

SHOHOLA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

SHOHOLA TOWNSHIP ORDINANCE NO. 66

NOVEMBER 13, 2008

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ARTICLE VIII - ENACTMENT

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

ARTICLE I - GENERAL PROVISIONS

100 Adoption and Conflict

The Shohola Township Zoning Ordinance of April 12, 1990, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Shohola Township. If any other ordinance, code or regulation of Shohola Township is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

101 Title

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

102 Short Title

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

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Shohola Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. This ordinance is not intended to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township. Nor is this Ordinance intended to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by any other ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in carrying out the Goals and Objectives and recommendations of the Comprehensive Plan. The Community Development Objectives supplement the Comprehensive Plan and include, but are not limited to, the following:

- A. To insure that the land uses of the community are logically situated in relation to one another.
- B. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- C. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as the street, school, recreation, and utilities systems.
- D. To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the municipality.
- E. To facilitate the efficient movement of traffic.
- F. To secure the preservation and prudent use of natural resources.
- G. To strive for a variety in housing types.
- H. To provide for equal opportunities in all facets of community living.
- I. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

ARTICLE III - DEFINITIONS

301 Tense, Gender and Number

Words in the present tense include the future tense: words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

302 General Terms

- A. The words "APPLICANT", "PERSON", "SUBDIVIDER", and "OWNER" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word "STREET" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial road, cul-de-sac or any other similar term.
- C. The word "BUILDING" includes structures and shall be construed as if followed by the phrase "OR PART THEREOF".
- D. 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".
- E. The word "LOT" includes plot, parcel, tract, site or any other similar term.
- F. The word "WATERCOURSE" includes channel, creek, ditch, drain, dry run, river, spring, stream or any other similar term.
- G. The word "ABUT" shall include the words "DIRECTLY ACROSS FROM".
- H. The words "SHOULD" and "MAY" are permissive.
- I. The words "SHALL" and "WILL" are mandatory and directive.

303 Terms OR Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply..

304 Specific Terms

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

Abandoned or Junked Vehicle - Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition. *Good operating and road-worthy condition* means a vehicle having a current and valid registration and a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Access Road: A roadway designed and intended for use by motor vehicles which provides access to a lot or parcel of land from a public road.

Accessory Building or Use: A use of land or of a building or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use and which is not used for any dwelling purposes. (See §503.1,E, for same lot conditional use.)

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. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. 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, electronic or digital 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.

D. Any of the following:

1. 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 five (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*.
2. 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 cassettes, 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 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 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*.

3. 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 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*.

4. 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*; or,
 - b. Offers sleeping rooms for rent three (3) or more times in one calendar day.
5. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic, electronic or digital reproductions are regularly shown which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
6. 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*.
7. 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 the purposes of this Zoning Ordinance. (An escort is 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.)
8. Massage Parlor: An establishment that meets all of the following criteria:
 - a. Massages are conducted (see definition);
 - b. The person conducting the massage is not licensed by the state as a health care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
 - c. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
 - d. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.
9. Nude Model Studio: Any place where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
10. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
 - b. 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.

Definitions associated with the adult business definition:

- A. Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, or buttocks 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 areolae.
- B. 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*.
- C. Specified Anatomical Areas: Any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
 - 2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- D. Specified Sexual Activities: Any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
 - 3. Masturbation, actual or simulated.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in §§A, §§B and §§C of this definition.

Agricultural 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, dairies and food canning and freezing operations.

Agricultural Use: The use of any parcel of land for 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 Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services, and farm machinery dealers.

Alterations: See *structural alteration*.

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.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use, but shall not include kennels.

Animal Husbandry: The keeping of any livestock including dairy animals, swine or sheep. The keeping of any other animals for the purposes of obtaining eggs, fur, meat or milk, or other commercial purposes shall also be considered animal husbandry.

Applicant: A person who makes application under this Ordinance.

Bed and Breakfast: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

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 Envelope: An area on a lot 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 are specifically designated on the development plan and established by deed covenants and restrictions.

Building Height: The vertical distance measured from the average elevation of the finished grade as calculated by averaging the elevation of grade at the center point of each side of the building to the highest part of the building, excluding chimneys.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Fuel Storage Facility: A facility where fuel, including but not limited to gasoline, oil, diesel fuel and propane, is stored in large quantities, whether in large or small tanks or containers; for distribution to both wholesale and retail customers on an area wide basis. This shall not include the dispensing of gasoline, diesel fuel, kerosene, or bottled gas in small quantities at auto service stations or other retail businesses.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground: A facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus, not including any accommodations on wheels.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Cemetery: Land or buildings used for the burial or interment of deceased humans or for the burial of any animal over fifty pounds in weight or for the burial of six or more smaller animals.

Child Care Center: Any establishment enrolling four or more pre-school children where tuition, fees, or other forms of compensation for the care of the children is charged.

Church: A building regularly used for public worship.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points

at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

Commercial Communication Device: Any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subject of the zoning ordinance:

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C.. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, filed disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.

Commercial Communication Device Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

Commercial Communication Device Support Structure Height: The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Commercial Recreation Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to concerts, festivals, picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding public parks and playgrounds and any other use specifically listed on the Schedule of Uses.

Commission: The Planning Commission of Shohola Township.

Community Well: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

Comprehensive Plan: The Shohola Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is specified as such by this Ordinance and which may be appropriate to a particular district when conditions and factors prescribed for such uses in this Ordinance are satisfied along with other conditions such as may be established by the Board of Supervisors to protect the public health, safety and welfare.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted. (See Section 510.2,F.)

Conservation Area, Secondary: Those areas, as specified by the Subdivision and Land Development Ordinance, of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Design Development: A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located 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.

Conservation Open Space: That part of a particular conservation design development set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space maybe 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.

Contractor's 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 store containing less than 2,000 square feet of gross floor area on the first floor that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

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.

Country Club: A recreational property owned and managed by the membership organization and including recreational facilities, restaurant and meeting rooms.

Country Property: A large, privately-owned lot which is permitted in lieu of conservation subdivision design . The purpose of the country property is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without community access.

Crematorium: A furnace or establishment for the incineration of human or animal corpses. This definition shall include any device or operation which is accessory to another use (e.g. the incineration of animals as part of a veterinary clinic).

Crop Production: An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, trees or fruit. The definition excludes "greenhouses, commercial" as defined by this Zoning Ordinance.

Day Care, Adult: A use providing supervised care and assistance to persons not in good physical health, or who are suffering from disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior

that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

Day Care, Child: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. The following three (3) types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver.

- A. **Child Day Care as an Accessory Use** - A type of *day care* use that provides care for six (6) or fewer children at one time who are not relatives of the care giver.
- B. **Child Day Care Center, as a Principal Use** - A type of *day care* use that provides care for seven (7) or more children at any one time who are not relatives of the primary operator.

Deck: An elevated (more than 6 inches) attached or detached accessory structure constructed with no walls or roof.

Dock: Any structure placed on or over the water, which is either permanently or temporarily attached to the bottom of the waterbody or the shore with direct access to the shore and which is used primarily for the mooring of boats and other water based recreational activities.

Dock Extension: Portion of a dock, which extends over land.

Dwelling: A structure or portion thereof which is erected on a permanent foundation and is used exclusively for human habitation; but shall not include recreational vehicles, rooming house, tourist home, hotel or motel.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling, Multi-family: A building or buildings designed for occupancy by three (3) 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 and units for sale, rental or time share, including the following construction types:

- A. Residential Conversion to Apartments - Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. Garden Apartment. Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. Townhouse. Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. Apartment Building. Multi-family dwellings of more than two and one half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side setbacks.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side setback adjacent to each dwelling unit; or upstairs/downstairs units.

Essential Services: Public utility, facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: Either an individual, or two or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and includes facilities that enables customers to obtain food while remaining in their vehicles.

Flea Market: Any sales activity conducted under any pavilion or other building 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.

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 land development, the operation of a sawmill or the operation of any other wood manufacturing business. (NOTE: Section 603(f) of the Pennsylvania Municipalities Planning Code requires that forestry be permitted as a use by right in all zoning districts.)

Forestry Enterprises: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services but not including the operation of a sawmill or other wood manufacturing businesses.

Garage, Private Parking: A building or portion thereof customarily used only for the storage of motor vehicles by the families residing upon the premises.

Garage, Public Parking: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of vehicles.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Glare: Direct light emitted by a lighting unit that causes reduced visibility of objects or momentary blindness.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and/or restaurant; but does not include miniature golf courses or golf ball driving ranges.

Good Operating and Road-Worthy Condition: A vehicle having a current and valid registration and a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

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 distribution; and including associated structures for office

space and storage; but not including retail sales of any products or services.

Gross Square Feet of Building Area: The sum of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included area all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross area of the unenclosed portion is to be considered as part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, shall not be included in the area calculations. For purposes of the trip generation calculation, the gross area of any parking garages within the building shall not be included within the gross area of the entire building.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, and measured from the centerline of joint partitions and from outside walls.

Haul Road: A main pathway, normally intended for repeated use to reach haul trails, where extensive exposure of soils can be expected from heavy use. (See Section 536.)

Haul Trail: A secondary pathway, used to reach trees or groups of trees which have been cut or to reach flag stone, landscaping stone, wall stone, or other natural resource where extensive exposure of soils is not expected. (See Section 536.)

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, personal care facilities and medical clinics and offices whether publicly or privately operated.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein such as, but not limited to; professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and veterinarians, excluding stables, kennels or motor vehicle or small engine repair shops. (See Section 503.2).

Horse: Any animal of the horse family or resembling a horse including horses, mules and donkeys.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or rehabilitation facilities.

