any elective office in the Township, to serve for such period as the Supervisors, by resolution, shall designate. He shall receive such compensation as shall be fixed by the Board of Supervisors.

2. The Zoning Officer shall enforce the provisions of this Chapter or other regulations made pursuant to the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.* and such officer, with the approval of the Supervisors or when directed by them, shall institute, in the name of the Township, any appropriate action or proceedings to prevent the unlawful erection, construction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, so as to prevent the occupancy of any building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§27-1402. Duties of the Zoning Officer.
It shall be the duty of the Zoning Officer to:

1. Administer this Chapter in accordance with its literal terms.

2. Prohibit any construction, use or change of use not in conformance with this Chapter.

3. Examine all applications for zoning permits.

4. Issue zoning permits only for construction and uses which are specified in this Chapter.

5. Issue zoning permits for construction, alterations, or uses requiring variances or special exceptions only pursuant to the order of the Zoning Hearing Board.

6. Issue zoning permits for construction, alterations or uses requiring conditional use approvals only pursuant to the order of the Board of Supervisors.

7. Arrange for presubmission conferences as required by this Chapter.

8. Revoke by order a zoning permit issued under a mistake of fact, or contrary to the law of the provisions of this Chapter.

9. Order and require the abatement forthwith or otherwise of a violation of the provisions of this Chapter.

10. Record and file all applications for permits with accompanying plans and documents.

11. Issue zoning compliance permits as required by this Chapter.

12. Make such reports and at such time as the Board of Supervisors may require.

13. Register nonconforming uses and structures if so directed by the Board of Supervisors.

§27-1403. Requirement of Zoning Permits.
Zoning permits shall be secured from the Zoning Officer prior to the erection of or addition to any building, structure or portion thereof, and prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. No permit shall be required for nonconforming use. No permit shall be required for interior alterations with no change in use, but said construction or alterations shall nevertheless conform to the provisions of this Chapter. The Zoning Officer shall be notified of any such construction or alteration before work commences. Zoning

permits shall be issued with a 2-year life; provided, that if work is not commenced within 90 days after issuance of the zoning permit, the permit shall automatically expire, and a new permit shall be required before such work commences.

§27-1404. Application for Permits.

Zoning permit applications, on forms furnished by the Township, together with all supporting documents shall be submitted to the Zoning Officer, together with the required fee. Such applications shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alterations, additions, use or change in use complies with the provisions of this Chapter. The Zoning Officer may require that the applicant employ a registered surveyor or engineer to establish and certify measurements when it is deemed necessary to insure compliance with provisions of this Chapter.

§27-1405. Issuance of Zoning Permits.

1. Zoning Officer. Zoning permits not requiring action of the Zoning Hearing Board or the Board of Supervisors shall be granted or denied within 20 days after the written application has been filed with the Zoning Officer.

2. Special Exceptions. Zoning permits for special exceptions shall be issued or denied by the Zoning Officer, subject to review by the Planning Commission, upon written order of the Zoning Hearing Board in accordance with the following procedure:

   A. Submission. The application shall be submitted to the Zoning Officer who, if the application is complete and properly prepared, shall transmit one copy of such application to the Secretary of the Zoning Hearing Board and one copy to the Secretary of the Planning Commission.

   B. Zoning Officer Review. The Zoning Officer may report, in writing or in person, to the Planning Commission or the Zoning Hearing Board stating whether the application complies with this Chapter. The Zoning Officer may recommend a review by the Township Engineer.

   C. Planning Commission Review of Special Exception Uses.

      (1) The Township Planning Commission shall be provided with an opportunity to review any proposed special exception use. The Planning Commission, at its option, may provide a written advisory review.

      (2) If such review is not received by the Zoning Hearing Board within the time limit within which the Board must issue its decision then the Zoning Hearing Board may make a decision without having received comments from the Planning Commission.

   D. Zoning Hearing Board Action on Special Exception Uses.

      (1) The Board shall hear and decide a request for a special exception use under the procedures in Part 15 of this Chapter and §908 of the MPC.

      (2) In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it determines are necessary to implement the purposes of the MPC and this Chapter, and to protect the public health, safety, and welfare.

   E. Expansions. Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a special exception.

3. Conditional Uses. Zoning permits for conditional uses shall be issued or denied by the Zoning Officer, subject to review by the Planning Commission, upon written order of the Board of Supervisors in accordance with the following procedure.

A. Submission. The application shall be submitted to the Zoning Officer who, if the application is complete and properly prepared, shall transmit one copy of such application to the Secretary of the Planning Commission and one copy to the Secretary of the Board of Supervisors.

B. Zoning Officer Review. The Zoning Officer may report, in writing or in person, to the Planning Commission or the Board of Supervisors stating whether the application complies with this Chapter. The Zoning Officer may recommend a review by the Township Engineer.

C. Planning Commission Review of Conditional Uses.

(1) The Township Planning Commission shall be provided with an opportunity to review any proposed conditional use. The Planning Commission, at its option, may provide a written advisory review.

(2) If such review is not received by the Board of Supervisors within the time limit within which the Board must issue its decision then the Board of Supervisors may make a decision without having received comments from the Planning Commission.

D. Board of Supervisors Action on Conditional Uses.

(1) The Board shall hear and decide a request for a conditional use under the procedures in §908 and §913.2 of the MPC.

(2) In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it determines are necessary to implement the purposes of the MPC and this Chapter, and to protect the public health, safety, and welfare.

E. Expansions. Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a conditional use.

4. Standards and Criteria for Special Exceptions and Conditional Uses. In addition to the applicable general provisions of this Chapter and to the standards and criteria provided in this Chapter for specific special exceptions and conditional uses, the standards and criteria in this §27-1405.4 shall be applied in the review of applications for special exceptions. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare; and, the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

A. Comprehensive Plan; Ordinances. The proposed use shall be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, this Chapter, and all other ordinances of the Township.

B. Location. The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.

C. Adverse Effects. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Chapter, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

D. Public Improvements. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are

inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.

E. Additional Factors. The following additional factors shall be considered:

(1) Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.

(2) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.

(3) Location, arrangement, appearance and sufficiency of off-street parking and loading.

(4) Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

(5) Adequacy of storm water and drainage facilities.

(6) Adequacy of water supply and sewage disposal facilities.

(7) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

(8) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

(9) Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

5. Conditions of Approval for Special Exceptions and Conditional Uses. No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this Chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Zoning Hearing Board/Board of Supervisors to protect the general health, safety, and welfare, as well as to implement the purposes of this Chapter and the MPC, shall be imposed as conditions of approval in accord with §912.1 and §913.2 of the MPC, as applicable. Conditions which may be imposed may include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

6. Expiration. Special exception permits and conditional use permits issued by the Zoning Officer as directed by the Zoning Hearing Board or Board of Supervisors, respectively, shall automatically expire 12 months from the date of issuance by the Zoning Officer, unless construction, other than excavation, or productive use has commenced within such 12-month period.

7. Display of Permit. After issuance of the zoning permit and until construction or alteration is completed, said permit shall be displayed prominently on or attached to the building for which issued, so that said permit can be observed from the outside.

§27-1406. Issuance of Zoning Compliance Certificates and Records.

Upon completion of the erection or alteration of any building or portion thereof authorized by a zoning permit, the holder of such permit shall notify the Zoning Officer of such completion and request a zoning compliance permit in writing. A zoning compliance permit shall either be granted or denied within 10 days of the written application thereof. The granting of a zoning compliance permit shall be certification by the Zoning Officer that the work has been inspected and approved as

being in conformance with the provisions of the zoning permit, of this Chapter, and all other applicable ordinances and regulations. All applications, together with accompanying plans and documents, shall become, and be preserved as a public record, subject to the disposition of the Board of Supervisors. A fee shall be charged for a zoning compliance permit as set by resolution by the Supervisors.

§27-1407. Registration of Nonconforming Uses.

All lawful uses or structures which, at the effective date of adoption of this Chapter or subsequent amendments thereto, do not conform to the regulations herein established, shall be identified by the owner and registered with the Township.

§27-1408. Amendment by the Board of Supervisors.

The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. The Board of Supervisors shall submit to the Township Planning Commission a copy of the proposed amendment, supplement, change, modification or repeal, as the case may be, and no action shall be taken thereon by the Board of Supervisors until such time as the Township Planning Commission shall submit to the Supervisors its written recommendation relative thereto, or until the expiration of 30 days from the time of submission by the Supervisors to the Planning Commission of the said proposed action, whichever shall first occur. No such amendment, supplement, change, modification or repeal shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in an official paper or newspaper of general circulation in the Township, and notices thereof shall be mailed to members of the Zoning Hearing Board, the Township Planning Commission, and to every civic association or resident in the Township which shall have registered its name and address for this purpose with the Secretary of the Zoning Hearing Board. The notice shall state the time and place of such hearing and the general nature of the proposed amendment. The Township shall submit the proposed change in the Chapter to the Monroe County Planning Commission no less than 30 days prior to any such hearing for recommendation.

§27-1409. Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provisions thereof, which prohibits or restricts the use or development of any land in which he has an interest may submit a curative amendment to Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code, as amended. The Board of Supervisors shall commence a hearing thereon within 60 days of the request. The hearing shall be conducted in accord with §27-1504 of this Chapter; however, all references therein to the Zoning Hearing Board shall, for purpose of this §27-1409, be references to the Board of Supervisors.

§27-1410. Remedies.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Municipalities Planning Code, 53 P.S. §10101 *et seq.* or prior enabling laws, the Board of Supervisors, or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

27-1411. Fees.

Zoning permit fees, payable to the Township upon the filing of the application, shall be determined by the Board of Supervisors by resolution.

§27-1412. Enforcement Notice.

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person 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 this Chapter.

   D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

   E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

   F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§27-1413. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given.

§27-1414. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable there for in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

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.

4. Magisterial district judge shall have initial jurisdiction over proceedings brought under this Section.

Part 15
Zoning Hearing Board

§27-1501. Establishment and Membership.

There shall be a Zoning Hearing Board, hereafter referred to in this Chapter as the "Board," which shall consist of three full-time members and one part-time alternate, who shall be appointed by the Board of Supervisors. The membership of the Zoning Hearing Board shall consist of residents of the Township. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township except that no more than one member of the Zoning Hearing Board may also be a citizen member of the Planning Commission. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§27-1502. Organization of Board.

The Board shall elect from its 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 two 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 §27-1504 of this Chapter. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

§27-1503. Expenditures for Services; Fees.

1. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

2. The applicant before the Board shall deposit with the Treasurer of the Township such a sum of money as shall be deemed sufficient by the Board to pay the cost of hearing, provided that funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings, and in the event that the costs of the hearing exceed the funds deposited, the applicant shall pay to the Treasurer of the Township funds equal to such excess cost.

§27-1504. Hearings.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:

   A. By publishing a notice thereof once at least 10 days before the date fixed for the hearing in a newspaper of general circulation in the Township.

   B. By mailing a notice thereof to the applicant.

   C. By mailing a notice thereof to the Zoning Officer, the Township Secretary, each member of the Board of Supervisors, each member of the Planning Commission, and to every person or organization who shall have registered with the Board for the purpose of receiving such notices.

   D. When the Board shall so order, by mailing or delivering a notice thereof to the owner, if his residence is known, or to the occupier of every lot on the same street within 1,000 feet of the lot or building, provided that failure to give notice as required by this subsection shall not invalidate any action taken by the Board.

   E. The notice herein required shall state the location of the lot or building and the general nature of the question involved.

F. A notice of the hearing shall be conspicuously posted on the affected tract of land.

2. The hearings 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

3. The parties to the hearing shall be the 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 power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

4. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine witnesses on all relevant issues.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

7. The Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

8. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given opportunity to be present.

9. The Board or the Hearing Officer, as the case may be, shall enter a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons there for. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulations shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make its report and recommendations available to the parties and the parties shall be entitled to make written representation thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 45 days after the decision of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection I., or fails to hold the required hearing within 45 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 to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within 10 days in the same manner provided in §27-1504.1. Nothing in this Subsection 1 shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally, or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of hearing, the Board shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision of findings may be examined.

§27-1505. Board's Functions; Appeals from the Zoning Officer.
The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

§27-1506. Board's Functions; Challenge to the Validity of the Zoning Ordinance or Map.
The Board shall hear challenges to the validity of this Chapter or zoning map (except as indicated in the Pennsylvania Municipalities Planning Code, as amended 53 P.S. §10101 *et. seq.*). In all such challenges, the Board shall take evidence and make a record thereon as provided in §27-1504. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

§27-1507. Board's Functions; Variances.
The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may be rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

1. There are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. Such unnecessary hardship has not been created by the appellant.

4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

6. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Chapter.

§27-1508. Board's Functions; Special Exceptions.
Where this Chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* and this Chapter.

§27-1509. Unified Appeals.
Where the Board has jurisdiction over a zoning matter pursuant to this Part 15 the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in §27-1504. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

§27-1510. Parties Appellant Before Board.

Appeals under §27-1505 and proceedings to challenge any ordinance under §27-1506 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Request for a variance under §27-1507 and for special exception under §27-1508 may be filed with the Board by any landowner or any tenant, with the permission of such landowner.

§27-1511. Time Limitations.

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following: No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

§27-1512. Stay of Proceedings.

Upon filing of any proceeding referred to in §27-1509, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency 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 Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§27-1513. Information Required on Appeals to the Board.

All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

1. The name and address of the applicant or appellant.

2. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.

3. A brief description and location of the zone lot to be affected by such proposed change or appeal.

4. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.

5. A statement of the section of this Chapter under which the appeal is made, and reasons why it should be granted, or a statement of the section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.

6. A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

Part 16
Definitions

§27-1601 Use of Terms.
Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meaning indicated:

1. Words in the singular include the plural and those in the plural include the singular.

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

3. The words "person" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as individual.

4. The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged, or designed to be occupied or used."

5. The word "lot" includes the word "plot," "parcel," or "tract."

6. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

7. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any building and shall also include the painting of exterior wall signs.

§27-1602. Other Words.
Other words used herein shall be interpreted as follows:

Abandoned or Junked Vehicle: Any unregistered, unlicensed or abandoned automobile, truck, trailer, motorcycle, bus, farm machinery, or other motor vehicle which are partially dismantled, or wrecked or junked, or held or stored for scrap or for salvage. *Junk vehicle* shall not mean any motor vehicle classified as an antique motor vehicle by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S.A. § 101 et seq.); said classification consisting of any self-propelled vehicle, but not a reproduction thereof, owned and operated as an exhibition piece or collector's item, provided that such vehicle shall have noted on its registration record the fact that it is such a special-purpose vehicle, or any self-propelled vehicle manufactured more than 25 years prior to the current year, which is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but is not used for general daily transportation.

Abused Person Shelter – See *domestic violence* shelter.

Access Point: One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

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

Accessory Use: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Addition: An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

Adjusted Tract Acreage (ATA): The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

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

Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing *specified sexual activities* or *specified anatomical areas* and still be categorized as *adult bookstore* or *adult video store*. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an *adult bookstore* or *adult video store* so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

The term *adult bookstore* shall include but not be limited to an *adult video store*, and all such uses shall be considered an *adult business* for regulation by this Chapter.

Adult Business: Any of the following:

A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.

B. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.

C. Any of the following as defined in this Article III:

    1. Adult arcade
    2. Adult bookstore or adult video store
    3. Adult live entertainment use or facility
    4. Adult motel
    5. Adult motion picture theater
    6. Adult theater
    7. Escort agency
    8. Massage parlor
    9. Nude model studio
    10. Sexual encounter center

Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

A. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,

B. Live performances, displays, or dances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,

C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

Adult Motel: A hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.

B. Offers sleeping rooms for rent three or more times in one calendar day.

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

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. An *Adult motion picture theater* shall be considered an *adult business* for the purpose of this Chapter.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas. An *adult theater* shall be considered an Adult Business for regulation by this Chapter.

After Hours Club: A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agriculture or Agricultural Use: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, tanneries, dairies and food canning and freezing operations.

Agritourism: Any activity carried out on a working agricultural operation such as a farm, orchard or vineyard that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

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

Alteration: Any construction or renovation to an existing structure other than a repair or an addition. See also *addition* and

repair.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Amusement Arcade: A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained excluding the use of less than 5 such devices accessory use to any lawful principal use.