Hotel: 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, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly or monthly basis, and not as a permanent residence.

Hunting/Fishing Club: A structure typically located on or in association with a large tract of property and which is used sporadically by members of said club for shelter during hunting and fishing outings.

Impervious Surface: Any surface of the soil which has been covered by any building, structure, driveway, road,

sidewalk, parking area or other material which inhibits the percolation of precipitation into the soil.

Intensive Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purpose of obtaining meat, eggs or wool for marketing. Any livestock operation which involves the keeping of more than ten (10) beef cattle, ten (10) hogs, ten (10) sheep, ten (10) of any other domestic animal or five hundred (500) poultry birds shall be considered an “intensive livestock operation.”

Intensive Use Recreational Facilities: Boat rentals, canoe or other watercraft liveries, tourist recreational facilities, recreational vehicle campgrounds, golf courses, public recreational facilities, clubhouses, and other recreational uses likely to require significant amounts of parking, restaurant facilities, rest room facilities and other accessory services; not including lands used as access points only, whether publicly or privately operated; and not including major commercial recreational development, nor town open space parks, playgrounds, or ballfields.

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

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

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junkyard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of more than two (2) vehicles which are not in *good operating and road-worthy condition* shall be considered a junkyard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision.

Kennel: The keeping of six (6) or more dogs that are more than six (6) months of age.

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 (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. As authorized by Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, 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 subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Landing: A cleared area to which trees, flag stone, landscaping stone, or wall stone are hauled and stored before being transferred to trucks, (See Section 536.)

Light Pollution: General sky glow caused by the scattering of artificial light in the atmosphere.

Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purpose of obtaining meat, eggs or wool for marketing. Any livestock operation which involves the keeping of more than ten (10) beef cattle, ten (10) hogs, ten (10) sheep, ten (10) of any other domestic animal or five hundred (500) poultry birds shall be considered an “intensive livestock operation.”

Lodging Facility: Any building which provides temporary, short-term, overnight accommodations usually on a daily or weekly basis for the traveling public or in association with recreation or tourist activities and including but not limited to hotels, motels, bed and breakfasts and seasonal cottages.

Lot: A plot or parcel of land used, or intended for use, as a unit of ownership, transfer of ownership, use, rent, improvement, or development.

Lot Area: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). The net lot area shall not be less than the minimum required lot size for the Zoning District as determined by deducting the following areas of constrained land from the total lot size:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing or proposed public or private streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
delineated wetlands	0.50
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.50
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.	

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That percentage of the lot area which is covered by buildings; roads, driveways, walkways, and parking areas of all construction types; and impervious surfaces.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Width: The horizontal distance between the side lot lines of a lot at the required front setback line measured on a line parallel to the front lot line.

Manufacturing and Industry: Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like, and establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes with or without charge.

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, and subsurface mining) of minerals as defined in this Article II and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include

- A. The extraction of minerals by a landowner for the landowner’s noncommercial use from land owned or leased by the landowner.

- B. 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.
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- D. 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 to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; 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.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

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% of the rooms having direct access to the outside.

Multi-family Project: Any development of single parcel of property that includes one or more buildings containing two (2) or more dwelling units; and that includes common open space and facilities.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

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. A personal home business shall be separate and distinct from a home occupation.

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

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

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

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Off-Site Sewage Disposal: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards including the sizing of the sewage system, shall apply the same for each dwelling or unit as any single family unit.

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 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.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Supply: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Outdoor Sales: The display or sales of products or services conducted in the open air, under a tent or canopy, or under any pavilion or other building or structure which is not fully enclosed.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

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 cement, concrete, treated wood or cinder or concrete block walled foundation erected on a poured concrete footer. Piers or a solid concrete slab will also be considered a permanent foundation.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

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

Porch: An attached roofed patio or deck.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds, miniature golf and golf ball driving ranges.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Access Area: A property used as an area of access to a stream or other body of water, said access for the purpose of launching or landing watercraft. A public access area may also include ancillary services or facilities and be operated as a private business but is open to the general public and permitted by the controlling authorities as an allowed point of entrance to the water.

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

Public or Semi-Public Uses: Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a non-profit organization or which is owned and operated by a public utility; and such structure or use fulfills a community need or provides a public service; including but not limited to municipal buildings and facilities; public schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities.

Public Recreational Facilities: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, school district, state, or federal government.

Public Viewing Point: Any point along: 1) the normal high water mark of the New York side of the Delaware River; 2) the centerline of NYS Route 97.

Quarrying: See *mineral extraction*.

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 pleasure, testing or competition; or any course where animals are raced for competition.

Recreational Vehicle: A vehicular type of unit built on one chassis, designed by the manufacturer for temporary living quarters, and/or recreational camping, with a Certificate of Origin or Certificate of Title certifying such unit as a Trailer or Recreational Vehicle. This definition shall not include units designed as mobile homes, construction offices, and freight carriers.

Recreational Vehicle Park: A land development or facility providing a site for the temporary use of travel trailers, truck campers, camper trailers and other recreational vehicles intended for transient use, including any accessory structures and facilities.

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Reflective: Any surface which bends, casts or throws back light in such a manner as to cause glare.

Religious House: Including convent, abbey, friary, hermitage, monastery, nunnery, priory, and the like is a building for the exclusive use of six or more unrelated persons committed by a set of written rules to leading a comparatively secluded life for the purpose of adhering in a communal way to a sectarian religious goal. A religious house shall be a conditional use in all districts.

Residence: See *dwelling*.

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.

Right-of-Way: Land reserved for use as a road, street, drainage facility or other public, private or community use.

Roof-Over: Any structure over the top of any part of a recreational vehicle which was not an original part of the recreational vehicle or which restricts the mobility of the recreational vehicle.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of the public, including churches, fire houses, ambulance buildings, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, banks, etc.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any structure. Front setbacks shall be measured from the edge of the highway, street, or road right-of-way and side and rear setbacks from property lines.

Shopping Center, Mall or Multi Commercial Occupant: A group of commercial establishments which is otherwise permitted in the District of location 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 and protection from the elements.

Shooting Range, Indoor Commercial: 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 private, non-profit entity, or which is operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members. Considered a *recreational commercial facility* for the purposes of this Zoning Ordinance.

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 private, non-profit entity, or which is operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members.

Skid Road: See *haul road*.

Skid Trail: See *haul trail*.

Skyline: The line between the tops of the vegetation on the development site and the sky as seen from a public viewing point.

Small Lodging Facilities: A lodging facility which does not exceed twelve (12) rental units and is located immediately adjacent to an arterial road, and is compatible with the natural and scenic characteristics of the Upper Delaware Scenic and Recreational River Guidelines if located in the Upper Delaware River Corridor.

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, and which are subject to accessory structure regulation of this Ordinance.

Solid Waste Facility, Commercial: Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste and operation of associated activities such as storage of solid waste disposal vehicles or containers.

Solid Waste Facility, Public: Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste.

Special Exception: A use which is specified as such by this Ordinance and which may be appropriate to a particular district when conditions and factors prescribed for such uses in this Ordinance are satisfied along with other conditions established by the Zoning Hearing Board to protect the public health, safety and welfare.

Stabilization/Stabilized: Long-term protection of soil and water resources from accelerated erosion, accomplished by the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock or earth to insure their resistance to erosion, sliding or other movement. Vegetated areas shall be considered permanently stabilized when a uniform seventy (70) percent of vegetative cover of erosion resistant perennial species has been achieved, or the disturbed area is covered with an acceptable control measure which permanently minimizes accelerated erosion and sedimentation.

Stable (Commercial): A structure or area used for the shelter, care and/or riding of donkeys, horses, mules or other equines for hire, remuneration or sale; including but not limited to riding academies.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses, mules or other equines not for hire, remuneration or sale; including but not limited to riding academies.

Staging Area: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

Stream or Watercourse: A natural watercourse; a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

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.

Structure: Any man made object having an ascertainable stationary location on land 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 or as otherwise defined by the Uniform Construction Code.

Structure, Portable: Anything constructed that is not permanently attached to the ground but is designed to be moved from place to place.

Structure, Principal: The structure in which the primary use of the lot is conducted; and any porch, deck, utility building, garage or other structure attached to the principal structure.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure or any replacement of any structure or part thereof.

Supervisors: The Board of Supervisors of Shohola Township.

Tourist Recreation Facility: A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

Transferrable Development Rights: The removal of the right to develop or build, expressed in required land area per dwelling unit, from land in one zoning district, and the transfer of that right to land in another district where such transfer is permitted. (See Section 538.)

Trip Ends: The total of all vehicles entering plus all vehicles leaving a designated land use or building over a given period of time.

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: Relief granted pursuant to the provisions of 708.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

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% 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.

Vehicle or Equipment Service 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, retail gasoline sales and agriculture equipment repair.

Walk Way: A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front setback but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground - see deck; if six (6) inches or less, see patio.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Body: Any natural or artificial pond, lake, reservoir or other area containing a surface area of over one thousand (1,000) square feet and which usually or intermittently contains water and has a discernible shoreline.

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

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

Wholesale Business: Establishments or places of business 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: A facility where one (1) or more wind turbines 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 used on-site for commercial purposes or which is sold on the open market. A wind turbine generator accessory to a principal structure which is sized and intended to be used to generate electricity for the principal structure to which it is accessory shall not be considered a *wind energy facility*.

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

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis, not exceeding three (3) sales per year for not more than three (3) consecutive days each, and which is accessory to a residential dwelling. Sales in excess of three (3) times for not more than three (3) consecutive days each or the buying and selling of new or used items or surplus material shall be considered commercial operations subject to the applicable standards of this Zoning Ordinance.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoo: A collection of animals maintained in a park by an educational, nonprofit or governmental corporation.

The above definitions are also supplemented by those contained in other Shohola Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

ARTICLE IV- ESTABLISHMENTS OF DISTRICTS

401 General Districts

For the purposes of this Ordinance, Shohola Township is hereby divided into seven (7) Zoning Districts, as follows:

RD	Rural Development District
R	Residential District
NC	Neighborhood Commercial District
GC	General Commercial District
OS	Open Space District
FP	Flood Plain Overlay District
UD	Upper Delaware Overlay District

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Shohola Township hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto. Said map is on file at the office of the Township Secretary and is comprised of the duly signed and sealed tax maps of Shohola Township delineating the boundaries of the districts established by Section 401 above. The Zoning District references on the Zoning Map are hereby changed as follows: RF Residential-Forest District to RD Rural Development District, R-1 Residential-Low Density District to R Residential District, and C-1 Commercial-General District to GC General Commercial District.

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deed's Office and the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

403.2 Upper Delaware Overlay District

Coterminous with the Upper Delaware Scenic and Recreational River Corridor boundary as established by the November 1986 River Management Plan prepared by the Conference of Upper Delaware Townships. See Section 535 of this Ordinance.

403.3 Flood Plain Overlay District

Coterminous with Special Flood Hazard Areas as delineated on the most recent Township Flood Hazard Boundary Maps. See Section 527.2 of this Ordinance.

403.4 Interpretation

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance

therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;

- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.5 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, any decision of the Zoning Officer may be appealed before the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

403.6 Conservation Design Development Overlay District

The Conservation Design Development Overlay District is hereby created to promote the conservation of open lands in the Township. The Overlay District shall apply to all areas of the Township where residential development is permitted, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of Section 510 shall apply. In the RD the requirements of Section 510- Conservation Design Development shall be mandatory, and in all Other Zoning Districts Conservation Design Development may be applied at the developer's option.

404 District Intent

Taken as a whole, the seven (7) zoning districts in Shohola Township are designed to implement the Purpose set forth in Section 103 and the Community Development Objectives set forth in Article II. The specific Intent of each District follows.

404.1 RD: Rural Development District

The intent of the RD Rural Development District is to provide areas where traditional rural activities and natural resource uses should be encouraged or preserved and to provide areas for uses which are not appropriate in other districts, but can be regulated with performance standards

404.2 R: Residential District

The intent of the R Residential District is to provide for the orderly expansion of residential development to exclude uses not compatible with such residential development and to protect sensitive environmental areas.

404.3 NC: Neighborhood Commercial District

The intent of the NC Neighborhood Commercial District is to provide for the orderly development of those uses necessary to meet the neighborhood needs for goods and services as well as those of a social, cultural, and civic nature, to allow single-family and two-family dwellings, and to exclude uses not compatible with such neighborhood activities.

404.4 GC: General Commercial District

The intent of the GC General Commercial District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services as well as those of a social, cultural and civic nature; to provide sufficient space, in appropriate locations to meet the anticipated future needs for industrial activity on a conditional use basis; to allow single-family and two-family dwellings; to provide as a conditional use for multiple-family dwellings; and to exclude uses not compatible with such activities.

404.5 OS: Open Space District

The purpose of the OS- Open Space District, which is comprised solely of State Forest Lands and State Game Lands, is to provide for the preservation and conservation of the natural environment and natural resources and areas of particular value for recreational purposes while providing for such uses and development as are compatible with these objectives.

404.6 FP: Flood Plain Overlay District

The purpose of the FP- Flood Plain District is to regulate development in areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote the health, safety, and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and development as are compatible with these objectives.

404.7 UD: Upper Delaware Overlay District

The Upper Delaware District is intended to regulate development in the Upper Delaware Scenic and Recreational River Corridor in accord with the River Management Plan.

405 Zoning District Regulations

Zoning district regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion or reconstruction of an existing use or building, or change of use of any land or building.

406 Use Regulations

- A. District Use Regulations are provided in the following Schedule of Uses.
- B. Permits for principal permitted uses and accessory uses and structures shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- C. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- D. Principal permitted uses, conditional uses and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 502.1.

406.1 Uses Not Specified in Schedule of Uses

Whenever a proposed use is neither specifically permitted nor denied by this ordinance, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall decide whether the use is permitted or denied in the district proposed based upon the intent of the district and upon the similarity of the use to other uses listed in the Schedule of Uses. The Zoning Hearing Board shall, if it determines the use is permitted, classify the proposed use as either a principal permitted, conditional use or special exception, and direct the Zoning Officer to proceed accordingly.

RD - RURAL DEVELOPMENT -- SCHEDULE OF USES

INTENT: The intent of the RD Rural Development District is to provide areas where traditional rural activities and natural resource uses should be encouraged or preserved and to provide areas for uses which are not appropriate in other districts, but can be regulated with performance standards.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Conservation design development
- Crop production
- Forestry enterprises
- Hunting clubs* (excluding shooting ranges)
- No-impact home-based business
- Single-family detached dwellings
- Two-family dwellings **

ACCESSORY USES

(Zoning Officer)

- Carports
- Customary accessory uses and structures
- Day care, child, as an accessory use
- Essential Service
- Garages
- Home gardening, nurseries and greenhouses
- Private parking areas and garages
- Private swimming pools
- Signs in association with an approved use
- Solar collectors
- TV satellite dishes
- Wind turbine generators, accessory
- Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the RD District except as approved in accord with §406.1.

* Hunting clubs shall require a minimum of five (5) acres unless said club is on property contiguous to State Forest or Game Lands.

** Not permitted in the Upper Delaware Overlay District (see Section 535)

CONDITIONAL USES

(Planning Commission /Board of Supervisors)

- Agricultural products processing **
- Campgrounds **
- Commercial communications device sites **
- Contractor yards **
- Country clubs
- Day care, child or adult
- Golf courses **
- Greenhouses, commercial
- Home occupations***
- Hotels **
- Institutions as regulated by Sec. 531**
- Intensive livestock operations **
- Junkyards **
- Kennels, commercial stables, and other animal husbandry
- Livestock operations
- Mineral extraction**
- Mineral processing**
- Mobile home parks **
- Oil and gas wells
- Private stables
- Public and semi-public uses
- Public waterbody access areas
- Race tracks **
- Recreational vehicle parks **
- Religious houses
- Shooting ranges, outdoor commercial **
- Small lodging facilities
- Solid waste disposal facilities & related operations such as container and vehicle storage **
- Swimming pools, commercial
- Tourist recreation facilities
- Townhouses and garden apartments **
- Wind energy facilities **
- Zoos and menageries **

***See §503 which classifies certain home occupations as accessory uses.

SPECIAL EXCEPTIONS

(Planning Commission / Zoning Hearing Board)

- Cemeteries and Crematoriums

R - RESIDENTIAL DISTRICT -- SCHEDULE OF USES

INTENT: The intent of the R Residential District is to provide for the orderly expansion of residential development to exclude uses not compatible with such residential development and to protect sensitive environmental areas.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Conservation design development
- Crop production
- Forestry enterprises
- No-impact home-based business
- Single-family detached dwellings
- Two-family dwellings

CONDITIONAL USES

(Planning Commission / Board of Supervisors)

- Conversion of single-family dwelling to two-family dwelling
- Golf courses
- Home Occupations*
- Medical and dental offices for single practitioners
- Private stables
- Religious houses
- Public and semi-public uses

*See §503 which classifies certain home occupations as accessory uses.

SPECIAL EXCEPTIONS

(Planning Commission / Zoning Hearing Board)

- None

ACCESSORY USES

(Zoning Officer)

- Carports
- Customary accessory uses and structures
- Day care, child, as an accessory use
- Essential services
- Garages
- Home gardening, nurseries and greenhouses
- Private parking areas and garages
- Private swimming pools
- Signs in association with an approved use
- Solar collectors
- TV satellite dishes
- Wind turbine generators, accessory
- Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §406.1.

NC - NEIGHBORHOOD COMMERCIAL -- SCHEDULE OF USES

INTENT: The intent of the NC Neighborhood Commercial District is to provide for the orderly development of those uses necessary to meet the neighborhood needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such neighborhood activities.

<p style="text-align: center;">PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Conservation design development - Crop production - Forestry enterprises - No-impact home-based business - Single-family detached dwellings - Two-family dwellings <hr/> <p style="text-align: center;">ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Carports - Customary accessory uses and structures - Day care, child, as an accessory use - Essential services - Garages - Home gardening, nurseries and greenhouses - Private parking areas and garages - Private swimming pools - Signs in association with an approved use - Solar collectors - TV satellite dishes - Wind turbine generators, accessory - Yard sales <hr/> <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the NC District except as approved in accord with §406.1.</p>	<p style="text-align: center;">CONDITIONAL USES (Planning Commission /Board of Supervisors)</p> <ul style="list-style-type: none"> - Banks - Business and professional offices - Day care, child or adult - Flea markets - Fraternal clubs and lodges - Home occupations* - Medical and dental offices - Mini-warehouses - Motels - Outdoor sales - Private stables - Public and semi-public uses - Religious houses - Restaurants (sit down) - Retail stores - Service establishments <p>*See §503 which classifies certain home occupations as accessory uses.</p> <hr/> <p style="text-align: center;">SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)</p> <ul style="list-style-type: none"> - None
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GC - GENERAL COMMERCIAL -- SCHEDULE OF USES

INTENT: The intent of the GC General Commercial District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services as well as those of a social, cultural and civic nature; to provide sufficient space, in appropriate locations to meet the anticipated future needs for industrial activity on a conditional use basis; to provide as a conditional use for multiple-family dwellings; and to exclude uses not compatible with such activities.