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

Animal Husbandry, Commercial: The raising and keeping of livestock, small animals and fowl and/or fur bearing animals with the intent of producing capital gain or profit or with the intent of selling any livestock and/or poultry products.

Animal Husbandry, Home Use: The raising and keeping of livestock and/or small animals and fowl for personal satisfaction or consumption and with no intent of producing capital gain or profit or with no the intent of selling any livestock and/or poultry products.

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

Apartment: A dwelling unit for rent and/or lease that is intended to be a separate use other than the principal use of the building.

Applicant: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Chapter.

Application: Any application required to be filed for approval in accord with the requirements of this Chapter.

Antenna: Any exterior device or apparatus designed for cellular, digital, telephonic, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves including, without limitation, omnidirectional or whip antennas and directional or panel antennas. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

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

Antenna Support Structure: Any communication tower or any other structure which supports an antenna.

Archery Range, Indoor: Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor archery range for the purposes of this chapter. Considered a *recreation facility, commercial* for regulation by this chapter.

Archery Range, Outdoor: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

Art or Craft Studio: An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.

Auction House: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Auction, Vehicle and Equipment: A facility used for the sale of motor vehicles or equipment by auction, primarily to dealers.

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment.

Awning: A secondary covering attached to the exterior wall of a building, typically composed of canvas, woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, located above a window, door, or above the area along a sidewalk.

Bank: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Basement: An enclosed floor area partly or wholly below the finished grade with at least one-half (0.5) of its floor-to-finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be counted as a story for the purpose of the building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet. See *cellar*.

Bed and Breakfast Inn: An owner or operator-occupied single-family dwelling in which transient visitors to the area are lodged for compensation, meals for lodging guests may or may not be included, and no cooking facilities are provided in any rental room.

Billiard Hall: An establishment with the principal use of playing cue sports such as pool, snooker or carom billiard.

Block: A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, municipal boundary lines, unsubdivided land or by any combination of the above.

Board of Supervisors or Supervisors: The Board of Supervisor of Jackson Township, Monroe County, Pennsylvania.

Boarding House (Includes *Rooming House*): A residential use in which:

A. A room or rooms not meeting the definition of a lawful dwelling unit are rented for habitation; or,

B. A dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

Brew Pub: A *restaurant* or *tavern,* as defined herein, that includes as an accessory use the brewing of malt beverages of alcoholic and/or non-alcoholic content which produces less than fifteen thousand (15,000) gallons of malt beverages per year. Considered a *restaurant* for regulation by this chapter. (See also *micro-brewery*.)

Brewery: A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces fifteen thousand (15,000) gallons or more of malt beverages per year. Considered *agricultural products processing* for regulation by this chapter. (See also *micro-brewery*.)

Buffer: A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways, permitted vehicular access aisles or improvements which are used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

Buffer, Water Quality: The area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream to provide separation from an intensive land use area (e.g., subdivision, farm) and minimize sediment and other pollutant loading; also referred to as filter strips, vegetated filter strips, and grassed buffers.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building, Accessory: See *accessory structure*.

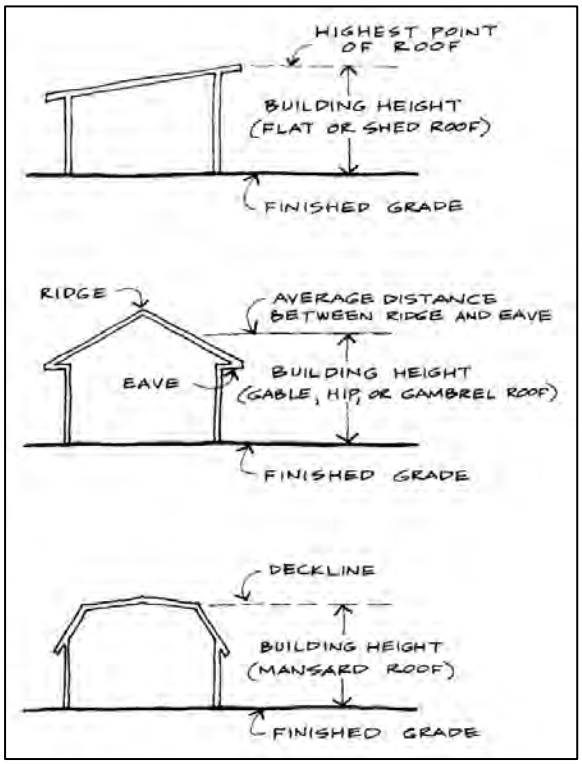
Building, Attached: A building which has one or more walls or portions thereof in common with an adjacent building. See *addition*.

Building, Detached: A building surrounded by open space on all four sides within the same lot.

Building, Principal: A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

Building Envelope: An area on a lot or development parcel which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

Building Height: The average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs not including chimneys, spires, elevator shaft extensions, mechanical appurtenances, and similar projections.



Building Height

Building Line or Building Setback Line: See *setback*.

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

Bulk Fuel Storage Facility: Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments.

Bus, Limousine or Taxi Terminal: An area and/or building where buses, limousines, and or taxis are stored or parked on a regular basis with or without maintenance and repair facilities.

Bus Shelter: Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van or other vehicle, including an official school bus, whose purpose is to provide temporary shelter for the users of the vehicle while they are waiting.

Bus Station: An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

Business: An enterprise, occupation, trade, or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of a business or the rendering or receiving of professional or personal service.

Business Office: A use comprised primarily of administrative and clerical services and involving no retail trade, lodging, warehousing or manufacturing. Such uses include, but are not limited to, financial services, legal services, travel agencies, insurance agencies, corporate offices and other similar uses.

Business Services: Establishments primarily engaged in rendering services to businesses including such activities as advertising and mailing, credit reporting and collection, duplicating, mailing, telemarketing, stenographic services, employment services, research and development and other similar services.

Camp/Retreat: A parcel or parcels of land with lodging facilities where transient clientele participate in organized recreation, receive instruction or training, or are afforded peace, quiet, privacy or security.

Campground or Recreational Vehicle Park: A planned development, under single ownership, for rental, license or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.

Campsite: A defined area within a campground to be used for camping purposes, and acting as a site for recreational vehicles, marked by the developer on a plan as a numbered, lettered, or otherwise identified plot of land.

Canopy: An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic or other materials; or a roof over an accessory structure including, but not limited to, gasoline pumps and an ATM (automated teller machine).

Care Facilities: Establishments that provide food, shelter, personal assistance, supervision, and/or medical or other health-related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence, or physical or mental infirmity need such care.

Adult Day Care Center: Any premises where care is provided to 4 or more non-permanent resident elderly or disabled adults for part of a 24 hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.

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

Child Day Care Center: A facility licensed by the State that provides a wide range of formal day care services for remuneration to 7 or more children who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

Convalescent or Nursing Home: A licensed establishment that provides full-time residential, intermediate, or skilled nursing care for 3 or more individuals who, by reason of chronic illness or infirmity, cannot care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

Domiciliary Care Home: An existing building or structure designed as a dwelling unit for 1 family that provides 24 hour supervised protective living arrangements by the family residing therein for not more than 3 unrelated persons 18 years of age and older who are disabled physically, mentally, emotionally, or who are aged persons.

Family Day Care Home: A facility, located in a single family residence, which provides supervised care for remuneration to not more than 6 children, who are not relatives of the care giver.

Group Day Care Home: A facility, located in a single family residence, which provides supervised care for remuneration to more than 6 but fewer than 12 children who are not relatives of the care giver.

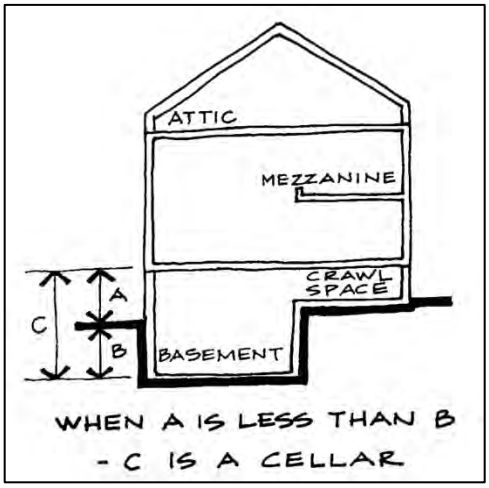
Group Home: A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. A group home shall be directly affiliated with a parent institution that provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff, and for supervision of residents by full-time resident staff.

Personal Care Boarding Home: A type of group quarters, specifically, a premises in which food, shelter, and personal assistance or supervision are provided, on the basis of a state or federal license, for a period exceeding 24 consecutive hours for at least 4 persons who are over the age of 18, are not relatives of the operator, and who are aged, blind, disabled, infirm, or dependent, but do not require skilled or intermediate nursing care.

Carport: A roofed building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

Car Wash: Any building or premises or portions thereof used for commercial purposes for washing motorcycles, passenger cars and other two-axle, four-tire, single-unit vehicles without trailers. See *truck wash*.

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



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

Certificate of Use/Occupancy: A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Chapter and/or the Uniform Construction Code and may be lawfully used.

Change of Use: Any conversion of a use from one use as regulated by this chapter to a different regulated use.

Charging Station: The physical device that provides a connection from a power source to an electric vehicle.

Church: See *place of worship*.

Clear-Sight Triangle: An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on the street right-of-way lines at a given distance from the intersection of the right-of-way lines.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or

more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than twenty four (24) hours. Considered a *health facility* for regulation by this chapter.

Club/Lodge, Private: An area of land or building used by a nonprofit civic, social, fraternal, recreational, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. A *club/lodge private* shall not include commercial recreation clubs such tennis or racquetball clubs or any other use which is specifically defined by this chapter. This use does not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, an auditorium or any other use specifically listed on the Table of Permitted Uses, unless that particular use is permitted in that Zoning District and the requirements of that use are met.

College: An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

Co-Location: Locating wireless communications equipment from more than one provider on a single site.

Commercial Use: An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission: The Jackson Township Planning Commission.

Common Area: All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

Common Facilities: Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of antennas and covering an area on the ground not greater than 250 square feet.

Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Community Association: See *property owners association.*

Composting Facility*:* A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

Comprehensive Plan: The most recent Comprehensive Plan (which may be a regional plan) adopted by Jackson Township,

including all maps, charts and textual matter.

Concentrated Animal Feeding Operation (CAFO): Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations.

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

Conference Center: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

Conservancy Lot: A large, privately owned and maintained lot comprising part of the required conservation open space in a conservation subdivision.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is minimized.

Conservation Area, Secondary: Lands containing secondary resources that are conserved as a part of conservation open space.

Conservation Design Subdivision: A subdivision designed at the regulated dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

Conservation Easement: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

Constrained Land: Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of *adjusted tract area* related to conservation design development.

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

Contractor Yard: Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

Convenience Store: A retail establishment of up to 5,000 square feet selling *prepackaged food products,* household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, self-service fuel or other goods commonly associated with the same.

Conventional Design Subdivision: A subdivision designed at the dwelling unit density specified in this Chapter where individual lot reduction is not permitted.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn as contrasted to a pasture.

Correctional Facility: A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system including, but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

Country Club: A recreational property owned and managed by a non-profit membership organization including recreational facilities, restaurant and meeting rooms, but not including property owner association facilities or other properties operated for profit.

County: The County of Monroe, Commonwealth of Pennsylvania.

County Planning Commission: The Planning Commission of Monroe County, Pennsylvania.

Coverage, Lot: See *lot coverage*.

Crematorium: A furnace or establishment for the incineration of human or animal corpses.

Crop Production: An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes commercial greenhouses and commercial nurseries as defined by this Chapter.

Cultural Center: A public or non-profit operated building open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature center, library, etc.

Decision: A final adjudication of any board or other body granted jurisdiction under this Chapter 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 a court of competent jurisdiction.

Deck: An attached or unattached platform structure elevated more than six inches and constructed with no walls and with no roof.

Density: The total number of dwelling units per unit of land.

DEP: The Pennsylvania Department of Environmental Protection.

Detached Building: See *building, detached*.

Detached Structure: See *structure, detached*.

Determination: Final action by an officer, body or agency charged with the administration of this Chapter or applications hereunder, which has that authority as stated in various parts of this Chapter. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner or agent thereof, or tenant or equitable owner under an agreement of sale having the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

Development Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the municipality to produce a usable and functional development; including, but not limited to, roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

Development Plan: A proposed development, prepared in accordance with this Chapter and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

Development Sales Office: Any structure erected by a developer, within the confines of a subdivision, used as an office on a short term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate

use of the structure to conform to a permitted use, special exception or conditional use in the district in which the structure is located.

Distribution Center/Truck Terminal: An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle. Breakdown of large orders from a single source into smaller orders and consolidation of several orders into one large one for distribution to several recipients and vice versa are often part of the operation. The operation may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities, such as warehouses, incidental to the principal use may also be part of the operation. Retail sales, manufacturing and assembly, or product processing, are not considered part of a *distribution center/truck terminal.*

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

Domestic Violence Shelter: A residence providing food, shelter, medical care, legal assistance, personal guidance, or other services to persons who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

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

Drive-in Stand/Use: An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-in Theater: See *theater, drive-in.*

Driveway: A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage or legal access on the said road.

Dump: See *solid waste landfill*.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Apartment Unit: One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

Dwelling, Lot Line: A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a 5-foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

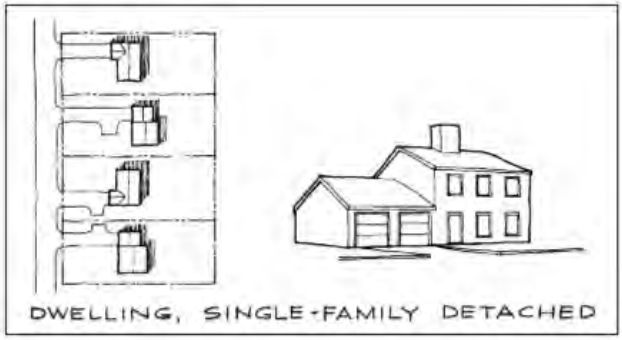
Dwelling, Multi-Family: (See also *multi-family project*.) A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

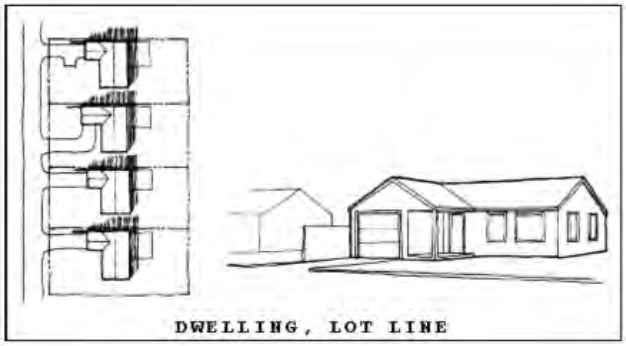
A. Single-family Attached/Townhouse: A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.

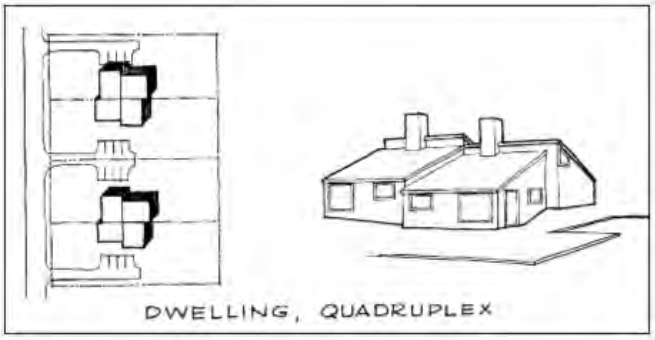
B. Garden Apartment Building: A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.

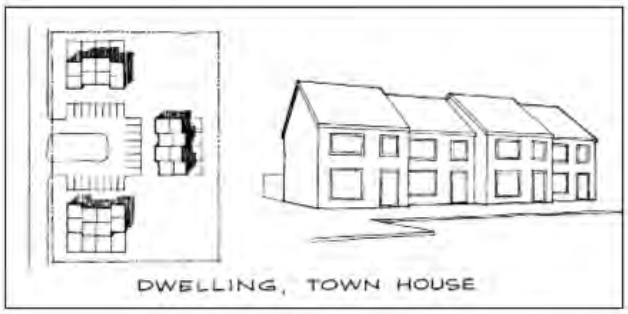
C. Apartment Building: A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of this Chapter.