PRINCIPAL PERMITTED USES
(Zoning Officer)

- Conservation design development
- Crop production
- Forestry enterprises
- No-impact home-based business
- Single-family detached dwellings
- Two-family dwellings

ACCESSORY USES
(Zoning Officer)

- Carports
- Customary accessory uses and structures
- Day care, child, as an accessory use
- Essential services
- Garages
- Home gardening, nurseries and greenhouses
- Private parking areas and garages
- Private stables
- Private swimming pools
- Signs in association with an approved use
- Solar collectors
- TV satellite dishes
- Wind turbine generators, accessory
- Yard sales

SPECIAL EXCEPTIONS
(Planning Commission / Zoning Hearing Board)

- Cemeteries and Crematoriums
- Off premises advertising signs (bill-boards)

NOTE: Uses not specifically listed by this schedule shall not be permitted in the GC District except as approved in accord with §406.1.

CONDITIONAL USES
(Planning Commission /Board of Supervisors)

- Adult stores
- Apartment buildings
- Banks
- Building, contracting and related businesses
- Bulk fuel storage facilities
- Business and professional offices
- Car and truck washes
- Commercial recreation facilities
- Day care, child or adult
- Flea markets
- Fraternal clubs and lodges
- Home occupations*
- Hospitals, clinics and nursing homes
- Hotels, motels and other tourist lodging
- Junkyards
- Manufactured housing sales and service facilities
- Manufacturing
- Medical and dental offices
- Mini-warehouses
- Outdoor sales
- Private stables
- Public and semi-public uses
- Religious houses
- Research and development
- Restaurants
- Retail stores
- Service establishments
- Solid waste disposal & related operations such as container and vehicle storage
- Studios
- Town houses & garden apartments
- Truck terminals
- Vehicle sales, supply and service facilities
- Warehouses

*See §503 which classifies certain home occupations as accessory uses.

OS- OPEN SPACE DISTRICT -- SCHEDULE OF USES

INTENT: The purpose of the OS- Open Space District, which is comprised solely of State Forest Lands and State Game Lands, is to provide for the preservation and conservation of the natural environment and natural resources and areas of particular value for recreational purposes while providing for such uses and development as are compatible with these objectives.

<p style="text-align: center;">PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Crop production - Forestry enterprises - Public parks - Public recreation facilities not requiring structures <hr/> <p style="text-align: center;">ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Customary accessory uses and structures - Essential services - Solar collectors - Wind turbine generators, accessory 	<p style="text-align: center;">CONDITIONAL USES (Planning Commission /Board of Supervisors)</p> <ul style="list-style-type: none"> - Oil and gas wells <hr/> <p style="text-align: center;">SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)</p> <ul style="list-style-type: none"> - Natural resource uses - Public building and structures <hr/> <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the OS District except as approved in accord with §406.1.</p>
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407 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, lot width and front, side and rear setbacks; and establishes maximum standards for building height and lot coverage. The Supplementary Regulations contained in Article V and the Conditional Use and Special Exception Criteria contained in Section 509 may establish additional criteria for specific uses.

SCHEDULE OF DEVELOPMENT STANDARDS							
District	Minimum Lot Area (sq. ft.)	Minimum Lot Width/Depth (feet)	Minimum Setbacks (feet) See Note 13			Maximum Building Height (feet)	Maximum Lot Coverage (%)
			Front	Rear	Side		
Residential (R)	43,560	150/200	40	30	20	35	25
Rural Development (RD) - allowed residential uses	Governed by Section 510						
Rural Development (RD) - allowed nonresidential uses	87,120	200/200	40	30	20	35	25
Neighborhood Commercial (NC)	43,560	150/200	25	25	25	35	40
General Commercial (GC)	43,560	150/200	25	25	25	35	40
Open Space District (OS)	See Note 3						
Flood Plain Overlay District (FP)	See Note 4						
Upper Delaware Overlay District (UD)	See Note 5						

Schedule of Development Standards Notes:

- Two-family dwellings shall conform to the development standards for each dwelling unit and the total parcel size shall be fifty percent (50%) larger than that required for a single-family dwelling.
- A single-family dwelling constructed prior to January 1, 2007 may be converted to a two-family dwelling provided the lot on which the dwelling is situated is outside of the Upper Delaware Overlay District and is at least 65,340 square feet (1.5 acres) in Residential (R) and Neighborhood Commercial (NC) Districts, and 130,680 square feet (3 acres) in Rural Development (RD) District. All local and state sewage requirements must be complied with.
- Open Space District - Includes only State Forest Land and State Game Lands, therefore, minimum lot sizes do not apply. However, commercial district setbacks and building height requirements shall apply. Should any area of the OS District revert to private ownership, all RD standards shall apply.
- Flood Plain Overlay District - Includes all flood plain areas as shown on the most recent Flood Hazard Boundary Maps.
- Upper Delaware Overlay District - Includes all areas in the Upper Delaware River Scenic and Recreational River corridor. See Section 510 and Section 535.
- See Section 501.1 for non-conforming lots of record.
- Supplementary regulations in Article V shall apply in cases where said regulations are more restrictive.
- See Section 511 for multi-family dwellings.
- See Section 502.2 for corner lot requirements and/or structures.
- If two or more principal structures are proposed for a single parcel, the area of said parcel shall be increased in proportion to the number of proposed uses. For example, if three principal structures are proposed, the lot area shall be three times that required in the Schedule.
- Any building or use, or combination of buildings and uses, in the Upper Delaware Overlay District proposing a lot coverage area of greater than ten (10%) percent shall be considered a conditional use.
- Residential uses in Commercial Districts shall comply with Residential (R) standards.
- Minimum setbacks on non-conforming lots are as follows: front - 25 feet, rear and each side - 10 feet. (See §501.1.)

ARTICLE V - SUPPLEMENTARY REGULATIONS

500 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV.

501 Permitted Deviations From Required Sizes

No lot, setback, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

501.1 Non-Conforming Lots of Record

- A. A single family dwelling and customary accessory structures may be erected on a non-conforming lot of record providing:
 - 1. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Protection can be properly issued.
 - 2. Side and rear setbacks shall not be less than ten (10) feet.
 - 3. No front setbacks shall be reduced to less than twenty-five (25) feet.
 - 4. Buffers set forth in Section 508 shall be maintained.
- B. In cases where two or more contiguous lots must be combined to meet the setbacks and buffers required in subsection A above, or where the on-site sewage system is not wholly contained on the lot with the dwelling, said lots shall be combined by lot consolidation pursuant to provisions of the Township Subdivision and Land Development Ordinance.

501.2 Height Limitations

- A. Maximum structure height shall be thirty-five (35) feet.
- B. Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, flag poles, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerals, solar panels, accessory wind turbine generators, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances.
- C. Any such structure in §501.2,B, which exceeds a height of fifty (50) feet shall be considered a conditional use and none of these structures shall be erected closer to a road right-of-way or property line than 1.10 times the height of the subject structure. This shall not apply to utility poles.
- D. Any structure designed to have a height of one hundred fifty (150) feet or more above ground level must be approved by the Federal Aviation Administration and a written statement of approval must accompany the permit application.

502 Unique Lots and Building Locations

502.1 Two or More Buildings on a Lot

- 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 Ordinance 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 Ordinance. For example, the parcel size required for three (3) single-family dwellings on one (1) 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 Ordinance 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 Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- D. **Residential and Nonresidential on the Same Lot** - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance 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 at least twice the side yard setback required for the district and shall otherwise be located to enable compliance with the Township Subdivision and Land Development Ordinance should a subdivision be proposed.

502.2 Side Setback of a Corner Lot

Each setback of a corner lot which abuts a road shall comply with the front setback required for the District. The setbacks along other property lines shall comply with the side setback required for the District.

502.3 Double Frontage Lots

Double frontage lots shall be provided with a front setback from each abutting road right-of-way.

502.4 Clear View At Street Intersections

Visual obstructions at street intersection (excluding an existing building, post, public utility structures, column or tree) exceeding thirty (30) inches in height shall be prohibited on any lot within the triangle formed by the street lot lines of the lot and a line drawn between points along the street lines thirty (30) feet distant from their points of intersection.

503 Accessory Structures and Uses

503.1 Accessory Structures

All accessory structures shall require permits and shall comply with all applicable Township, state and federal regulations.

- A. All accessory structures shall conform to the minimum setback regulations established in Article IV.
- B. Unattached accessory structures shall be no closer than ten (10) feet to any principal structure and shall not exceed one story in height unless there is a minimum distance of the height of the accessory building between said building and the principal building and between said accessory building and the property line. The

maximum height of any accessory building shall be thirty-five (35) feet.

- C. The second floor of any unattached accessory building shall not contain sanitary facilities.
- D. All setbacks shall be measured from the roof overhang.
- E. An accessory structure may be erected on a lot not occupied by a principal structure as a conditional use in accord with this §503.1 and the following: (See definition of *Accessory Use or Accessory Structure* in Article III.)
 - 1. The structure shall not exceed a total floor area (all stories) of two thousand (2,000) square feet or ten (10) percent of the lot area, whichever is smaller.
 - 2. The structure shall be for noncommercial purposes.
 - 3. Larger setbacks and/or buffers may be required by the Board of Supervisors.

503.2 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations, and any home occupation or expansion of a home occupation shall be a conditional use, and the criteria in Section 509 and the following criteria shall apply.

- A. The home occupation must be clearly incidental to the use of the dwelling as a residence.
- B. The home occupation shall not utilize more than fifty percent (50%) of the gross floor area of the dwelling unit and accessory structures.
- C. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- D. There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign and required parking.
- E. A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees inclusive of family members shall not exceed six (6) persons.
- F. Off-street parking shall be provided on the premises, as required by this Ordinance or as otherwise necessary to prevent parking on any public or private right-of-way.
- G. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

503.3 Private Parking Areas and Garages

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with Section 505.

503.4 Home Gardening, Nurseries and Greenhouses

Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted as accessory uses to a residential structure provided said uses are used by the residents thereof for non-commercial purposes and provided further that said uses shall not include the outdoor storage of equipment and supplies.

503.5 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool maintains the same setbacks as the principal structure.

503.6 Temporary Uses

- A. Zoning Certificate Required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued.
- B. Particular Temporary Uses - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
1. Carnival or circus.
 - a. Conditional use in any district except R Districts where said uses shall not be permitted.
 - b. Maximum length of permit shall be fifteen (15) days.
 - c. No structure or equipment within five hundred (500) feet of any residential property line.
 2. Contractor's office and construction equipment sheds.
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 3. Events of public interest.
 - a. Maximum length of permit shall be fifteen (15) days.
 - b. Events may include but are not limited to tent theaters, outdoor concerts, horse shows, and similar activities.
 4. Real estate sales office.
 - a. Permitted in any district for any subdivision approved in accordance with the Shohola Township Subdivision and Land Development Ordinance. A model home may be used as a temporary sales office.
 - b. Maximum length of permit shall be one (1) year, but the permit may be renewed by the Zoning Officer provided all standards are satisfied.
 - c. Said office shall be located in the approved subdivision and shall be used solely for the sale of property in said subdivision.
 - d. Office shall be removed upon completion of the development of the subdivision.
 5. Temporary shelter.
 - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
 - b. Required water and sanitary facilities must be provided.
 - c. Maximum length of permit shall be six (6) 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 original permit.

- d. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall provide express consent and authorization to Shohola Township to remove the temporary shelter at the owner's expense upon termination of the permit, should the owner fail to do so as required.

D. Additional Regulations - A carnival or circus, tent meetings or gatherings, and events of public interest shall be subject to the following:

1. Documentation must be provided from the Township Sewage Enforcement Officer that adequate arrangement for temporary sanitary facilities has been made.
2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within thirty (30) days after the closing of the event. A cash bond, the amount of which shall be established by the Township Board of Supervisors, shall be posted with the Township or a signed contract with a disposal firm shall be required as a part of the application for a zoning certificate to insure that the premises will be cleared of all debris during and after the event.
5. Public parking adequate for the use proposed shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking. A copy of a valid highway occupancy permit for access to the property shall be provided by the applicant.
6. A plan for crowd control and protection of public safety, including but not limited to, access for emergency vehicles and fire control shall be submitted for approval along with the application for zoning approval.
7. A cash bond, the amount which shall be established by the Township Board of Supervisors, shall be posted with the Township to insure the repair of any damage resulting to any public right-of-way as a result of the event.

503.7 No-Impact Home-Based Business

It is the intent of this section to authorize no-impact home-based businesses such as computer connected offices, home offices for personal record keeping, studios for authors or artists, sales representatives who work door-to-door, simple craft making (for which sales shall occur off-premises), and such other activities which have no effect whatever on neighboring residences or on the residential quality of an area.

It is further the intent of this section to regulate the operation of a no-impact home-based business so that the average neighbor will not be aware of the existence of such business.

- A. A no-impact home-based business shall be a permitted use in all districts except the Open Space District.
- B. A no-impact home-based business shall require a permit from the zoning officer. It shall be the decision of the Zoning Officer as to whether an activity is a no-impact home-based business or a home occupation under the Township Zoning Ordinance.

C. The following criteria shall apply to a no-impact home-based business:

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 which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business shall not involve any illegal activity.

504 Signs

504.1 Definitions

- A. Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.
- B. On-premise sign: Any permitted sign located on the land upon which the concern advertised by such sign is located.
- C. Off-premises sign: Any permitted sign not located on the land upon which the concern advertised by such sign is located.
- D. Sign surface area: The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. Each face shall not exceed the applicable maximum sign surface area.
- E. Electronic Text Message Sign - An electrically activated sign that displays only text messages and that can be electronically changed or programmed such as light emitting diode signs and digital signs, but not including animated signs such as video displays, plasma display panels, liquid crystal displays, computer monitors, and televisions.

504.2 General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. No person shall erect, enlarge, or relocate within Shohola Township any sign regulated herein without obtaining a permit.
- B. The repainting, changing of parts and preventive maintenance of signs shall not require a permit.
- C. Any sign located on a premises shall be permitted only in connection with the use on the premises except as otherwise permitted by this Ordinance.
- D. All signs shall be removed when the reasons for their erection no longer apply.
- E. Signs shall not be permitted above the roof line of the building to which they are attached.
- F. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- G. Signs other than official traffic signs shall comply with side setbacks as established for principal structures.
- H. No part of any sign, except official traffic signs, shall be less than five (5) feet from any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way.
- I. No signs shall be erected, installed, or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public or pedestrians.
- J. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- K. No sign shall be so constructed, erected, or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection as provided in Section 502.4.
- L. No signs shall be permitted which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts or animation or video display, including automatic, electronically controlled copy changes, or through the impression of movement or flashing. This shall not include barber poles or time and temperature indicators whose movement is either digital or analogue.
- M. No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding one and one-half (1 ½) square feet in surface area.
- N. Freestanding signs shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.
- O. All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Signs affixed to moveable frameworks or otherwise intended to be transportable shall not be permitted.
- P. Signs shall be constructed of durable material and be maintained in good condition.

504.3 Business Advertising Signs and Institutional Signs

- A. The owner, lessee or occupant of land in Shohola Township, may erect and maintain on such land one sign advertising the business or profession of such owner, lessee or occupant of the property. Such sign shall not exceed thirty-two (32) square feet in surface area.
- B. Signs of schools, colleges, churches, hospitals, sanitariums or other similar institutions may be erected and maintained on the parcel with the principal permitted use provided such sign does not exceed thirty-two (32) square feet in surface area.
- C. Such signs may only be placed on and maintained by the owner, lessee, or occupant of land upon which is located the main office or principal place of business or institution or where a branch office, store or warehouse is maintained by the said owner, lessee or occupant of such land.
- D. In addition, one faced, on-premises sign(s) may be attached to the facade of any building(s) facing the public right-of-way provided the total area of the signs(s) does not exceed ten percent(10%) of the area of the facade to which the sign is attached or eighty (80) square feet, whichever is less.

504.4 Off-Premises Directional Signs

The owner, occupant, lessee of a business or professional establishment located in Shohola Township and not fronting on Route 434 or Route 6 may erect one (1) off-premises directional sign advertising such business and directions thereto. Such a sign shall not have a surface area of more than ten (10) square feet. No such sign shall be located less than two-hundred (200) feet from any other off-premises sign on the same side of any public road. In cases where a sign directory has been erected pursuant to the following Section 504.5, no off-premises sign shall be permitted that could otherwise be included on the directory sign and provide the required directions.

504.5 Directory Signs

The installation and maintenance of a central directory sign board not more than five (5) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted. An individual sign on this board advertising a single business shall not exceed a surface area of four (4) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. All other applicable standards in this Section 504 shall apply and a permit shall be required for each individual sign on the directory. Not more than one (1) directory sign shall be permitted on each corner of an intersection.

504.6 Signs Requiring No Permits

- A. Signs advertising the sale or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. The following standards shall apply:
 - 1. The area of each sign shall not exceed six (6) square feet;
 - 2. Not more than one (1) sign for each listing realtor shall be placed upon any property.
 - 3. Such signs shall not be illuminated;
 - 4. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease of the subject property.
- B. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit, and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe, but in no case shall exceed four (4) square feet in surface area.

- C. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the size thereof is not in excess of eight (8) square feet; and such signs are removed promptly upon completion of the work.
- D. "Private property" signs, or signs indicating the private nature of a drive-way or property provided that the size of any sign shall not exceed two (2) square feet.
- E. Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.

504.7 Home Occupation Signs

Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches, and may include the name, occupation, and logo or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated.

504.8 Residential Development and Multi-Family Project Signs

One (1) sign identifying a residential development or a multi-family dwelling project is permitted on the premises of such project providing the sign does not exceed twenty-four (24) square feet in surface area. Signs identifying each building shall also be permitted and such signs shall not exceed one (1) square foot and such signs shall be attached to the building facade.

504.9 Shopping Center or Multiple Commercial Occupant Signs

- A. One (1) free standing sign identifying the shopping center or multiple occupant project is permitted on the premises of such project provided the sign does not exceed twenty (20) square feet in surface area.
- B. One (1) sign identifying each business or profession located in the project is permitted provided the sign does not exceed twelve (12) square feet in surface area. Such signs shall be attached to the same frame as the project sign.
- C. In addition, one faced, on-premises sign(s) may be attached to the facade of any building(s) facing the public right-of-way provided the total area of the signs(s) does not exceed ten percent(10%) of the area of the facade to which the sign is attached or eighty (80) square feet, whichever is less.

504.10 Off-Premises Advertising Signs

Off-premises advertising signs (herein referred to as advertising signs) shall be considered special exceptions and shall only be permitted in the GC District in compliance with the following standards.