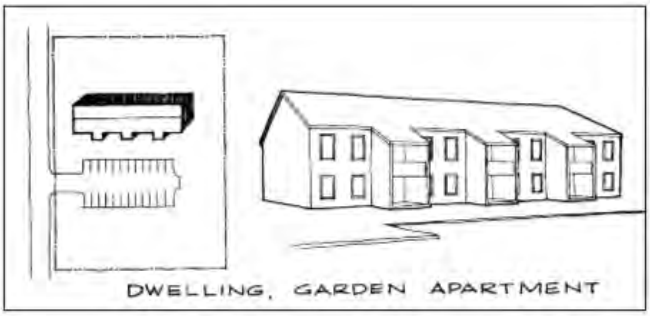
D. Residential Conversion to Apartment: The conversion of an existing single family detached dwelling into three to five dwelling units.











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

Dwelling, Single-Family Detached: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family: A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

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

Dwelling in Conjunction with a Nonresidential Use: A structure or portion thereof that is used exclusively for human habitation in conjunction with an approved nonresidential use.

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

Employee: A worker or proprietor (including both part-time and full-time, both compensated and volunteer, and both employee and contractor) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

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

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

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

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

Essential Services: Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, any commercial communications devices and any other use specifically defined by this chapter shall not be considered essential services. For essential services requiring enclosure in a building see *semi-public building or use*.

Exercise Club: A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

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

A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;

B. Three (3) unrelated people;

C. Two (2) unrelated people and any children related to either of them;

D. Not more than the number of residents of a *group home* meeting the requirements of §27-1218.

E. Not more than eight (8) people who are granted a special exception if shown to be functioning as a as a single nonprofit housekeeping unit (a *functional family*).

The definition of a *family* does not include:

A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

B. Any group of individuals whose association is temporary or seasonal in nature; and

C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm Stand: A booth or stall on a farm and from which produce and farm products grown on the premises are sold to the general public.

Farmer's Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC: The Federal Communications Commission.

Fence or Wall: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or to be used as a means of protection or confinement; also, a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

Financial Institution: See *bank*.

Firewood Cutting and Sales – The importing of trees or firewood from any property to any another property for cutting or sale for use as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for sale as firewood. Considered *agricultural products processing* for regulation by this chapter.

Flea Market, Indoor: Any sales activity conducted entirely in an enclosed building where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Considered a *retail business* for regulation by this Chapter.

Flea Market, Outdoor: Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood (and related definitions): See Township floodplain management regulations.

Floor Area, Gross: The sum of the total horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

Floor Area, Habitable: That portion of the gross floor area within a building having a distance between floor and ceiling of at least seven feet for residential structures and at least 7 ½ feet for nonresidential structures, and not including garage or accessory building space.

Floor Area, Net: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

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

Fraternity or Sorority House: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

Frontage: See *lot frontage*.

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

A. Embalming and the performance of other services used in preparation of the dead for burial.

B. The performance of autopsies and other surgical procedures.

C. The storage of caskets, funeral urns, and other related funeral supplies.

D. The storage of funeral vehicles.

Fur Bearing Animal: Animals raised or trapped in the wild for their pelts such as mink, sable, and ermine.

Gaming Establishment: Any facility in which any form of gaming is conducted as authorized by the laws of the Commonwealth of Pennsylvania including, without limitation, gaming authorized by: (i) the Pennsylvania Racehorse Development and Gaming Act, P.L. 572, No. 71, 4 Pa. C.S.A, § 1101, et seq., as amended from time to time (the *Racehorse Development and Gaming Act*); and (ii) the Racehorse Industry Reform Act, P.L. 435, No. 135, 4 P.S. § 325.101, et seq., as amended from time to time (the *Racehorse Reform Act*). Notwithstanding the foregoing, for purposes of this Chapter, the term *gaming establishments* shall not include or encompass facilities or establishments at which small games of chance are played or facilities participating in any lottery authorized by the Commonwealth of Pennsylvania.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage, Private Customer and Employee: A structure that is accessory to an institutional, commercial, or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, Private Residential: A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicle(s) owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Garage, Public Parking: A structure or portion thereof, other than a *private customer and employee garage* or *private residential garage*, used primarily for the parking and storage of vehicles and available to the general public.

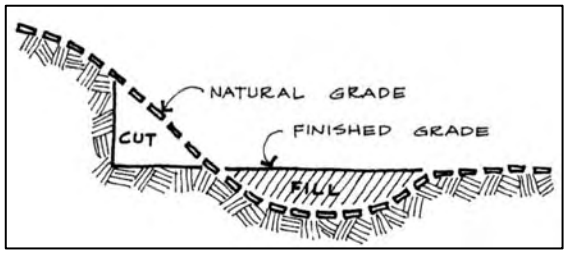
Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. Considered *retail business* for regulation by this Chapter.

Gazebo: An unenclosed, detached, covered accessory structure primarily used for recreation or socializing.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green.



Grade: The elevation of ground or paving.

Grade, Finished: The elevation of completed surfaces of lawns, walks, roads and other fills and excavations brought to grades as shown on official plans.

Grade, Natural: The elevation of the ground level in its natural state before construction, filling, or excavation.

Grain Storage, Distribution, Processing and Milling Operations: A facility, including necessary structures, where grain is received and stored on site until it is prepared for reshipment or is prepared for use as an ingredient in other products, and is then shipped to other manufactures. Considered *manufacturing, light* for regulation by this Chapter.

Green Box Transfer Station/Recycling Facility: A facility meeting applicable DEP requirements which is operated by a municipality or a property owners association (see definition) where municipal waste and recyclables are collected for transport to another site for disposal or processing.

Greenhouse, Commercial: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale or retail distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

Greenhouse, Private: An accessory structure typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use.

Gross Floor Area: See *floor area, gross.*

Group Home: (see Care Facilities)

Group Quarters: Any dwelling or portion thereof designed or used for at least 3 persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, lodging or boarding houses, fraternity and sorority houses and dormitories, and other quarters of an institutional nature. Such quarters must be associated with a religious, educational, charitable or philanthropic institution.

Guard Shack: An accessory building or structure, together with any associated gates and related equipment, which is designed, occupied and operated for the purpose of controlling vehicular access.

Guyed Tower: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Habitable Floor Area: That portion of the gross floor area within a building having distance between floor and ceiling of at least 6 feet for residential structures and at least 7½ feet for nonresidential structures, and not including garage or accessory building space.

Halfway House: A transitional facility for individuals after release from institutionalization (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Hazardous Substances: A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

A. *Hazardous substances* as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

B. *Hazardous substances* as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely: Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions.

Health Facility: An establishment primarily engaged in providing services for human health maintenance including abused person shelters, medical clinics, hospital facilities, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated.

Hearing: An administrative proceeding conducted by the Planning Commission, Governing Body, or Zoning hearing Board pursuant the requirements of this Chapter.

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

Helistop: A heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public.

Home Occupation: The use of a portion of a dwelling unit, such as an office, studio or workroom for occupation at home by one or more persons residing in the dwelling unit. See also *no-impact home-based business*.

Homeowners Association: See *property owners association*.

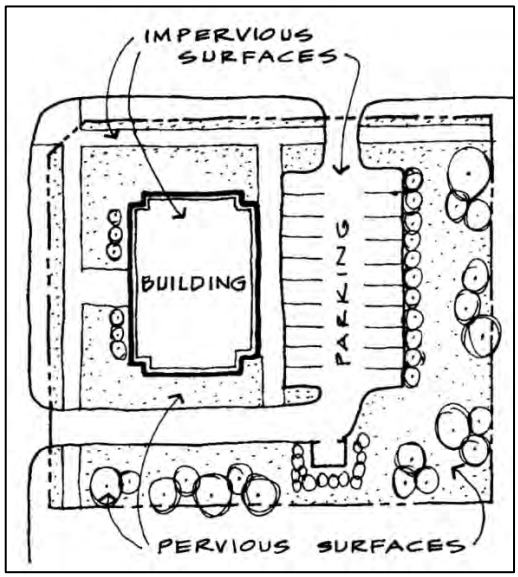
Homeless Shelter: A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless persons.

Horse: Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules and donkeys.

Hospital: An institution or establishment providing primary health services and medical or surgical care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities training facilities, medical offices, or staff residences. Considered a *health facility* for regulation by this Chapter.

Hotel: A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a residence) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Hunting/Fishing Clubs or Camps: Land and/or a stream or body of water and adjacent area on any bank thereof, owned or leased by a person or group of persons duly formed as a club, used principally for hunting/fishing, open only to members and guests and involving no buildings other than those for lodging, eating and sanitary facilities for members and guests and accessory structures.



Impervious Surface: A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.

Improvements: See *development improvements*.

Industrial Wastewater Treatment Facility: A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas) nutrients, organics, solids, radionuclides or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

Industry: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to,, the assembly of component parts, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

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

A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;

B. Used lumber, boxes, crates and pallets;

C. Used tires;

A. Other worn, deteriorated, or obsolete manufactured goods which are unusable

B. Mobile homes that are not in habitable condition; and,

C. Abandoned or junked vehicles

Junk shall not include:

A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.

B. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

C. Construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Chapter, provided such equipment is stored on the

premises of the operation, can be legitimately used for parts, and is adequately screened.

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

A. The outside storage or deposit on a lot of three (3) or more abandoned or junked vehicles; and,

B. The outside storage or deposit on a lot of one (1) or more mobile homes that are not in habitable condition.

Kennel: Any of the following:

A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.

B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels and commercial kennels.

C. Any veterinary clinic with outdoor animal runs.

Lake or Pond – A natural or artificial body of water one-fourth acre or larger which retains water year-round. Artificial ponds may be created by dams, or result from excavation.

Land Development: Any of the following activities:

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

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. The definition of land development shall not include the following:

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

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

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes 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 Township.

Landfill: See *solid waste facility*.

Landowner: The legal or beneficial owner or owners of land, the holders of an option or contract to purchase (without regard to any conditions of sale), a lessee having a remaining term of not less than 40 years, or any other person having a proprietary interest in the land.

Large-Scale Retail/Commercial Development: An individual freestanding building or multiple building development in which the combined total of all structures and outdoor sales areas within the development (regardless of diverse lotting, use or tenancy) combine to total 20,000 square feet or more of gross floor area, used for conference centers; gaming establishments; hotels; motels; recreation facilities, commercial; restaurants; retail businesses; service establishments; taverns; theaters; or similar patron-based uses; but not including camps/retreats, country clubs, and resorts.

Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support communications equipment.

Livestock: Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals

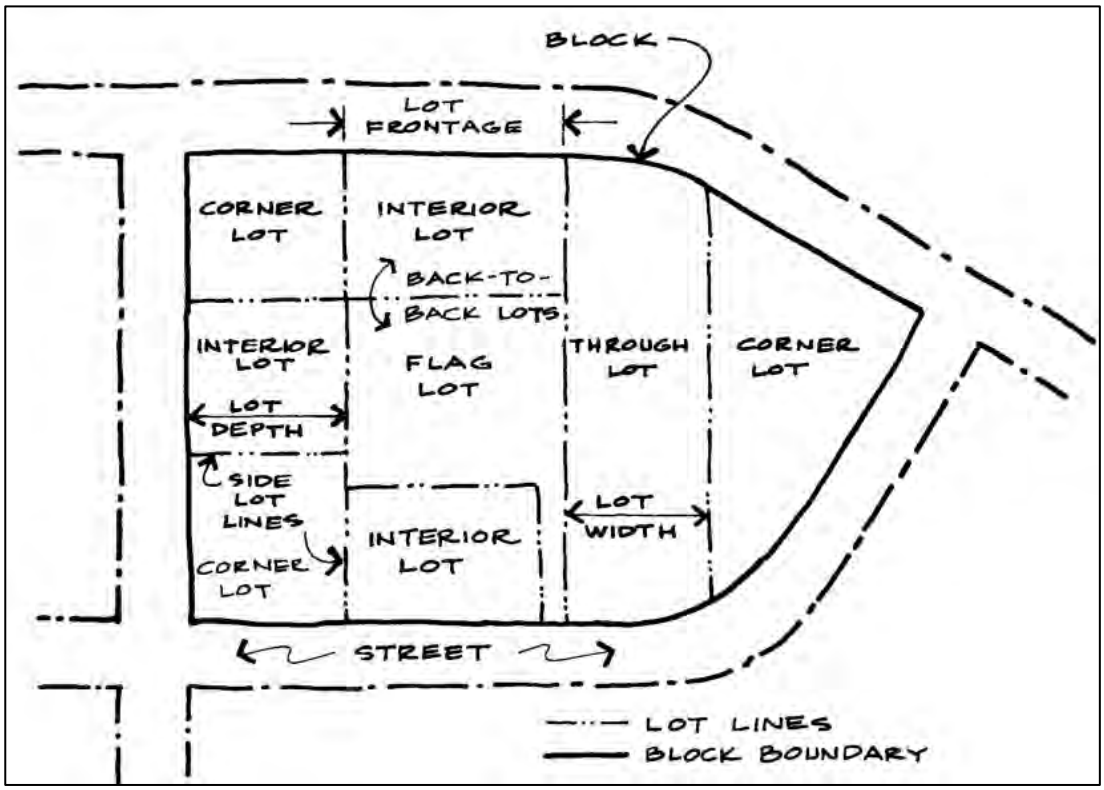
Livestock Operation: See *animal husbandry, commercial*.

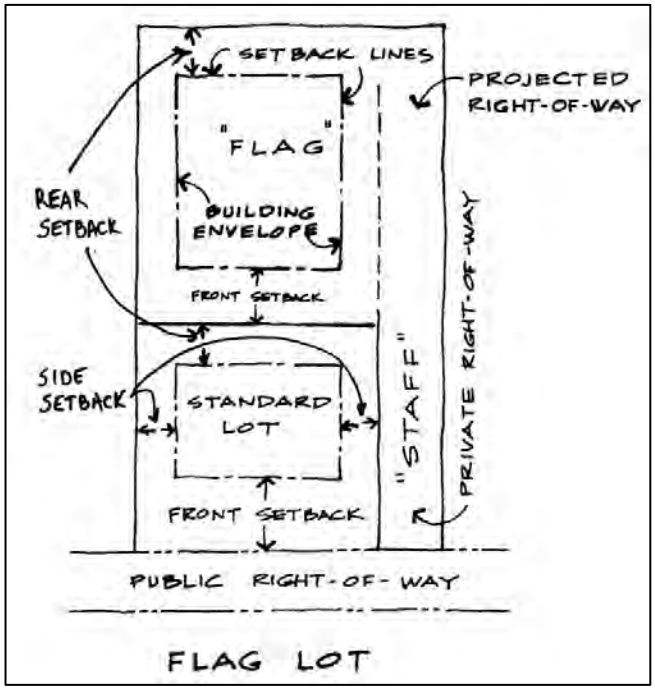
Loading/Unloading Space: An interior or exterior off-street space or berth used for the loading or unloading of people, cargo, products, or materials from vehicles.

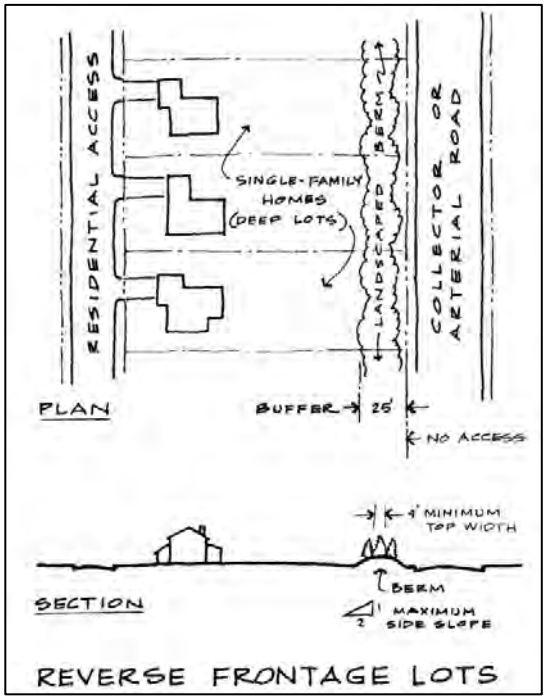
Long-Term Residency: See *residency, long term*.

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

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.







Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance. (See *parent tract*.)

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.

Lot, Reverse Frontage: A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Area: The horizontal land area contained within the property lines of a lot measured in acres or square feet.

Lot Area, Required Minimum: (This applies to the creation of new lots. It does not apply to the determination of lot size nonconformity; instead, the definition of *lot area* is applied.) The horizontal land area contained within the property lines of a lot expressed in acres or square feet after deducting the following areas of constrained land from the total lot area:

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 0.50	=

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	=
E	wetlands as determined by a delineation		X 0.50	=
F	prohibitive steep slopes (25% or greater)		X 0.50	=
G	precautionary steep slopes (15% to less than 25%)		X 0.10	=
H	ponds, lakes and streams to the high water mark		X 0.50	=
I	**CONSTRAINED LAND = SUM OF A through H =**			

Lot Coverage: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for the purpose of determining compliance with the permitted lot coverage.

Lot Depth: The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

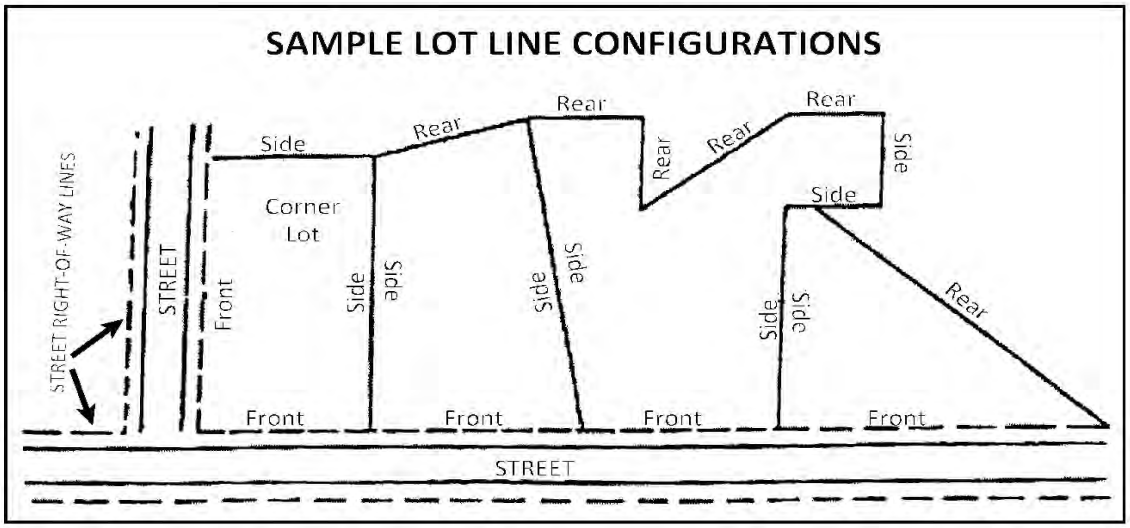
Lot Frontage: The horizontal distance between side lot lines or the projection of the side lot lines, measured along a straight line drawn perpendicular to a line joining the midpoints of the front and rear lot lines at a point equivalent to the minimum front setback applying to the lot.

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

A. Lot Line, Front: The lot line(s) separating the lot from any street.

B. Lot Line, Rear: The lot line(s) most distant from and most parallel to the front lot line.

C. Lot Line, Side: Any lot line other than a front or rear lot line.



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

Lumbering: See *forestry*.

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

Manufactured Home Sales – See *vehicle and equipment sales operation*.

Manufacturing, Light: Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

A. Grain storage, distribution, processing and milling operations.

B. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.

C. Research, engineering or testing laboratories.

D. Textile and clothing manufacturing.

E. Furniture or other wood products production.

Light manufacturing does not include:

A. Basic industrial processing as defined by *industry*.

B. Processing of raw materials, except for milling and processing of grain.

C. Slaughterhouses or the production of fish or meat products, or other use as defined by *agricultural products processing*.

D. Rendering of fats and oils.

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

Massage Facility, Therapeutic: A service establishment that meets all of the following criteria:

A. Massages are conducted for a fee, tip or other consideration; and,

B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist, or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic massage organization that requires substantial professional training.

C. The establishment does not meet the definition of *massage parlor*.

Massage Parlor: A person or business association or establishment which furnishes, offers to furnish or advertises to

furnish as one of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of any *specified anatomical areas.* Considered an *adult business* for regulation by this Chapter.

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 in a written agreement which the parties themselves create and consider acceptable.

Meeting, Assembly, or Banquet Halls: A structure designed for an assemblage of persons including fraternal organizations, banquet facilities within eating and drinking establishments, catering facilities, and areas located within the grounds of churches to service gatherings such as weddings, parties etc.

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes.

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

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

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and drilling) of minerals as defined in this Article III and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.

B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.

C. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.

D. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.

E. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:

    1. Extraction, handling, processing or storing are conducted concurrently with construction.

    2. The area mined is limited to the area necessary to construction.

    3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to,, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. Considered *industry* for the purposes of regulation by this Chapter. This shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*.

Mini-Mart: See *convenience store*.

Mixed Use Building: A two or three-story building that houses nonresidential uses including retail shops and offices on the ground floor. Uses within the upper floors include multi-family units and/or professional offices.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations.

Mobile Home Lot: A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for more than two (2) mobile home lots and the rental or lease only of sites for the placement of mobile homes for non-transient use.

Model Home: Any structure erected by a building contractor, used as a display to promote the sale of similar residential structures, which may be utilized on a short term basis as an office for the building contractor, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located.

Monopole Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25 percent of the rooms having direct access to the outside. Rooms in the facility shall not be used as a principal residence, except for an employee (i.e. caretaker).

Multi-Family or Two-Family Conversion: A multi-family or two-family dwelling constructed by converting an existing building into dwelling units for more than 1 family, without substantially altering the exterior of the building. Such conversions shall be subject to review and permitting procedure by the Township Planning Commission, Board of Supervisors, Sewage Enforcement Officer, and the Pennsylvania Department of Environmental Protection where applicable.

Multi-Family Project: Any development of a single parcel of property that includes 1 or more buildings containing 3 or more dwelling units. Any residential development which proposes the construction of 2 or more two-family dwellings on 1 parcel of property is also considered a multi-family project. Two-family dwellings in a multi-family project are considered townhouses.

Multiple Occupant Commercial Building: A building containing 2 or more independent, non-residential uses; such uses being permitted in the District where the multiple occupant building is proposed.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality.

Municipality: Jackson Township, Monroe County, Pennsylvania.

Museum: See *cultural center*.

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. Considered *industry* for the purposes of regulation by this Ordinance. (See also *pipeline compressor station, metering station or operation/maintenance facilities*.)

Neighborhood: A development of 5 to 25 single-family, detached dwellings clustered in a concentrated area which is surrounded by open land or recreation area.

Nightclub: An establishment dispensing food and drink and in which music, dancing, or entertainment is an integral and significant part of the operation.

No-Impact Home Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no other employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity shall not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

H. The business shall not involve any illegal activity.

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

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

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

Nude Model Studio: Any place, which is not excepted by §27-1201.3.Q, where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Considered an *adult business* for regulation by this Chapter.

Nudity or a State of Nudity: The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areola.

Nuisance: A condition or situation that results in an interference with the enjoyment and use of property.

Nursery, Retail: See *garden center*.

Nursery, Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail establishments.

Obscene Materials: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *specified sexual activities* and/or *specified anatomical areas*.

Office: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Office Building: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day care facilities.

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

Official Zoning Map: The Official Zoning Map of Jackson Township, Monroe County, Pennsylvania.

Off-Track Betting Facility: A facility licensed pursuant to the provisions of the Racehorse Reform Act for the purpose of gaming authorized at a non-primary location pursuant to the provisions of the Racehorse Reform Act. Considered a *gaming establishment* for regulation by this Chapter.

Oil or Gas Well: A type of *mineral extraction* involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term *well* does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. Considered *mineral extraction* for regulation by this Chapter.

Open Space: An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this Chapter or the Township Subdivision and Land Development Ordinance.

Open Space, Common: Open space that is part of a particular conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

Open Space, Conservation: Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Chapter and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Open Space, Required Public: Open space that is dedicated or reserved for the use of the general public in accord with the requirements of the Township Subdivision and Land Development Ordinance.

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

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to

submit an application for the development or use of land.

PA DEP or DEP: The Pennsylvania Department of Environmental Protection.

PA DOT or PennDOT: The Pennsylvania Department of Transportation.

Parcel: See *lot*.

Parent Tract: Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance and from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record*.)

Park and Ride Facility: A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.

Parking Area: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets. See Garage.

Parking Area, Private: A parking area for the exclusive use of the clients, customers or owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parking Area, Public: A parking area available to the public, with or without payment of a fee.

Parking Space, Off-Street: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Parking Space, On-Street: A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A permanent foundation which meets the requirements of the Uniform Construction Code.

Permit: A document issued by the proper authority documented on the required application which authorizes the applicant to undertake certain activities in compliance with all the applicable codes and ordinances.

A. Zoning Permit: Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this chapter. Issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.

B. Building Permit or Construction Permit: Issued by the Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Township construction code.

C. Certificate of Use/Occupancy: A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Chapter and/or the Uniform Construction Code and may be lawfully used.

Permit, Certificate Of Use and Occupancy: A certificate issued by the appropriate office of the Township upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies that all requirements of this Chapter or such adjustment there from which has been granted by the Zoning Hearing Board and that the purpose for which a building or land is to be used is in conformance with the uses permitted within this Chapter and all other applicable regulations for the district in which it is located or is to be located.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Service Business: See *service establishment*.

Pet: Domestic cats and domestic dogs, and other animals which are commonly kept primarily inside a dwelling unit for companionship or personal satisfaction (not for consumption or utilitarian use) such as parakeets, parrots and similar birds, ferrets, mice, guinea pigs, hamsters and similar rodents, nonpoisonous snakes, and fish. Pet does not include livestock, small animals and fowl, pot bellied pigs and miniature horses.

Picnic Grove, Private: An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis. Considered a *recreation facility, commercial* for regulation by this Chapter.

Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities: A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, dehydrate, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition also includes utility transfer stations which are owned, operated and maintained by the local natural gas utility and mark the point at which it assumes official control of the gas. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.

Place of Worship: Buildings, synagogues, churches, temples, cathedrals, chapels, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization qualifying under §501(c)(3) of the Internal Revenue Code for nonprofit and noncommercial purposes which people regularly attend to participate in or hold religious services, meetings or functions, or religious instruction, and which may include customary incidental accessory uses such as housing for active clergy, meeting and activity rooms, day care and recreation facilities.

Planning Commission: The Planning Commission of the Township of Jackson.

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

Power Plant: Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, 75 percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used.

Preexisting Towers and Antennas: Any tower or antenna erected prior to the effective date of this Part.

Primary Resources: See *resources, primary*.

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

Principal Building: A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

Principal Entrance: The place of ingress and egress most frequently used by the public.

Principal Permitted Use: A use allowed in a particular zoning district which is approved by the Zoning Officer provided the application complies with all requirements of this Chapter.

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

Principal Use: The primary or predominate use of a lot.

Professional Office: The office of a member of a recognized profession such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister, optometrist, planner, physician, or realtor.

Property Owners Association: A nonprofit corporation organized by the developer or lot owners for the purpose of establishing an association of all property owners in a planned development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

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 and the Board of Public Education).

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals, and other uses specifically defined by this Chapter.

Public Hearing: A formal meeting held pursuant to public notice by the Planning Commission, Governing Body or Zoning hearing Board, intended to inform and obtain public comment, prior to taking action in accord with the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), as amended, known as the *Sunshine Act*.

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

Public Utility: Any agency or entity that, under public ownership, or under certificate of convenience and necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

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

Race Track: A road course, either oval, circuitous or straight, where motor vehicles including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for recreation, testing or competition; or, any course where animals are raced for competition.

Recreation Area: A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers, used for play and/or recreation by individuals.

Recreation Area, Active: A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

Recreation Area, Passive: A private or public space associated with a residential development, not including any accessory structures used for active recreation by individuals, and including, but not limited to, trails, picnic areas, community

gardens, and lawns.

Recreation Facility, Commercial: Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds and any other use specifically listed in any zoning district.

Recreation Facility, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government. See *public buildings and uses*.

Recreational Vehicle: A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on, or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

Recreational Vehicle Park: See *campground or recreational vehicle park*.

Recycling Facility: A facility employing a technology that is a process that separates or classifies municipal waste (as defined by PA Code Title 25, §271.1) and creates or recovers re-useable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include *solid waste facilities*, a *resource recovery facility*, or a *green box transfer station/recycling facility* as defined herein, or an accessory drop-off point or collection center for recycling.

Regional Comprehensive Plan: See *comprehensive plan*.

Regional Planning Committee: The committee established by intergovernmental agreement in accord with the adopted regional comprehensive plan.

Regional Use: A specific land use which is permitted within the Planning Region consistent with the Comprehensive Plan and specifically identified in §27-204.

Related or Relative: See *family*.

Religious Quarters: A dwelling associated with a place of worship in which reside individuals directly involved with the administration or function of a place of worship including clergy and staff and immediate family members.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also *addition* and *alteration*.

Repair Service: Shops for the repair of appliances, watches, guns, bicycles and other household items. Considered a *service establishment* for regulation by this Chapter.

Reservoir Space: A parking place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

Residency (or Occupancy), Long-Term: Occupancy of a dwelling, generally for periods of more than one hundred and eighty (180) days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

Residential Accessory Structure (Includes *Building*) or Use: A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. It does not include any business conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Resort: A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including *bed and breakfast establishments*, *campgrounds, recreational vehicle parks* or *mobile home parks*. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events, and employee living quarters.

Resource Recovery Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste (as defined by PA Code Title 25, §271.1).

A. The term includes a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy and a chemical and biological process that converts municipal waste into a fuel product.

B. The term includes a facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.

C. The term includes land affected during the lifetime of operations, including, but not limited to, areas where processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

D. The term does not include:

    1. A *composting facility* as defined herein.

    2. Methane gas extraction from a municipal waste landfill.

    3. A recycling facility as defined herein, an accessory drop-off point or collection center for recycling, or a source separation or collection center for composting leaf waste.

Resources, Primary: Natural features consisting of 100-year floodplain (including the floodway), wetlands and prohibitive steep slopes (greater than 25 percent). In conservation subdivisions, all conserved lands containing primary resources are called primary conservation areas.

Resources, Secondary: Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in the Subdivision and Land Development Ordinance. Lands containing secondary resources that are conserved are called secondary conservation areas.

Restaurant, Outdoor: Any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily moveable.

Restaurant, Take-Out: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from a vehicle.

Restaurant, Traditional: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building which may include limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows shall be considered a *nightclub*.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Home Heating Fuel Distributors: An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not exceed a combined total of 20,000 gallons.

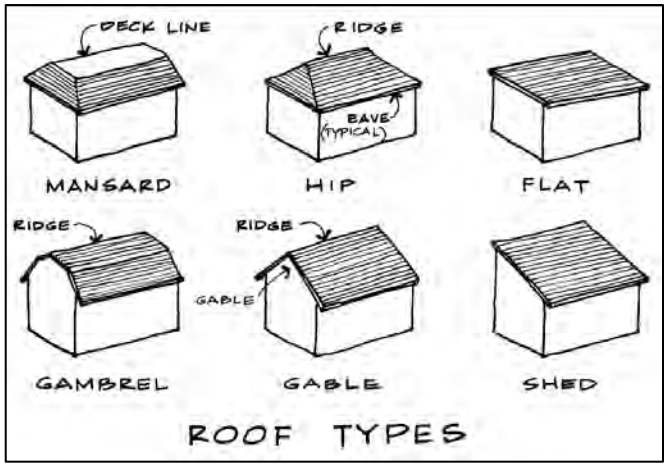
Retaining Wall: A solid or integrated vertical structure in excess of four (4) feet in height designed for the separation or retention of varying ground levels.

Retaining Wall: A structure designed for the separation of varying ground levels.

Right-of-Way: Land reserved for use as an access, street, drainage facility or other private, public or community use.

Roof: The outside top covering of a building.

Rooming House: See *boarding house*.