- A. The minimum distance required between all advertising signs shall be one thousand (1000) feet as measured along the center line of the abutting roadway.
- B. Advertising signs shall not be erected closer than ten (10) feet to the right-of-way of any highway or road.
- C. No advertising sign shall be erected within two hundred fifty (250) feet of any existing business sign.
- D. No advertising sign shall be erected within one hundred fifty (150) feet of any existing residential dwelling.
- E. The maximum area of any advertising sign shall be one hundred twenty-eight (128) square feet.
- F. No portion of any advertising sign shall be more than twenty (20) feet above the surrounding ground.

504.11 Temporary Signs

The following temporary signs shall be permitted upon obtaining a permit: special advertising or business identification signs or banners not exceeding thirty-two (32) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

504.12 Illumination

- A. Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises.
- B. No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating, and spot lights when improperly placed. No sign shall resemble traffic signals.

504.13 Non-Conforming Signs

- A. Non-conforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto.
- B. No non-conforming sign shall be replaced, changed, expanded, or altered in any manner including, but not limited to sign area, location and height, except for changing the advertising material on the face of the sign, or to bring the sign into conformity. No non-conforming sign shall be moved in whole or in part to any other location where it would remain non-conforming.

504.14 Nuisance Signs

- A. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- B. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Township Supervisors may institute appropriate actions to prevent the violation or abate the nuisance.

504.15 Permit Applications

An application for a permit to install or relocate a sign shall be made on the Township Application Form and submitted to the Township Zoning Officer along with the fee established by resolution of the Township Board of Supervisors.

504.16 Political Signs

Signs erected in connections with a political campaign shall not require a permit. However, the candidate or political party named on the sign shall be responsible for removal of said sign within ten (10) days of the election for which the signs are erected.

504.17 Wood Relief Sign Area Bonus

The signs permitted under §504.3,A (business), §504.3,B (institutional), §504.5 (directory), §504.7 (home occupation), §504.8 (residential and multi-family development) and §504.9 (shopping center and multiple commercial shall be eligible for an increase in size of twenty-five (25) percent provided:

- A. Signs shall be wood or simulated wood relief only with external illumination.
- B. Signs shall be designed as an integral architectural element of the building and component of the site.
- C. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
- D. Signs shall not exceed a height of fifteen (15) feet.

505 Off-Street Parking and Loading

505.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. 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.

505.2 Size of Parking Spaces

The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

505.3 Lighting

Any 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.

505.4 Public Right-of-Ways

The parking, loading and unloading areas required by this ordinance shall not encroach on any public right-of-way. This section 505.4 shall not apply to uses or structures lawfully existing at the effective date of this Ordinance and being situated adjacent to Richardson Avenue, Chauncy Thomas Road and Rohman Road in the Village of Shohola.

505.5 Number of Spaces To Be Provided

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

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. In cases where the specific use of space cannot be identified, as for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one space per two-hundred (200) square feet of gross floor area of the building.

Should the applicant provide evidence that the number of parking spaces required by this Section 505.5 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced by a maximum of forty (40) percent as a conditional use provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 505 and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. All reserve parking areas shall be included in the calculation of lot coverage area.

Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the

outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

USE	PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment 1. Retail establishments 2. Wholesale establishments	1. 1 per 200 SFGFA 2. 1 per 400 SFGFA
E. Offices, research facilities and services not primarily related to goods 1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents 2. Drive-in banks 3. Serving little or few customers or clients on premises, such as corporate offices	1. 1 per 200 SFGFA 2. 1 per 200 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window 3. 1 per 400 SFGFA
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 400 SFGFA
G Educational, cultural religious social, fraternal uses 1. Public schools 2. Trade and vocational schools, colleges 3. Churches, synagogues and temples 4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1. 1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools 2. 1 per 100 SFGFA 3. 1 per every 4 seats used for services 4. 1 per 300 SFGFA
H. Recreation, amusement and entertainment 1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses 2. Movie theaters, stadiums and similar uses with seating accommodations 3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1. 1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA 2. 1 per every 4 seats 3. 1 per 200 SFGFA plus 1 per every 3 persons of fully utilized design capacity
I. Hospitals, clinics and other medical treatment facilities	2 per bed or 1 per 150 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 100 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window

<p>K. Vehicle related uses</p> <ol style="list-style-type: none"> 1. Sales, service, repair 2. Gas sales 3. Car wash 	<ol style="list-style-type: none"> 1. 1 per 200 SFGFA 2. 1 per 200 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces 3. 1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
<p>L. Warehousing and storage</p>	<p>1 per 4,000 SFGFA</p>
<p>M. Miscellaneous uses</p> <ol style="list-style-type: none"> 1. Veterinary 2. Open air sales 3. Nursery schools and day care 4. Greenhouses 5. Emergency services 6. Junk and scrap yards 7. Post office 	<ol style="list-style-type: none"> 1. 1 per 200 SFGFA 2. 1 per 1,000 square feet of lot area used for display or sales 3. 1 per 150 SFGFA 4. 1 per 200 SFGFA 5. 1 per 200 SFGFA 6. 1 per 200 SFGFA 7. 1 per 200 SFGFA

Note: SFGFA means “square feet of gross floor area” which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

For uses not specifically provided above, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

505.6 Loading and Unloading Areas

In addition to the off-street parking spaces required above, any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The loading space shall be a minimum of sixty (60) feet in depth, and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials. Every commercial or industrial building which requires the receipt or distribution by vehicles of material or merchandise shall provide one (1) additional off-street loading space for each 25,000 square feet of gross building floor area.

505.7 Access To Off-Street Parking and Loading Areas

For all non-residential uses and multi-family residential uses, 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. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and unloading spaces required hereunder. 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. Access drives shall not open upon any public right-of-way within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway and where the sight distances in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.

- B. There shall be no more than one entrance and one exit for any business or parking area on any one highway. 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. In no case shall one entrance and exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way.

505.8 Parking and Loading Area Setbacks

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the edge of a public right-of-way or adjoining property lines by a buffer area at least ten (10) feet in depth.

505.9 Surfacing

Any off-street parking area shall be graded for proper drainage and shall provide a durable surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

505.10 Off-Lot Parking

Parking spaces may be located on a lot other than that containing the principal use provided said lot is owned by the applicant or a written agreement for use of said lot is provided, approved by the municipal solicitor and accepted by the Board of Supervisors as adequate and located within a distance that will achieve the purposes of this Section 505.

506 Mineral Extraction; Mineral Processing

506.1 Mineral Extraction (including oil and gas wells)

506.1.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code Section 603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *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*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

506.1.2 Intent

The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and to establish the foundation for any conditions required to protect the public health, safety and general welfare. In addition, location standards are included which are not addressed by the pre-emptive state statutes.

506.1.3 Mineral Processing a Separate Use

Any use which involves 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, shall be considered *mineral processing*, a separate and distinct use regulated as *manufacturing* by this Zoning Ordinance. This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a *mineral extraction* operation.

506.1.4 Reserved

506.1.5 Location Requirements

Mineral extraction shall be permitted only in accord with the requirements of this §506 and all other applicable Ordinance requirements. The mineral extraction operation shall comply with the following additional location requirements:

- A. Parcel Size - The minimum parcel size shall be ten (10) acres.
- B. Property Line Setback and Buffer - A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties and public road rights-of-way. These setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide. Design details of buffers shall be included on the site plan, and buffers shall be considered *improvements* for the purposes of guaranteeing installation in accord with the requirements for *land developments* in the Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

506.1.6 Local, State and Federal Regulations

Mineral extraction operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

506.1.7 Information Requirements

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. DEP Application Information - The applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as small noncoal operations under DEP regulations shall provide all information required by Chapter 77 - Noncoal Mining of DEP Rules and Regulations for operations which are not considered small noncoal operations.

506.1.8 Reporting Requirements

For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

506.1.9 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this Section 506.1.

506.2 Mineral Processing

Mineral processing is considered a conditional use in certain districts. In addition to all other applicable standards of this Ordinance, the requirements of this Section 506.2 shall apply.

506.2.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. **Parcel Size** - The minimum parcel size shall be ten (10) acres. In the case of mineral processing associated with a mineral extraction operation conforming to the requirements of this Ordinance, the mineral processing may be included on the mineral extraction parcel.
- B. **Setbacks** - The following setbacks shall be maintained for any mineral processing operation and including the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation as permitted in Section 506.1:
 1. Two hundred (200) feet to adjoining properties and public road rights-of-way, and three hundred (300) feet to any existing residential structure not located on the project parcel.
 2. **Water Bodies** - No operation shall be located less than two hundred (200) feet from any body of water, perennial or intermittent stream, wetland or well.
- C. **Buffer**
 1. The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

506.2.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

506.2.3 Informational Requirements

The applicant shall provide the information required by this Section 506.2.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with Section 608.4 of this Ordinance and Section 603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. **Conditional Use and Land Development Information** - The information required for conditional uses specified

by this Zoning Ordinance and the information required for land developments in the Township Subdivision and Land Development Ordinance.

- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.
- C. Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement - The applicant shall submit details about ground and surface water protection and the other information required by Section 526.

506.2.4 Reporting Requirements

For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

507 Non-Conforming Uses and Buildings

507.1 Purpose

It is the purpose of this Section to limit the injurious impact of non-conforming uses and/or structures on adjacent properties within a particular district and the community as a whole, while recognizing that changes, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this zoning ordinance, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section 507 to prescribe those standards which are to be applied by the Township in reviewing a proposal to alter, continue or extend a non-conforming use. The following regulations shall apply to the alteration, continuation or extension of non-conforming uses.