Sample Home: An unoccupied single-family dwelling associated with a principal permitted commercial use and not intended for permanent occupancy, and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller. (See also *model home*.) The display and sale of such homes is considered a *retail business* for regulation by this Chapter.

Satellite Dish Antenna or Satellite Antenna: A parabolic in shaped device designed to receive radio waves.

School, Public or Private Primary or Secondary School: An educational institution that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools*.

Screened: Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Township.

Screening: A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

Self-Storage Facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Self-Support Tower: A communication tower that is constructed without guy wires and ground anchors.

Semi-Public Building or Use: A building or use operated by nonprofit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

Service Establishment: An establishment engaged in providing services involving the care of a person or a person's goods or apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Table of Permitted Uses.

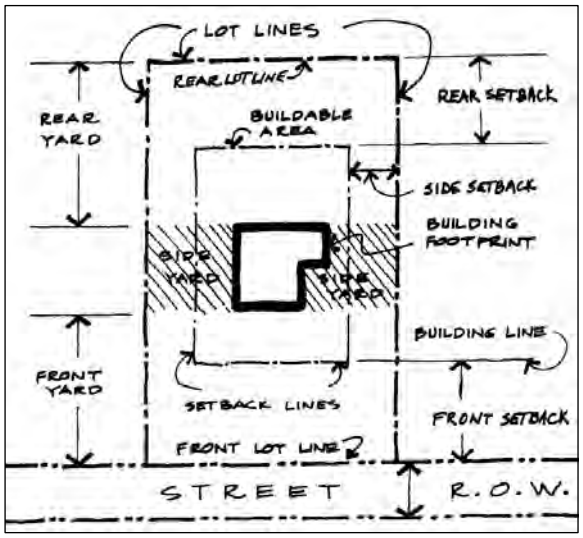
Setback, Front: The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

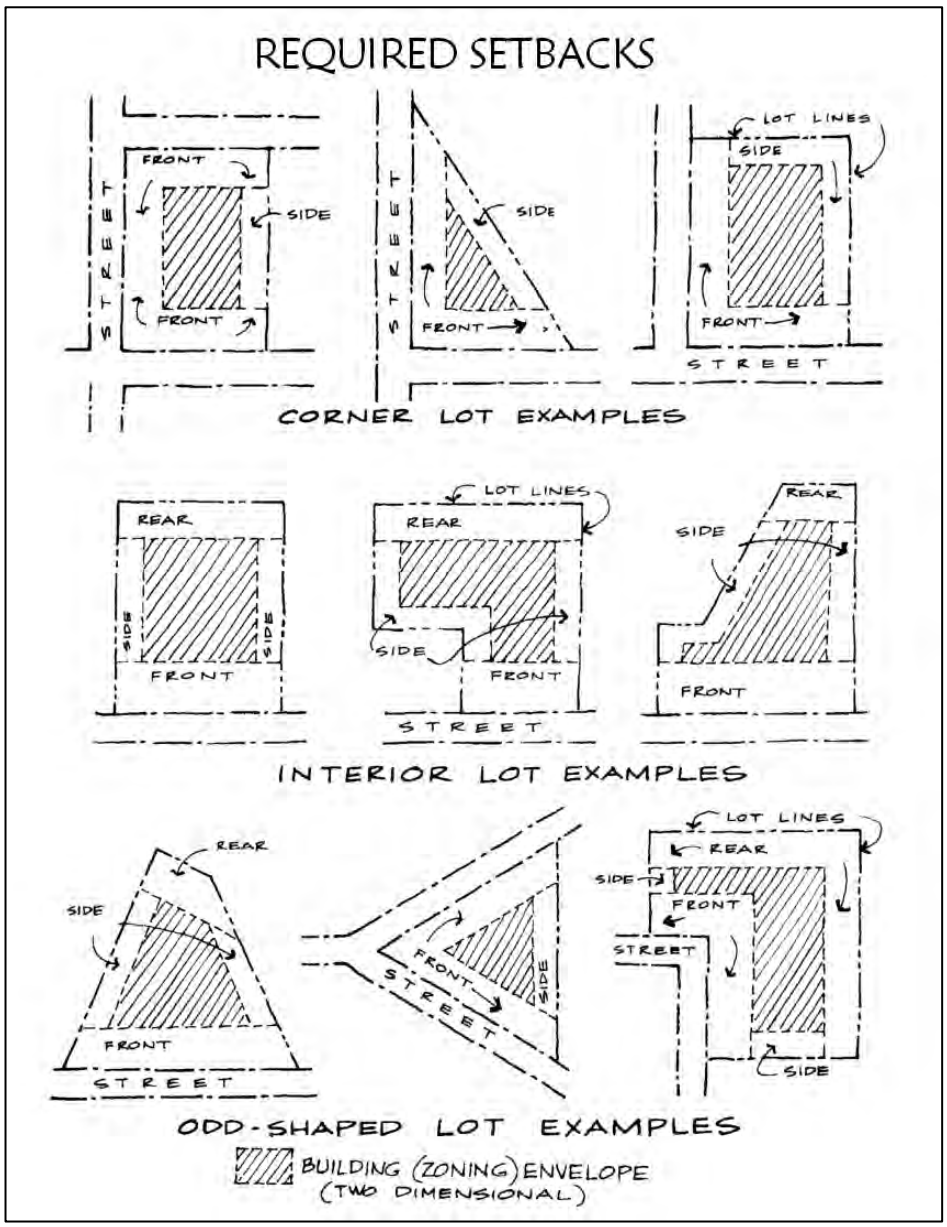
Setback, Rear: The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.

Setback, Required: The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Chapter. See also *yard* and *lot line*.

Setback, Side – The required minimum open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.

Sever: As used in reference to transferable development rights, the division or separation of development rights from the total bundle of rights associated with a parcel of land in accord with the provisions of §27-1320.





Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the act of June 22, 1937 (P.L.1987, No.394), known as *The Clean Streams Law*, as amended.

Sewage Collection and Conveyance System: The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system. Septic tanks and grinder pumps serving individual lots or dwelling units connected to an off-site sewage disposal system shall be considered part of the collection and conveyance system.

Sewage Disposal, Central, Off-Site or Community: A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, Individual or On-site: a utility system or other system designed for the collection, treatment and disposal of sewage from a single lot into the soil or into waters of the Commonwealth, or for conveyance to another site for final disposal. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Enforcement Officer (SEO): The Township/Township official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and the regulations there under

Sewage Facility: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

Sewage Treatment Plant: Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including, but not limited to, screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, soil absorption areas, spray fields, drip irrigation fields and constructed wetlands.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. Considered an *adult business* for regulation by this Chapter.

Shed: A detached accessory structure used for the storage of tools, minor equipment, and materials, but too small for the storage of an automobile.

Shooting Range, Indoor: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association. Considered a *recreational facility, commercial* for regulation by this Chapter.

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

Shopping Center or Mall: A group of independent (i.e., not dependent on each other for operation) commercial

establishments occupying spaces separated by walls which are planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, landscaping, and signs.

Sign: See Part 17.

Skidding: Dragging trees on the ground from the stump to the landing by any means.

Slash: Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Slaughter House: An agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. Considered *agricultural products processing* for regulation by this Chapter. *Slaughter house* shall not include a custom butcher shop that does not involve killing of animals which is considered a *retail business*.

Small Animals And Fowl: Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons and any other similar animal.

Solar Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar Energy Storage Facility: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Solar Power Generation, Commercial: A facility where 1 or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

Solid Waste: Waste, including, but not limited to, municipal, residual, construction/demolition or hazardous wastes (as defined by PA Code, Title 25, §271.1) including solid, liquid, semisolid or contained gaseous materials.

Solid Waste Facility: Any facility or operation, other than a landfill, involving the management, processing and/or disposal of solid waste including, but not limited to, transfer facilities and incinerators. The term does not include a *composting facility* or a *recycling facility* as defined herein, or an accessory drop-off point or collection center for recycling.

Solid Waste Landfill: A facility using land for disposing of solid waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for the land application of sewage sludge.

Solid Waste Transfer Facility: A type of *solid waste facility* which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a processing or disposal facility. The term does not include a *composting facility*, a *green box transfer station/recycling facility*, a *recycling facility,* or a *resource recovery facility* as defined herein, or an accessory drop-off point or collection center for recycling.

Sound Level: The quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specifications for Sound Level Meters, S1.4-1971. Sound level is the frequency weighted sound pressure level

obtained with the standardized dynamic characteristic "fast" or "slow" and weighting A, B, or C; unless indicated otherwise, the A-weighting is understood. The unit of any sound level is the decibel, having the unit symbol "dB."

Sound Level, Equivalent: The level of a constant sound, which over the given time interval and situation which has the same sound energy as a time-varying sound.

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

Specified Anatomical Areas: Any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.

B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Masturbation, actual or simulated.

D. Excretory functions as part of or in connection with any of the activities set forth in A, B and C, above.

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, training, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

State: The Commonwealth of Pennsylvania and its agencies.

Storage Building: A structure accessory to a residence for the purpose of holding household goods, tools or other personal items offering such protection from the elements and screening them from common view.

Storage Yard for Forest Products and Minerals: An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flagstone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

Story: A story is that part of a building between the surface of any floor and the next floor above it, or in its absence, then the finished ceiling or roof above it.

Stream: A natural watercourse. See *watercourse.*

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

Street Line: The street line is that line determining the limit of the rights of the public.

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

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structure, Principal: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Structural Alteration: See *alteration*.

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

Supervisors: The Board of Supervisors of Jackson Township.

Swimming Pool: A body of water or receptacle for water having a depth at any point greater than two feet, which is used or intended to be used for swimming or bathing and constructed or maintained in or above the ground.

Tattoo, Body Piercing, Scarifying or Branding Parlor: An establishment engaged in any of the following:

A. The perforation of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.

B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.

C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.

D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

Tavern: An establishment that serves primarily alcoholic beverages for mostly on-premises consumption and that is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Temporary Construction Building: A building erected on a lot for use in conjunction with construction on that lot. Such building shall cease to be a temporary construction building 3 months after the construction is completed or after a period of 9 months inactivity on the construction project.

Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless communication facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

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

Theater, Drive-In: An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

Township: The Township of Jackson, Monroe County, Pennsylvania.

Township Engineer: a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Jackson Township.

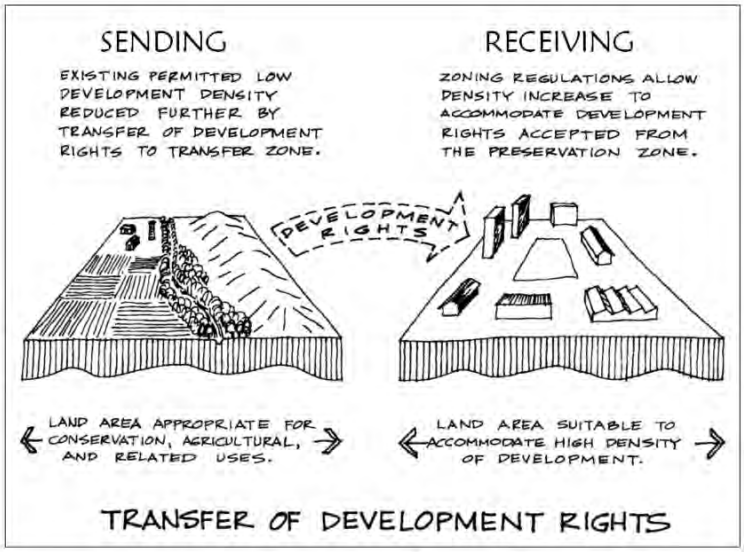
Township Facilities and Uses: Any building, structure, service or use under the jurisdiction of Jackson Township, Monroe County, Pennsylvania.

Tract: See *lot.*

Tract Area, Adjusted (ATA): The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

Tract Area, Gross: The total amount of land contained within the limits of the legally described property lines bounding the tract.

Trade School: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16.

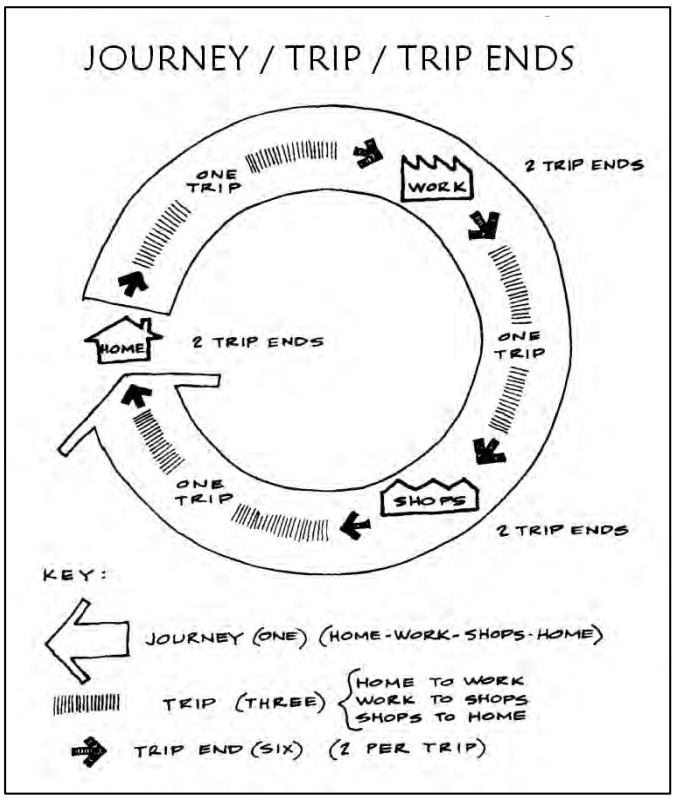


Transferable Development Rights: The attaching of development rights to specified lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Travel Plaza: Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

Trip: A single or one-way motor vehicle movement either to or from a subject property or study area.

Trip Distribution: The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.



Trip Ends: The total of single or one-direction vehicle movements entering and leaving a specified land use or site over a

designated period of time.

Trip Generation: The total number of vehicle trip ends produced by a specific land use or activity.

Truck Stop: See *travel plaza*.

Truck Wash: Any building or premises or portions thereof used for commercial purposes for washing any vehicle with more than 2 axles, or more than 4 tires, or with a trailer.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which land is or may be occupied or maintained.

Variance: Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to,, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Rental Operation: An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered a *retail business* for regulation by this Chapter.

Vehicle and Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use including, but not limited to, auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50 percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels, pens or paddocks are on the premises.

Veterinary Clinic, Outdoor Facilities: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use with outdoor kennels, pens or paddocks on the premises.

Wall: See *fence or wall*.

Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail sales or a *truck terminal*.

Water Body: Any natural or manmade freshwater pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain stormwater.

Water Extraction/Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. Considered *industry* for the purposes of regulation by this Chapter.

Water Supply, Individual System on Conservation Land: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

Water Supply, Central, Off-Site or community: A drinking water supply system in which drinking water is carried to

individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

Water Supply, Individual or On-Site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another site.

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

Waters of the Township: Any and all rivers, streams, creeks, impoundments, lakes, dammed water and all other bodies or channels of conveyance of surface or underground waters or parts thereof, whether natural or artificial, wholly or partly within or forming part of the boundary of this Township; provided that, for the purpose of this Chapter, "waters of the township" shall exclude farm ponds and other privately owned ponds of less than 5 acres in area.

Wetland: Those areas that are inundated or saturated by surface 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 swamps, marshes, bogs, fens, and similar areas and which and defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

Wholesale Business: Establishments or places of business with no on site manufacturing primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Energy Facility, Commercial: A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility, commercial*.

Winery - An establishment with facilities for fermenting and bottling wine which does not meet the definition of a *winery, farm*. Considered *agricultural products processing* for regulation by this Ordinance.

Winery, Farm - An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises and retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements.

Wireless Communication Facility: An all encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum based transmissions/receptions

Yard: The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)

Yard, Lawn, Garage, Tag or Estate Sale: A sale, open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal or outbuilding, of the person who obtains a permit for such a sale as

required by the Township. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Chapter.

Zoning Hearing Board: The Zoning Hearing Board of Jackson Township.

Zoning Map: The Official Zoning Map of Jackson Township.

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

Zoning Ordinance: The Jackson Township Zoning Ordinance, as amended.

Zoning Permit: See *permit*.

Zoo: A collection of animals which are maintained in a park by an educational, nonprofit or governmental entity.