507.2 Normal Maintenance, Minor Changes

Normal maintenance and repairs such as painting, replacing shingles, and installing siding as well as interior non-structural alterations and renovations, are permitted without a permit. However, any change in use or additions to a structure or increased use of a lot shall require a permit in conformance with section 507.7.

507.3 Extensions

- A. A non-conforming use of a building may be extended throughout the building, however, the size of the building may not be increased except in accord with Section 507.7.
- B. A non-conforming use may be expanded upon a lot occupied by such use at the effective date of this Ordinance when approved pursuant to Section 507.7, and provided that such expansion does not replace a conforming use, and does not violate the setback and coverage requirements of the zone in which the nonconforming use exists.

507.4 Restoration

In the event that any non-conforming structure, in any district, is destroyed or partially destroyed by fire, explosion, or other disaster, or otherwise damaged, such non-conforming structure may be reconstructed to its preexisting non-conformity, provided it complies with all applicable requirements of the Uniform Construction Code and is rebuilt within a period of one (1) year from the date of destruction or damage. It shall not be reconstructed if the structure is now prohibited by this Ordinance or any other Township, state or federal regulation.. (e.g., decks, roof-overs or screened enclosures in any recreational vehicle park - §528.16.)

507.5 Changes

A non-conforming use may be changed to a use of an equal or more restricted classification. However, all changes shall be governed by Section 507.7.

507.6 Discontinuance

If a non-conforming use is abandoned for a period of more than one (1) year, then any subsequent use shall conform to the regulations of this Ordinance. The Township may require an annual report about the discontinuation status from the owner of a nonconforming use which is not in operation.

507.7 Performance Standards

All changes, of non-conforming uses, shall be considered conditional uses, and permits for such changes and restorations shall be granted only after a determination by the Township Board of Supervisors, upon the recommendation of the Township Planning Commission, that the following performance standards in addition to the Conditional Use Criteria set forth in Section 509 and the Industrial/Commercial Development Standards set forth in Section 512 will be satisfied:

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility or on a lot with a non-conforming use, excepting those types of uses set forth in Section 507.7,B.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood or some similar material and/or vegetative screening not less than six (6) feet in height is erected on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum.
- C. Setbacks - No addition, change or expansion of a non-conforming use shall create further non-conformity by violation of setback and height regulations of the district in which it is located. Screening may also be required to protect adjoining properties.
- D. Stormwater - Stormwater shall be controlled pursuant to the Township Subdivision and Land Development Ordinance.
- E. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five percent (25%) over those available as of the date of the enactment of this Ordinance, the Board of Supervisors may require vegetative screening of the parking area from nearby residential areas.
- F. Extension onto New Properties - A non-conforming use may only be expanded or extended onto another property of record if that property is immediately adjacent to the lot on which the original structure or use is located and was in the same ownership as the lot containing the non-conforming use as of the effective date of this Ordinance or amendments hereto and the owner has clearly exhausted the alternatives available for expansion on the existing property.
- G. Prohibited Expansions - Should the use proposed for expansion or extension be judged by the Board to be of such a nature as to create health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

507.8 Non-Conforming Lots of Record - See Section 501.1.

508 Buffer for Waterbodies, Streams and Wetlands

508.1 Plans

All wetlands, waterbodies and streams shall be accurately shown on the plans submitted with any application for

zoning approval.

508.2 Water Bodies

- A. **Buffer Required** - For the purposes of protecting water quality, a buffer zone of not less than fifty (50) feet shall be maintained from the normal high water mark of any water body or stream, or from the normal high water mark of any water body or stream which generally contains running water. No buildings, structures, impervious surfaces or sewage disposal systems or parts thereof shall be constructed or placed within this buffer zone.
- B. **Exceptions** - Exceptions (which shall require permits) under this section shall include dock extensions, portable-open sided, roofless boat racks occupying no more than one hundred (100) square feet per lot, for community owned lots, occupying no more than ten (10) percent of the total buffer area, and non-mortared stone or brick patios of up to one hundred and fifty (150) square feet may be incorporated with a ten-foot riparian area between patio and high water mark. These exceptions shall not be applicable within the Upper Delaware River Corridor. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
- C. **Other Regulations** - In cases where there are other regulations regarding floodplains, or State or Federal Law and/or other regulations, such regulations shall apply. Issuance of a township zoning permit shall not imply compliance with such regulations.
- D. **Docks** - In cases of multiple docks the total shore width of all docks on a given property shall not exceed twelve (12) feet per one hundred fifty (150) feet of shoreline. (Note: Any structural walkways traversing wetlands requires a conservation district permit). Dock extensions shall not be greater than sixty (60) square feet nor shall such extensions be greater than ten (10) feet landward from high water mark nor shall they run parallel to the water for more than twelve (12) feet.

508.3 Wetlands

- A. **State and Federal Regulations** - Wetlands shall be governed by all applicable state and federal regulations.
- B. **Buffer Required** - For the purposes of protecting water quality, a buffer zone of not less than twenty-five (25) feet shall be maintained from any wetland. No buildings, structures, or impervious surfaces shall be constructed or placed within this buffer zone except encroachments and obstructions as defined and approved by DEP.

509 **Conditional Uses and Special Exceptions**

509.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include a plan containing the information required for minor subdivisions as set forth by the Township Subdivision and Land Development Ordinance. The Township Planning Commission or Board of Supervisors shall require any other information deemed necessary for the review of the proposal.

509.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 509.4 and any other applicable standards in this Ordinance.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application at a public meeting specifically advertised for said review and shall report its findings, together with a recommendation indicating whether

the criteria listed in this Section 509 and any other applicable performance standards have been satisfied.

Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same attaching any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, as established by the Board of Supervisors. If the application is denied, the applicant shall be notified of the action in person or by certified mail; such notice including reasons for denial.

The public notice for all public meetings and hearings shall be placed by the applicant.

509.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 509.4. Procedures for special exceptions shall be as established by the Pennsylvania Municipalities Planning Code.

509.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of Shohola Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area.

The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

- B. 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 Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- C. 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, or 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.
- D. In reviewing an application, 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 stormwater and drainage facilities Stormwater leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 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.
 10. Adequate consideration shall be given to minimizing glare and light pollution.
- E. For uses proposed in the Upper Delaware Overlay District, the Board of Supervisors or Zoning Hearing Board, as the case may be, shall attach such additional conditions and safeguards as the Board may deem necessary, pursuant to Section 913.2 of the PA Municipalities Planning Code, to meet the intent of the Upper Delaware Scenic and Recreational River Management Plan.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, 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. The applicant shall supply evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

509.5 Non-implementation of Conditional Uses and Special Exceptions

- A. Should a Conditional Use or a Special Exception be granted and not implemented within a period of three years of its granting, it shall be null and void.
- B. Should a Conditional use or a Special Exception be granted and implemented it shall be null and void if abandoned for a period of one year or more, unless the holder shall notify the Board of Supervisors annually that the use has temporarily ceased but will be resumed.

510 Conservation Design Development

In the RD District Conservation Design Development is required. In all other Zoning Districts, Conservation Design Development may be used at the developer's option. Conservation Design Development shall comply with this Section 510.

(Note: 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.)

510.1 Purposes and Development Options

- A. 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 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, particularly in the Upper Delaware River Corridor.
 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 *Shohola Township Comprehensive Plan* and the *Upper Delaware Final River Management Plan*.
 8. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
 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.
- B. By-Right Development Options - In order to achieve these purposes, this Section 510 provides for flexibility in designing new residential subdivisions by allowing the following forms of *by-right* development referred to as *options*, as summarized below:
1. Option One - Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density Standards Table in Section 510.4 with not less than forty (40) percent of the tract comprised of conservation open space.
 2. Option Two - Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density Standards Table in Section 510.4 with not less than fifty (50) percent of the tract comprised of conservation open space.
 3. Option Three - Country Properties in RD Districts providing lots of four (4) acres or more in size in accord with the standards in Section 510.7 and other applicable standards without providing open space. Any lots platted in a major subdivision using this Option Three shall be restricted from further subdivision.
 4. Densities and Required Open Space Percentages - See Section 510.4.

510.2 General Regulations

The design of all new developments in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining the Design Options - The various layout and density options described in this section may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section, as compared with applying a single option to the property.
- D. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
- E. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources/Site Analysis Plan*.
- F. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas which are environmentally sensitive. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.

1. Wetlands
2. Floodway
3. Floodplain
4. Slopes in excess of twenty-five (25) percent
5. The area within the 50-foot buffer zone required by Section 508.2 for water bodies and streams

510.3 Parcel Sizes and Use Regulations

A. Parcel Size

1. RD District - In the RD District all tracts of ten (10) acres or more shall be subject to Conservation Design Development in accord with this Section 510 and separately deeded tracts of less than ten (10) acres in the RD District validly existing as of the effective date of this Section 510 may be developed as a Conservation Design Development or a standard subdivision with a minimum lot size of two (2) acres in accord with the normal requirements of this Zoning Ordinance and the Township Subdivision and Land Development Ordinance.
2. Other Districts - In all other Districts where Conservation Design Development is permitted, tracts of five (5) acres or more may be developed in accord with this Section 510 at the developers option.
3. Act 319 Lands in RD Districts - On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of one (1) lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this Section 510.
4. Existing Conservation Easements - Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this Section 510 provided such easement preexisted the effective date of this Section 510 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.

B. Permitted Uses - The following uses shall be permitted in Conservation Design Developments:

1. Single-Family Detached Dwellings - Single-family detached dwellings in developments using Option 1 Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation in all zoning districts, and Option 3 - Country Properties in the RD District.
2. Two-Family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in developments using Option 1 - Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation at the same density as single-family dwellings, unless the units are otherwise permitted in the District where proposed, in which case the normal standards shall apply.
3. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of Section 510.5.
4. Other Nonresidential Uses - The following other non-residential uses:
 - a. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.