Part 17
Signs

§27-1701. General.

1. Purpose. The Purpose of this Part 17 is to establish standards for the regulation of signs in order to safeguard the public interest and:

   A. to preserve the beauty and the unique character of the Township;

   B. to protect the general public from damage and injury which may caused by the faulty construction of signs;

   C. to protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;

   D. to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;

   E. to assure that signs are clear and provide the essential identity or direction to facilities in the community; and,

   F. to enable the fair and consistent enforcement of the sign restrictions throughout the Township.

2. Applicability – Effect. A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Chapter. The effect of this Chapter as more specifically set forth herein is:

   A. to establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Chapter;

   B. to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without a requirement for permits;

   C. to provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,

   D. to prohibit all signs not expressly permitted by this Chapter.

3. Requirement of Conformity. No sign, for which a permit is issued after the effective date of this Chapter, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Chapter are declared to be nuisances, and as such may be abated as provided by law.

4. Recommended Types of Signs. It is recommended that signs be:

   A. Wood or simulated wood relief. (See §27-1704.15)
   B. Designed as an integral architectural element of the building and component of the site.
   C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

§27-1702. Definitions and Interpretation

Words and phrases used in this Part 17 shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Part 16 shall be given the meanings set forth in said Part. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their

common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.

A-Frame / Sandwich Board

A-Frame or Sandwich Board Sign: A movable sign consisting of two faces, connected and hinged at the top.

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

Advertising Sign, Off-premises: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

Animation: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

Applicant: A person or entity who applies for a sign permit in accordance with the provisions of this Chapter.

Area of Sign: In the case of individual letters used as a sign, the area is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

Attraction Board: See *changeable panel sign*.

Awning Sign

Automated Teller Machine Directional Sign: A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

Civic Event Banner

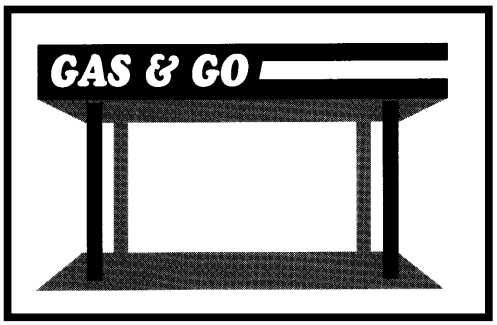
Banner Sign

Billboard: A type of off-premises advertising sign and which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

Business: For the purposes of this Part 17, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

Business Directional Sign Erected by the Township: A type of government sign erected by Jackson Township in accord with an adopted policy to guide motorists to a business, public or semi-public use or other facility which does not front on PA Route 715.

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.



Canopy Sign on Freestanding Canopy

Canopy Sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Panel Sign: A sign designed to allow its informational content to be changed or altered.

Commercial Message: Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Changeable Panel Sign

Computation of Area in Individual Signs: The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

Computation of Area of Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42”) inches apart, the sign area shall be computed by the measurement of one of the faces.

Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal

grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Contractor or Subcontractor Signs: The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

Development Sign: A temporary sign used to identify an approved future development.

Development Sign

Directional Sign – An on-site sign, providing no advertising of any kind except the business name and logo, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.

Directory Sign: A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

Double-Faced Sign: A sign with two faces, essentially back to back.

Directional Sign

Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

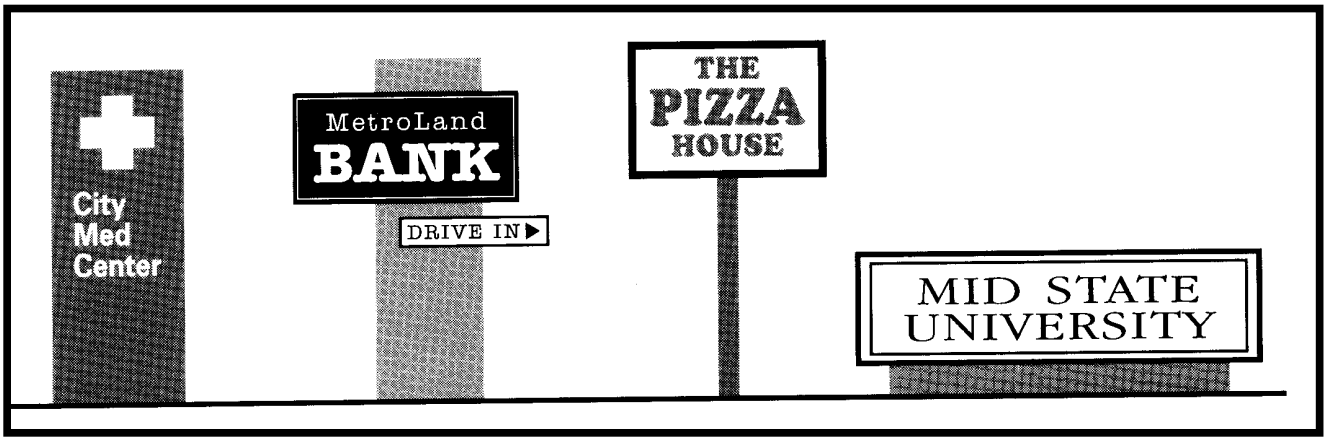
Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

Directory Sign

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, service, business property, or facility.



MONUMENT PYLON POLE GROUND
Common Freestanding Sign Types

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

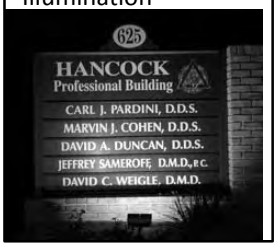
Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: See *computation of height*.

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this Chapter.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.



Internal and External Illumination

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

Incidental Sign or Instructional Sign

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic

designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Marquee Sign

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

Monument Sign: A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.

Multiple Occupant Commercial Building: A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

Nameplate: A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

Nonconforming Sign: Any sign which is not allowed under this Chapter, but which, when first constructed before this Chapter was in effect and for which a sign permit was issued, was legally allowed.

Occupancy: A purpose for which a building, or part thereof, is used or intended to be used.

Owner: A person recorded as such on official records. For the purpose of this Chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

Panel: A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

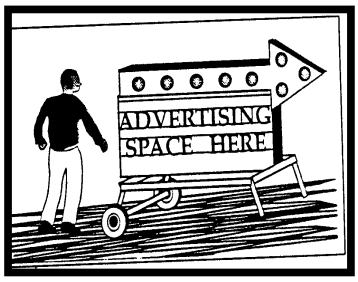
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this Chapter.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that it's leading edge extends more than six (6) inches beyond the surface of such building or wall.

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

Projecting Sign

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

Roof Line: The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs. (See next page.)

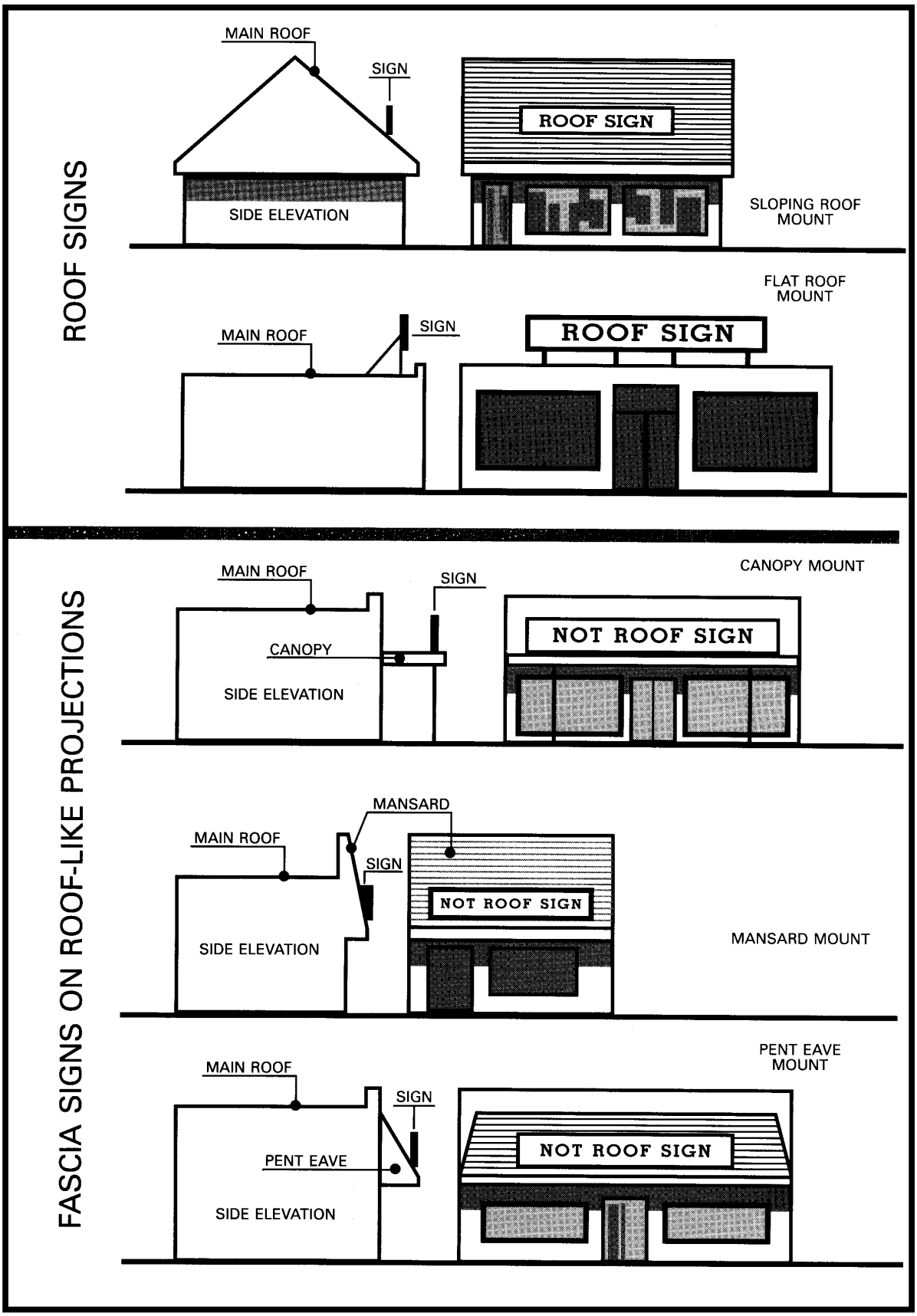
Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Monroe County, the Township, or official historic plaques of any governmental jurisdiction or agency.

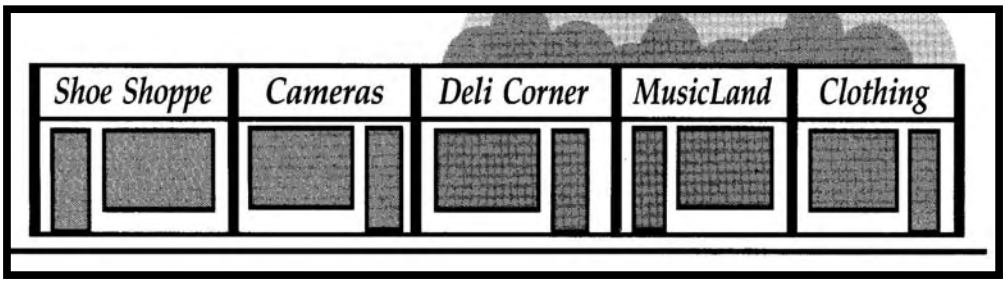
Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

Traffic Directional Sign: Signs used at driveways to improve public safety and to enhance public access to the site from public streets, which provides information to assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.



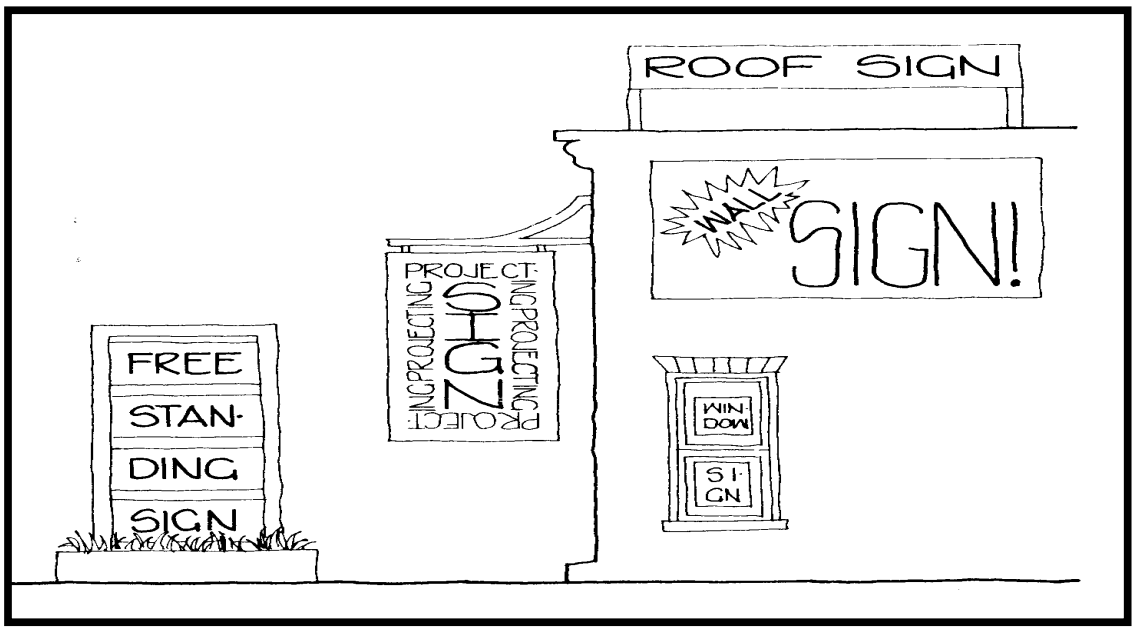
Comparison – Roof and Fascia Signs



Wall Signs

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



Sign Comparison

§27-1703. Procedures.

The procedures included in this §27-1703 shall apply to all signs requiring permits.

1. Requirement of Permit. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Chapter. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Chapter.

   A. Exempt signs as specified in §27-1704.2.

   B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

2. Permit Application. Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section. The applicant shall pay the

required application fee at the time when the sign application is filed. Two copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The plans shall include complete details about the size of the sign, the method of attachment or support, locations and materials to be used, and the name, address and profession of the person designing the plans and specifications. If the Zoning Officer determines that the sign will be subject to excessive stresses, additional data shall be required, showing that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.

A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

B. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.

C. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.

D. Two drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.

E. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances.

F. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.

G. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances.

3. Issuance of Permits. Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Chapter and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

4. Expiration. If the work authorized under a sign permit has not been completed within 90 days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional 90 day period.

5. Permit Fees. Each sign required by this Chapter requiring a sign permit shall pay a fee as established pursuant to a Resolution duly adopted by the Township.

§27-1704. General Requirements.

1. Prohibited Signs. All signs not expressly permitted or exempted under this Chapter from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

A. "A" Frame or Sandwich Board Signs. "A" frame or sandwich board and sidewalk, or curb signs.

B. Light Strings, Banners, Pennants, and Balloons. Strings of lights not permanently mounted to a rigid background, except those exempt under the §27-1704.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §27-1705 of this Chapter.

C. Animated, Moving and Flashing Signs. Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §27-1710), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Chapter.

D. Mirrors. Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.

E. Portable and Wheeled Signs. Portable and wheeled signs.

F. Projecting Signs. Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.

G. Signs on Parked Vehicles. Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.

H. Signs on Utility Poles or Trees. Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation except for no trespassing signs.

I. Signs Which Imitate Traffic Control Devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

J. Emissions. No sign shall be permitted to emit any sound, odor or visible matter such as smoke.

2. Exempt Signs. The following signs are hereby exempt from the provisions of this Chapter, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Chapter.

A. Awning, Canopy, and Marquee Signs. Signs, not exceeding an aggregate gross surface area of four square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.

B. Civic and Religious. Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two square feet for each exposed surface area.

C. Directional or Instructional Signs. On-site signs, not exceeding four feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.

D. Non-Commercial Signs. Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.

E. Governmental Signs. Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, business directional signs erected by the Township, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or Township ordinance or policy.

F. Holiday Decorations. Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.

G. Interior Signs. Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.

H. Memorial Signs. Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

I. Name and Address Plates. Wall signs, one per street frontage and not exceeding 1.5 square feet in surface area, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.

J. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs. No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four square feet.

K. Parking Lot Directional and Instructional Signs

1. Directional Signs. Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.

2. Instructional Signs. Signs designating the conditions of use or identity of parking areas and not exceeding eight square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of 16 square feet. Parking lot instructional signs shall not project higher than 10 feet for wall signs and seven feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.

L. Patron Advertising Signs. Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of 32 square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed 25 percent of the surface area of the score board.

M. Plaques. Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate gross surface area.

N. Public Notices. Official notices posted by public officers or employees in the performance of the officer's or employee's duties

O. Reserved

P. Signs on Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.

Q. Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet in gross surface area for each exposed face not exceeding four square feet in aggregate gross surface area.

R. Vending Machine Signs. Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight square feet on each machine.

S. Warning Signs. Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

T. Tourist Signs. Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.

U. Agricultural Signs. Signs advertising the sale of farm products grown on the premises, and signs advertising seed brands used on the premises are exempt from required zoning permits and fees, and shall be permitted in all Districts and shall not exceed six square feet for each exposed face.

3. Construction Requirements. All signs permitted by this Chapter shall be constructed in accord with all construction code requirements and the provisions of this §27-1704.3.

A. Obstruction to Exit. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

B. Obstruction to Ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

C. Clearance from Electrical Power Lines and Communication Lines. All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.

D. Clearance from Surface and Underground Facilities. All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.

E. No Obstruction to Any Existing Warning or Instructional Sign. No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.

F. Traffic Hazards. No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Chapter.

G. Public Right-of-Way; Setbacks. No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No freestanding sign other than official traffic signs shall be erected or maintained less than 20 feet to the edge of pavement of any public road and not less than 15 feet from side and rear property lines.

H. Clearance. Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.

I. Height. No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.

4. Maintenance. Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose and dangling materials.

5. Illumination. All signs permitted by this Chapter may be illuminated in accord with the provisions of this §27-1704.5.

A. Type of Illumination. Illumination may be by internal, internal/indirect or by indirect means.

B. Flashing. Flashing signs are prohibited in accord with §27-1704.1. (See §27-1710 for permitted electronic signs in the C District.)

C. Glare. All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.

D. Floodlighting. Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.

6. Signs on Roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

7. Awning, Canopy, and Marquee Signs.

A. Number. There shall not be more than one awning, canopy, or marquee sign exceeding an aggregated gross surface area of four square feet for each principal building. Awning, canopy, and marquee signs which are four square feet or less in aggregate gross surface area are exempt from the provisions of this Chapter, as specified in §27-1704.2.A.

B. Area. The gross surface area of an awning, canopy, or marquee sign shall not exceed 16 square feet, but shall be limited to not more than 50 percent of the gross surface area of the face of the awning, canopy, or marquee to which such sign is affixed.

C. Height. Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

D. Illumination. Only the face area of the letters or logos may be illuminated and all illumination must be internal behind the surface of the awning, canopy or marquee.

E. Awning Valance. If sign letters or logos are place on the awning valance, no letters or logos may be placed elsewhere on the awning.

8. Reserved.

9. Sign Faces. All signs may be multi-faced.

10. Window Signs. Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

A. Location. Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three feet of the window pane shall be considered a window sign.

B. Area. No more than 25 percent of any window pane that is more than three feet in any dimension may be used for such signs. The area of any business identification sign shall be deducted from the total sign area allowed for the use on the property and the total of all window signs shall not exceed 50 percent of the total sign area allowed for the entire business use.

C. Sign Copy. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.

D. Illumination. Window signs may be internally illuminated

11. Freestanding Sign Landscaping. All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four square feet of landscaping for one square foot of sign area, but in no case less than 120 square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §27-1008.2.

12. Reserved.

13. Flags. Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, subject to the following:

A. Business Identification. The flag shall identify the business.

B. Flag Pole. The flag shall be suspended from a pole and the maximum height shall be 36 feet.

C. Area. The maximum area of the flag shall be 24 square feet, however this shall not apply to the United States Flag or the Commonwealth of Pennsylvania Flag.

D. Government Flags. Governmental flags provided for elsewhere in the Ordinance are not restricted by the provisions of this Section.

14. Wall Signs. Wall signs as permitted by this Chapter shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six inches from the wall, nor above or beyond the top and ends of the wall.

15. Wood Relief Sign Area Bonus

A. The following signs shall be eligible for an increase in size of 50 percent provided the sign complies with the requirements of this §27-1704.15 in addition to all other applicable requirements:

1. Residential development road entrance signs (§27-1706.2).
2. Individual business identification signs (§27-1707.1).
3. Shopping center and multiple occupant business identification signs (§27-1707.2).
4. Business subdivision road entrance signs (§27-1707.3).

B. The sign shall be wood or simulated wood relief only.

C. The sign shall be designed as an integral architectural element of the building and component of the site.

D. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

E. The signs shall not exceed a height of 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

§27-1705. Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §27-1705.

1. General Conditions

A. Permit Required. No person shall erect, construct, repair, alter, or relocate any temporary sign without first obtaining a permit from the Zoning Officer, unless such sign is specifically exempted from permit requirements.

B. Materials and Methods. The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.

C. Illumination. Temporary signs may be illuminated in accord with this Chapter.

D. Sign Types. Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

2. Temporary Business Signs . (permit required) Temporary business signs in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

A. Number. There shall not be more than two permits for temporary business signs issued for the same premises within one calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed 30 days and shall be removed within three days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five times during one calendar year for the same premises; each permit shall be issued for a maximum of seven days. It is expressly stated that temporary business sign permits shall be issued under one method or the alternative and that the methods may not be used jointly or in combination during any one calendar year.

B. Area. Temporary business signs shall not exceed 16 square feet in gross surface area for each exposed face.

C. Location. Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.

D. Height. Temporary business signs shall not project higher than 15 feet, as measured from the average grade of the associated principal use or structure.

3. Temporary Development Signs. (permit required) Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

A. Number. There shall not be more than one temporary, construction sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

B. Area. Temporary construction signs shall not exceed16 square feet in gross surface area for each exposed face.

C. Location. Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway.

D. Height. Temporary construction signs shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

E. Special Conditions. Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than 60 days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

4. Temporary Event Signs (including banners). (permit required) Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

A. Number, Area, Height, and Location. The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed 32 square feet for each exposed face.

B. Timing. Temporary event signs may be erected and maintained for a period not to exceed 30 days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three days of the termination of such campaign, drive, activity, or event.

C. Limit on Number of Permits. No more than two permits for temporary event signs shall be issued for the same premises within one calendar year.

5. Temporary Political Signs. (permit not required) Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

A. Permit. Permits for temporary political signs shall not be required.

B. Location. On private property, temporary political signs may be located in any required setback.

C. Height. Temporary political signs shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

D. Timing. Signs may be displayed for a period not to exceed 30 days prior to the date of the election to which the signs are applicable and shall be removed within 7 days following the election.

E. Road Setback. All political signs shall be located a minimum of 5 feet from the edge of the paving or curb line of any public or private road, and shall not create a traffic hazard.

F. Support. Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.

6. Temporary Real Estate Signs. (annual permit required) Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

A. Number. There shall be not more than one temporary real estate sign for each 1,000 feet of lot road frontage for each road on which the lot fronts.

B. Area. Temporary real estate signs shall not exceed 16 square feet for each exposed face.

C. Location. Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.

D. Height. Temporary real estate signs shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

E. Special Conditions. Temporary real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.

7. Temporary Contractor or Subcontractor Signs. (annual permit required) Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

A. Number. There shall be not more than one temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.

B. Area. Temporary contractor or subcontractor signs shall not exceed six square feet for each exposed face.

C. Location. Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is working. Such signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.

D. Height. Temporary contractor or subcontractor signs shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

E. Special Conditions. Temporary contractor or subcontractor signs shall be removed immediately upon completion of the contractor's or subcontractor's work.

8. Temporary Yard or Garage Sale, Open House, or Auction Signs. (permit not required) A permit shall not be required, however, temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

   A. Location. Such temporary signs may not be located within the street or road right-of-way. No such sign may be placed on a utility or municipality owned pole or structure. Any such temporary signs shall be self-supported and shall not create a public hazard.

   B. Height. Such temporary signs shall not exceed 4 feet in height as determined in accord with the definition of *computation of height* in §27-1702.

   C. Timing. Such temporary signs may be erected no sooner than seven days before the event and must be removed no later than three days after the event. No such sign shall remain erected for a period longer than 10 days.

9. Temporary Seasonal Farm Product Signs. (permit not required) Temporary seasonal farm product signs for the sole purpose of advertising the availability of seasonal farm products grown on the premises shall be subject to the following:

   A. Number. There shall be not more than two temporary seasonal farm product sign for each premises.

   B. Area. The surface area of each sign shall not exceed 16 square feet for each exposed face.

   C. Location. Temporary seasonal farm product signs shall be located only upon the premises where the seasonal farm products are sold. Such signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.

   D. Height. Temporary seasonal farm product signs shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

   E. Special Conditions. Temporary seasonal farm product signs shall not be erected more than 15 days before the harvest of the produce and shall be removed within 10 days from the end of the harvest.

§27-1706 . Residential Uses.

For all residential uses, only the following signs are permitted and then only if accessory and incidental to a permitted residential use.

1. Building Name and Address Signs. (permit not required) Name and address signs of buildings containing 6 or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

   A. Type. Building name and address signs may be either wall signs or ground signs.

   B. Number. There shall not be more than one name and address sign for each building except that where a building abuts two or more streets, one additional sign oriented to each abutting street shall be permitted.

   C. Area. Building name and address signs shall not exceed four square feet in area for exposed face.

   D. Location. Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within 15 feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.

E. Height. Building name and address signs shall not project higher than 15 feet for wall signs and five feet for ground signs as determined in accord with the definition of *computation of height* in §27-1702.

2. Residential Development Road Entrance Signs. (permit required) Residential development road entrance signs for developments with two or more buildings with a total of five or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

A. Type. The residential development road entrance signs shall be ground signs.

B. Number. There shall not be more than two residential development road entrance signs for each point of vehicular access to a development.

C. Area. Residential development road entrance signs shall not exceed 24 square feet in gross surface area.

D. Location. Residential development road entrance signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

E. Height. Residential development road entrance signs shall not project higher than five feet as determined in accord with the definition of *computation of height* in §27-1702.

F. Sign Faces. Residential development road entrance signs may be double-faced only when one such sign is used at a road entrance.

3. Exempt Signs. Exempt signs as specified in §27-1704.2 of this Chapter.

4. Temporary Signs. Temporary signs as specified in §27-1705 of this Chapter.

§27-1707. Commercial, Manufacturing, Public Use and Semi-public Use Signs.
For all commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, only the following signs are permitted and then only if accessory and incidental to a permitted use, and such signs shall be subject to the requirements of this §27-1707 and any other special provisions contained in this Chapter:

1. Individual Business Identification Signs. (permit required) The provisions of this §27-1707.1 shall apply to parcels upon which an individual business is located.

A. Building Wall Signs.

(1) Number. There shall be not more than one wall sign for each principal building except that where the building abuts two or more streets, one additional such sign oriented to each abutting street shall be permitted.

(2) Area. The surface area of a wall sign shall not exceed 10 percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or 64 square feet, whichever is smaller. The surface area of a wall sign may be increased by 10 percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(3) Location. A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

(4) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

B. Freestanding Business Identification Signs. (See §27-1710 for permitted electronic signs in the C District.) Free standing business identifications signs shall be subject to the following:

(1) Number. There shall not be more than one freestanding business identification sign for each lot. In cases where the parcel includes more than one principal structure in active use, one freestanding business identification sign may be erected at the public road access to each structure provided that no such sign is within 500 feet of any other freestanding business identification sign on the parcel on the same side of the street.

(2) Area. The surface area of a freestanding business identification sign shall not exceed 32 square feet.

(3) Location. A freestanding business identification sign shall maintain side and rear setbacks, and shall not extend within 15 feet of any point of vehicular access to a public roadway.

(4) Height. A freestanding business identification sign shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

2. Shopping Center and Multiple Occupant Business Identification Signs. (permit required) The provisions of this §27-1707.2 shall apply to developments in which two or more businesses are housed in one or more principal structures.

A. Building Wall Signs

(1) Number. There shall be not more than one wall sign for each principal business occupant except that where a principal occupant abuts two or more streets, one additional such sign oriented to each abutting street shall be permitted.

(2) Area. The surface area of a wall sign shall not exceed 10 percent of the occupant's proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed or 64 square feet, whichever is smaller. The surface area of a wall sign may be increased by 10 percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(3) Location. A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

(4) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

B. Freestanding Business Identification Signs. (See §27-1710 for permitted electronic signs in the C District.) Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:

(1) Number. There shall not be more than one freestanding business identification sign for each development.

(2) Area. The surface area of a freestanding business identification sign shall not exceed a maximum of 32 square feet.

(3) Location. A freestanding business identification sign shall maintain side and rear setback setbacks, and shall not extend within15 feet of any point of vehicular access to a public roadway.

(4) Height. A freestanding business identification sign shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

(5) Individual Occupant Identification. The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies 30 percent or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The gross surface area of a directory sign shall not exceed 10 square feet for each exposed face for each occupant in the development.

3. Business Subdivision Road Entrance Signs. (permit required) Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semi-public buildings, referred to as *business* in this section, indicating only the name of the development shall be subject to the following:

A. Type. The business subdivision road entrance signs shall be ground signs.

B. Number. There shall not be more than two business subdivision road entrance signs for each point of vehicular access to a development.

C. Area. Business subdivision road entrance signs shall not exceed 24 square feet in gross surface area.

D. Location -Business subdivision road entrance signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

E. Height. Business subdivision road entrance signs shall not project higher than five feet as determined in accord with the definition of *computation of height* in §27-1702.

F. Sign Faces. Business subdivision road entrance signs may be double-faced only when one such sign is used at a road entrance.

4. Automatic Teller Machine (ATM) Signs. (permit required) ATM signs shall be permitted in association with an approved commercial use subject to the following:

A. Location. Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.

B. Area. The area of any such sign shall not exceed 10 square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.

C. Permit. No sign permit shall be required for such sign.

5. Business Directional Signs. (permit required) The intent of this section is to allow commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, located in the Township and which do not front on State Route 715 to erect signs directing the public to the *business*.

A. Location. Each sign shall be located on land owned in fee simple title by the owner of the business being identified.

B. Number

(1) There shall not be more than one directional sign for each premises eligible for such sign at each intersection of direction change with not more than three signs in total.

(2) In the case of multi-businesses on the same premises, each business shall not be eligible for signs; instead, the directional signs shall refer to the premises as a whole.

C. Area. The surface area of the sign along Route 715 shall not exceed 32 square feet for each exposed face.

D. Setbacks. See §27-1704.3G. Greater setbacks shall be required for compliance with the clear sight requirements of §27-302.17.

E Height. A directional sign shall not project higher than 15 feet as determined in accord with the definition of *computation of height* in §27-1702.

F. Sign Information. The information on the sign shall be limited to the business name, logo, telephone number and directional information.

G. Permit. A permit shall be required for the placement of the directional signs and shall establish the number and location of all the signs.

6. Retail Fuel Sales. (permit required) Retail fuel sales establishments shall in addition to the other permitted signs be permitted one sign with up to four fuel prices attached to the business sign permitted in §27-1707.1.B. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. The prices shall be stationary but may be electronically controlled in accord with §27-1710.

# of Products Advertised	1or 2	3	4
Maximum Letter Height	24 inches	15 inches	12 inches

7. Changeable Panel Signs. (See §27-1710 for permitted electronic signs in the C District.) One changeable panel sign board may be erected on the lot containing one or more commercial, manufacturing, industrial, public or semi-public use, referred to as *business* in this section, subject to the following:

A. Type. The changeable panel sign shall be a ground sign or may be attached to the same support of the permitted business identification ground sign.

B. Number. One changeable panel sign may be erected on the business parcel identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located.

C. Area. The gross surface area of a changeable panel sign shall not exceed 10 square feet for each exposed face.

D. Location. A changeable panel sign shall maintain side and rear setbacks, and shall not extend within 15 feet of any point of vehicular access to a public roadway.

E. Height. If the changeable panel sign is separate from the main freestanding sign, the changeable panel sign may not project higher than 10 feet as determined in accord with the definition of *computation of height* in §27-1702. The changeable panel sign shall be separated by a minimum of 12 inches from the main ground pole sign.

F. Fuel Prices. Establishments engaged in the retail sale of fuel may also erect one additional changeable panel sign on the same frame as the main business identification sign to list fuel prices, and said sign shall not exceed six square feet for each exposed face.

§27-1708. Reserved.

§27-1709. Off-Premises Advertising Signs and Billboards.
(permit required) (See §27-1710 for permitted electronic signs.)
The intent of this §27-1709 is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards may be erected and maintained only in accord with the requirements of this §27-1709 and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

1. Location; Principal Use.

   A. Location. Off-premises advertising signs and billboards shall be located only in the I District.

   B. Principal Use. Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.

2. Illumination. Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices and animation shall be prohibited.

3. Setbacks. The applicable zone district side and rear setbacks for principal structures shall be maintained for off-premises advertising signs and billboards and the front setback shall be 20 feet from the edge of paving or curb line of the adjoining public street.

4. Height of Signs. No off-premises advertising sign or billboard shall exceed a height of 30 feet. The height of the sign shall be measured from the base of the support structure to the highest point of the sign.

5. Maximum Area of Off-Premises Advertising Signs and Billboards.

   A. The maximum area for any one off-premises advertising sign or billboard shall not exceed 300 square feet.

   B. A sign structure shall contain only one sign per facing.

6. Spacing of Off-Premises Advertising Signs and Billboards.

   A. No off-premises advertising sign or billboard shall be permitted within 500 feet of another off-premises advertising sign or billboard, measured in all directions. The separation distance shall be measured between the closest points of the two signs in question.

   B. No off-premises advertising sign or billboard shall be permitted within 300 of any dwelling in the Township or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot in question.

   C. No off-premises advertising sign or billboard shall be permitted within 500 feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.

   D. No off-premises advertising sign or billboard shall be erected within 200 feet of the public street intersection. The separation distance shall be measured between the closest point of the proposed sign and the nearest intersection of the right-of-way lines of the streets in question.

   E. No off-premises advertising sign or billboard shall be constructed at an angle of less than 45 degrees to the right-of-way upon which it faces.

7. Engineering Certification. Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

§27-1710. Electronic Message Signs in the C - Commercial District.

1. Types of Signs. In the C - Commercial District the following types of signs may be an electronic message sign:

   A. Changeable panel sign (§27-1707.7).
   B. Individual freestanding business identification sign (§27-1707.1.B).
   C. Shopping center and multiple occupant business freestanding identification sign (§27-1707.2.B.1).
   D. Off-premises advertising sign or billboard (§27-1709).

2. Standards. In addition to the other applicable requirements of this Chapter, electronic message signs shall comply with the following:

   A. One Sign. Only one electronic message sign shall be permitted per development parcel. If the sign structure has two sign faces, each sign face may be an electronic message sign.

   B. Size. The electronic message sign shall not exceed 80 percent of the maximum allowable size of a non-electronic message sign of the same type.

   C. Message Display

      (1) Motion. Electronic message sign motion shall be limited to the transition from one message to another. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion.

      (2) Transition. Transitions for electronic message signs shall fade and content shall not change more than once every five seconds with a transition time not exceeding one second.

(3) Continuation. The images and messages displayed shall be complete in on display without continuation in content to the next image or message or to any other sign.

(4) Projection. Images or messages projected onto buildings or other objects shall be prohibited.

D. Luminance. Electronic message signs shall not display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.

(1) Maximum. Electronic message signs shall have a maximum luminance of 5,000 nits during daylight hours. During the nighttime, such signs shall be limited to a maximum luminance of 150 nits.

Luminance. A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m^2). Nit. A unit of measure of Luminance.

(2) Dimmer Control. All electronic message signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions.

(3) Light Trespass. Electronic message signs shall comply with the light and glare requirements of §27-1008.8. The maximum light trespass limit at the property line of residential districts and permanent open space shall be 0.1 foot-candles.

(4) Measurement. Surface luminance measurements shall be made directly with a calibrated luminance meter in accord with manufacturer's specifications. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of 200 nits shall be permitted during nighttime.

(5) Certification. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed 5,000 nits and that the intensity has been protected from end-user manipulation by password-protected software.

E. Height. The electronic message sign shall not exceed the maximum allowable height of a non-electronic message sign of the same type.

F. Structural Support. No more than one digital sign or billboard may be installed on a single structural support; that is, signs shall not be stacked vertically or horizontally.

G. Emergency Messages. The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations and such messages shall not be required to conform to the message standards in this §27-1710.

§27-1711. Nonconforming Signs.

1. Legal, Non-Conforming Signs. Any sign lawfully existing or under construction on the effective date of this Chapter, which does not conform to one (1) or more of the provisions of this Chapter, may be continued in

operation and maintained as a legal non-conforming sign subject to compliance with the requirements of §27-1711.2.

2. Maintenance and Repair of Legal Non-Conforming Signs.

   A. Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted.

   B. No alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign.

   C. A nonconforming sign shall not be converted to an electronic message sign.

   D. If a legal non-conforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

   E. Once nonconforming signs are removed, abandoned or fall in disrepair, they may be replaced only with signs conforming to district regulations.

§27-1712. Removal of Certain Signs.

1. Obsolete Signs. Any sign, whether existing on or erected after the effective date of this Chapter, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within 90 days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. If the Zoning Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within 90 days upon the cessation of such business or sale of such product, he shall give written notices to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be affected within 30 days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such 30-day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

2. Unsafe Signs. If the Zoning Officer shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition which caused the Zoning Officer to give such notice shall be effected within 10 days after receipt of the notice. If such condition is not corrected after the conclusion of such 10 day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

Part 18
Adoption

ADOPTION

This Ordinance ordained and enacted this ____ Day of _____, 2014, by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, to be effective on the ____ Day of _____, 2014.

_____
Jack Rader, Jr., Chairman

_____
Donald Kresge, Sr., Vice-Chairman

_____
Dave Thomas, Supervisor

ATTEST:

_____
Jacqueline Elliott, Secretary/Treasurer

Appendix

PARKING DEMAND (04.11)						
	Source: Parking Generation, 4th Edition, ITE					
	NOTES:					
	Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown.					
	85th Percentile - not provided in certain cases with a very limited number of studies; highest value of cited studies is shown.					
	Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown.					
		PEAK PERIOD DEMAND				
		Average	**85 Percentile**	**PEAK**		
000	**Port and Terminal**					
021	Commercial Airport	0.84	1.48		per	daily enplanement
093	Light Rail Transit Station with Parking	136.00	212		per	1,000 daily boardings
100	**Industrial**					
110	General Light Industrial	0.75	1.13		per	1,000 sq. ft. GFA
110	General Light Industrial	0.64	0.81		per	employee
130	Industrial Park	0.62	1.85		per	1,000 sq. ft. GFA
130	Industrial Park	0.89	0.98		per	employee
140	Manufacturing	1.02	1.18		per	1,000 sq. ft. GFA
140	Manufacturing	0.97	1.14		per	employee
150	Warehousing	0.51	0.81		per	1,000 sq. ft. GFA
150	Warehousing	0.78	1.01		per	employee
151	Mini-Warehouse	0.14	0.17		per	1,000 sq. ft. GFA
200	**Residential - See Zoning Ordinance §27-1004.6.B**					
		PEAK PERIOD DEMAND				
300	**Lodging**	**Average**	**85 Percentile**	**PEAK**		
310	Hotel	1.20	1.54		per	room
311	All Suites Hotel			1.3	per	room
312	Buiness Hotel	.60	.75		per	room
320	Motel	.71	.85		per	room
330	Resort Hotel	1.29	1.59		per	room

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND				
400	**Recreational**	**Average**	**85 Percentile**	**PEAK**		
411	City Park			5.1	per	acre
414	Water Slide Park	72.9			per	acre
420	Marina	.59			per	berth
430	Golf Course	8.68	9.83		per	hole
435	Multipurpose Recreational Facility	1.78			per	hole
435	Multipurpose Recreational Facility	10.67			per	1,000 sq. ft. GFA
435	Multipurpose Recreational Facility	16.00			per	acre
437	Bowling Alley	5.02	5.58		per	lane
438	Billiard Hall	6.56			per	1,000 sq. ft. GFA
438	Billiard Hall	2.89			per	billiard table
440	Adult Cabaret	5.90			per	1,000 sq. ft. GFA
441	Live Theater	.38	.39		per	attendee
441	Live Theater	.25	.32		per	seat
444	Movie Theater with Matinee	.26	.36		per	seat
445	Multiplex Movie Theater	.15	.20		per	seat
445	Multiplex Movie Theater	36.20	45.00		per	screen
464	Roller Skating Rink	5.8			per	1,000 sq. ft. GFA
465	Ice Skating Rink	3.9			per	1,000 sq. ft. GFA
466	Snow Ski Area	1.31	1.62		per	acre of ski trails
466	Snow Ski Area	.25	.31		per	daily lift ticket
473	Casino/Video Lottery Establishment			35.34	per	1,000 sq. ft. GFA
473	Casino/Video Lottery Establishment			1.42	per	gaming position
481	Zoo			12.10	per	acre
488	Soccer Complex	56.3	69.30		per	field
490	Tennis Courts			3.16	per	tennis court
491	Racquet/Tennis Club	3.56	4.13		per	court
492	Health/Fitness Club	5.27	8.46		per	1,000 sq. ft. GFA
492	Health/Fitness Club	.13	.16		per	member
493	Athletic Club	3.55	4.94		per	1,000 sq. ft. GFA
493	Athletic Club	.07	.21		per	member
495	Recreational Community Center	3.20	5.03		per	1,000 sq. ft. GFA

PARKING DEMAND (04.11)		**PEAK PERIOD DEMAND**				
500	**Institutional**	**Average**	**85 Percentile**	**PEAK**		
520	Elementary School	.17	.21		per	student
522	Middle School/Junior High School	.09	.10		per	student
525	School for the Blind			1.08	per	student
525	School for the Blind			1.47	per	employee
525	School for the Blind			2.67	per	1,000 sq. ft. GFA
530	High School	.23	.25		per	student
536	Private School (K-12)	.39			per	student
540	Junior/Community College	.18	.20		per	school population
550	University/College	.33	.38		per	school population
560	Church	8.37	14.38		per	1,000 sq. ft. GFA
560	Church	.20	.25		per	seats
560	Church	.45	.60		per	attendee
561	Synagogue			.41	per	attendee
562	Mosque	17.32	25.79		per	1,000 sq. ft. GFA
565	Day Care Center	3.16	3.70		per	1,000 sq. ft. GFA
565	Day Care Center	.24	.33		per	student
565	Day Care Center	1.38	1.78		per	employee
580	Museum	1.32	1.79		per	1,000 sq. ft. GFA
590	Library	2.61	4.19		per	1,000 sq. ft. GFA
595	Convention Center			.44	per	attendee
		PEAK PERIOD DEMAND				
600	**Medical**	**Average**	**85 Percentile**	**PEAK**		
610	Hospital	2.50	3.41		per	1,000 sq. ft. GFA
610	Hospital	4.49	7.35		per	bed
610	Hospital	.81	1.08		per	employee
612	Surgery Center			5.67	per	operating room
620	Nursing Home	.98	1.50		per	1,000 sq. ft. GFA
620	Nursing Home	.35	.48		per	bed
620	Nursing Home	.88	1.51		per	employee
630	Clinic	4.94	4.96		per	1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.6	per	1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.4	per	employee

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND				
700	**Office**	**Average**	**85 Percentile**	**PEAK**		
701	Office Building	2.84	3.45		per	1,000 sq. ft. GFA
701	Office Building	.83	.98		per	employee
720	Medical-Dental Office Building	3.20	4.27		per	1,000 sq. ft. GFA
730	Government Office Building	4.15	6.13		per	1,000 sq. ft. GFA
730	Government Office Building	.83	1.01		per	employee
732	United States Post Office			33.20	per	1,000 sq. ft. GFA
732	United States Post Office			2.01	per	employee
735	Judicial Complex			4.1	per	1,000 sq. ft. GFA
735	Judicial Complex			.8	per	employee
		PEAK PERIOD DEMAND				
800	**Retail**	**Average**	**85 Percentile**	**PEAK**		
812	Building Materials and Lumber Store			1.69	per	1,000 sq. ft. GFA
813	Free-Standing Discount Superstore	4.49	5.54		per	1,000 sq. ft. GFA
816	Hardware/Paint Store			2.87	per	1,000 sq. ft. GFA
820	Shopping Center	4.67	5.91		per	1,000 sq. ft. GFA
843	Automobile Parts Sales	2.25	2.74		per	1,000 sq. ft. GFA
845	Motocycle Dealership			2.97	per	1,000 sq. ft. GFA
848	Tire Store			4.17	per	1,000 sq. ft. GFA
850	Supermarket	3.78	5.05		per	1,000 sq. ft. GFA
851	Convenience Market (Open 24 Hours)	3.11	3.79		per	1,000 sq. ft. GFA
853	Convenience Market With Gasoline Pumps	8.38	10.50		per	1,000 sq. ft. GFA
854	Discount Supermarket			5.8	per	1,000 sq. ft. GFA
857	Discount Club	2.90	3.93		per	1,000 sq. ft. GFA
859	Liquor Store			2.98	per	1,000 sq. ft. GFA
861	Sporting Goods Superstore	1.78	2.40		per	1,000 sq. ft. GFA
862	Home Improvement Superstore	3.19	4.34		per	1,000 sq. ft. GFA
863	Electronics Superstore			3.03	per	1,000 sq. ft. GFA
864	Toy/Children's Superstore	1.94			per	1,000 sq. ft. GFA
866	Pet Supply Superstore			1.17	per	1,000 sq. ft. GFA
867	Office Superstore			.61	per	1,000 sq. ft. GFA
868	Book Superstore			.89	per	1,000 sq. ft. GFA

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND				
800	**Retail**	**Average**	**85 Percentile**	**PEAK**		
876	Apparel Store			17.02	per	1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	2.94	3.74		per	1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	3.73	5.10		per	employee
881	Pharmacy/Drugstore with Drive-Through Window	2.18	2.94		per	1,000 sq. ft. GFA
881	Pharmacy/Drugstore with Drive-Through Window	1.63	2.20		per	employee
890	Furniture Store	1.04	1.34		per	1,000 sq. ft. GFA
890	Furniture Store	1.73	2.16		per	employee
892	Carpet Store	1.79	3.00		per	1,000 sq. ft. GFA
892	Carpet Store	2.27	3.20		per	employee
896	Video Rental Store	2.41	2.76		per	1,000 sq. ft. GFA
		PEAK PERIOD DEMAND				
900	**Services**	**Average**	**85 Percentile**	**PEAK**		
912	Drive-in Bank	4.00	5.67		per	1,000 sq. ft. GFA
920	Copy, Print and Express Ship Store			3.00	per	1,000 sq. ft. GFA
931	Quality Resturant	16.40	22.70		per	1,000 sq. ft. GFA
931	Quality Resturant	.47	.67		per	1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	13.50	20.60		per	1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	16.30	20.40		per	1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	.35	.54		per	seat
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	.48	.73		per	seat
933	Fast-Food Resturant without Drive-Through Window	12.40	14.50		per	1,000 sq. ft. GFA
933	Fast-Food Resturant without Drive-Through Window	.52	.77		per	seat
934	Fast-Food Resturant with Drive-Through Window	9.98	15.13		per	1,000 sq. ft. GFA
934	Fast-Food Resturant with Drive-Through Window	.35	.64		per	seat
936	Coffee/Donut Shop without Drive-Through Window	13.56	17.33		per	1,000 sq. ft. GFA
937	Coffee/Donut Shop with Drive-Through Window	10.40	18.97		per	1,000 sq. ft. GFA
939	Bread/Donut/Bagel Shop without Drive-Through Window			9.78	per	1,000 sq. ft. GFA
940	Bread/Donut/Bagel Shop with Drive-Through Window			4.50	per	1,000 sq. ft. GFA
945	Gasoline/Service Station with Convenience Market	.75	1.03		per	fueling position
960	Dry Cleaners	1.40	2.44		per	1,000 sq. ft. GFA