- b. Wood lots, arboreta, and other similar silvicultural uses.
 - c. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
 - d. Municipal or public uses; public park or recreation are owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
5. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.
6. Upper Delaware Overlay District - All dwellings and community buildings sites in all subdivisions in the Upper Delaware Overlay District shall be designed and delineated in accord with the standards in Section 535, with a building envelope designated on each lot and for each community building or structure. The building envelopes shall not encroach upon any primary conservation area listed in Section 510.2,F. Should there be any conflict between the provisions of this Section 510 and Section 535 the more restrictive shall apply.

510.4 Option 1 and Option 2 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

DENSITY STANDARDS		
Zoning District	Density Factor - required area per dwelling unit	
	OPTION 1 (40% open space)	OPTION 2 (50% open space)
Density Requirements for Single-Family and Two-Family Dwellings		
RD	87,120 square feet	74,000 square feet
R, NC, GC	43,560 square feet	37,000 square feet
Density Requirements for Townhouses		
R	43,560 square feet	37,000 square feet
RD, GC	governed by Section 511	
In cases where the calculation yields a fractional number of units, the number shall be rounded up to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number if the fraction is less than 0.5.		

1. Density Factor- The density factor for Option 1 and Option 2 Developments shall be one (1) dwelling unit per the required area for the Zoning District density factor as shown in the Density Standards Table. The number of permitted dwelling units is determined by dividing the adjusted tract acreage by the applicable density factor. In Option 1, the density factor is the same as that of a standard subdivision. In Option 2 the density factor has been reduced by fifteen (15) percent from that of Option 1. The reduced density factor, when divided into the adjusted tract acreage, yields a bonus number of units.
2. Minimum Required Conservation Open Space
- a. Option 1 developments shall include at least forty (40) percent of the adjusted tract acreage plus fifty (50) percent of the constrained land calculated in Section 510.4,D as conservation open space. The balance

of the constrained land may be included in individual lots. (See Section 510.4,A,3 below for the required building envelope.

- b. Option 2 developments shall include at least fifty (50) percent of the adjusted tract acreage plus fifty (50) percent of the constrained land calculated in Section 510.4,D, as conservation open space. The balance of the constrained land may be included in individual lots. (See Section 510.4,A,3 below for the required building envelope.

3. Building Envelope Required

- a. Each individual building lot for a single-family dwelling shall contain a consolidated building envelope of not less than ten thousand (10,000) square feet in area which does not encroach upon any primary conservation area listed in Section 510.2,F.
- b. The building envelope shall contain the principal structure and all parking areas. Accessory structures shall be built within the building envelope or in a clearing no greater than twenty (20) feet around the accessory structure. Sewage disposal systems and wells may be installed outside the building envelope.

B. Dimensional Standards for Single-Family and Two-Family Dwellings - The dimensional standards in the Option 1 and Option 2 Dimensional Standards for Single-Family Detached and Two-Family Dwellings Table shall apply.

OPTION 1 AND OPTION 2			
Dimensional Standards for Single-Family Detached and Two-Family Dwellings			
Water supply / sewage disposal →	off-site water & off-site sewage	off-site water & on-site sewage	on-site water & on--site sewage
Minimum Individual Lot Area	10,000 square feet	32,670 square feet	43,560 square feet
Minimum Building Envelope Area	10,000 square feet of land which is not wetlands, floodway, floodplain, sloped in excess of 15%, or within the 50-foot buffer zone required by Section 508.2 for water bodies and streams		
Minimum Street Frontage	40 feet	40 feet	40 feet
Setback Regulations - the principal building position and orientation shall be varied.			
– minimum front	20 feet		
– minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space		
– minimum side	- 30 feet separation of principal buildings - no side setback less than 5 feet	20 feet	
Maximum Lot Coverage	40% per individual lot	35% per individual lot	
Dimensional Standards for Townhouses - see Section 510.4,C			

C. Dimensional Standards for Townhouses in Option 1- Basic Density and Basic Conservation and Option 2- Increased Density with Increased Conservation Subdivisions- The standards in the following Table shall apply:

OPTION 1 AND OPTION 2	
Dimensional Standards for Townhouses	
Minimum Individual Lot Area	none
Maximum Height Regulations	35 feet

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)

D. Adjusted Tract Acreage- Determination of the maximum number of permitted dwelling units on any Option 1 or Option 2 development tract shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing or proposed public or private streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
delineated wetlands	0.50
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.50
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.	

510.5 Design Standards for Option 1- Basic Conservation, and Option 2- Increased Conservation

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.
- B. Setbacks- All new dwelling lots shall meet the setback requirements in following Dwelling Lot Setbacks Table:

DWELLING LOT SETBACKS	DWELLING TYPE	
	Single-Family and Two-Family	Townhouses
SETBACK FROM:		
external Township or State road rights-of-way	75 feet	150 feet*
other perimeter boundaries of the development tract	50 feet	100 feet*
*governed by Section 511 in RD and GC Districts		

- C. Exterior Views - Views of dwellings from exterior roads and a butting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Ordinance and the Township Subdivision and Land Development Ordinance.
- D. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

510.6 Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
 6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five (5) acres, whichever is less.
 7. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
 8. Easements for drainage, access, sewer or water lines, or other public purposes.
 9. 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.
- B. Primary Conservation Areas- Not less than fifty (50) percent of the primary conservation areas listed in Section 510.2,F shall be included in the conservation open space.
- C. 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.
- D. Ownership- The conservation open space may be owned and maintained in accord with Section 506 of the Township Subdivision and Land Development Ordinance.
- E. 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 thirty (30) percent of the total conservation open space. Not less than fifteen (15) percent of the conservation open space shall be free of wetlands, floodway, and slopes over fifteen (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.
- F. 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 one-hundred-fifty (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.

- G. Access - Pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents so that each group of fifteen (15) dwelling units is provided with at least one (1) centrally located access point a minimum of thirty-five (35) feet in width per fifteen (15) lots.
- H. Permanent 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.

510.7 Standards for Option 3 - Country Properties in RD Districts

In the RD District, subdivisions which are comprised of lots of four (4) acres or more in size may be developed in accord with the standards in this Section 510.7 and other applicable standards without providing open space.

- A. Dimensional Standards: The following dimensional standards shall apply:

OPTION 3	
Dimensional Standards for Single-Family Detached Dwellings	
Minimum Individual Lot Area	4 acres
Minimum Lot Width at Building Line	200 feet
Minimum Street Frontage	200 feet
Maximum Lot Depth to Width Ratio	4:1
Setback Regulations - the principal building position and orientation should be varied.	
– external Township or State road rights-of-way	150 feet
– minimum front from right-of-way of internal subdivision roads	50 feet
– minimum rear	50 feet
– minimum side	50 feet
Maximum Lot Coverage	20 percent per individual lot

- B. Lot Area - Each four-acre lot shall contain a minimum of one (1) acre of unconstrained land as calculated in accord with the definition of *lot area* in Article III.

511 Multi-Family Dwellings

Multi-family dwelling projects are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

511.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall also be considered major subdivisions and/or land developments subject to the Township Subdivision and Land Development Ordinance. This *major subdivision* classification shall apply to all subdivision of property in connection with the multi-family project, regardless of whether or not the same are connected with building development, and the approvals required for a multi-family project shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure -All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in Section 510.4,D,1 of this Ordinance and the *Four-Step Design Process* in the Township Subdivision and Land Development Ordinance.

- 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 - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in Section 510 of this Ordinance. In no case shall the minimum open space be less than thirty (30) percent of the project parcel.

511.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on the following 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)	5	5	3
Density – Number of dwelling units per acre of useable land area (See Section 510.4,D,1 for adjusted tract acreage)	1.5	1.5	2.0
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	see §511.1,D		
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum Individual Lot Area	none		
Maximum Height Regulations	35 feet		
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)		

511.3 Design Criteria

The following design criteria shall apply to multi-family projects:

A. Setbacks

1. Exterior Property Lines and Public Road Setbacks- All multi-family dwelling structures, access roads (except as required for entry to the property), driveways and parking areas shall comply with the following setbacks:

Minimum Setback From:	
Project Parcel Exterior Property Lines	50 feet
Road Right-of-Way	50 feet

- 2. Interior 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 (5) feet.

- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

- C. Building Separation - All principal multi-family structures shall be separated by a distance of not less than fifty feet.

- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with Section 512.1 of this Ordinance where multi-family structures adjoin existing single-family dwellings, two-family dwellings or any District where such dwellings are not permitted. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.

- 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 of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

- H. 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.

- I. Parking - Parking for multi-family dwelling projects shall comply with Section 505 of this Ordinance. In addition, for every two (2) units intended for rental or other transient occupancy, one (1) additional space to accommodate parking needs during sales and other peak visitation periods shall be provided.

511.4 Non-Residential Use

Non-residential uses and home occupations which employ persons 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. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.

511.5 Conversions of Existing Structures

Conversions of existing structures to a multi-family dwelling use, regardless of whether such conversions involve structural alterations, shall be considered land developments and, moreover, be subject to the provisions of this Section 511 and subject to the provisions of the Township Subdivision and Land Development Ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing structure is structurally sound and that the proposed conversion will not impair structural soundness.

511.6 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 Section 506 of 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.

511.7 Water Supply and Sewage Disposal

All multi-family developments shall be served with off-site sewage facilities and off-site water supplies. Effluent disposal areas and any sewage treatment facilities shall not be placed upon individual dwelling lots and shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. A reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and so identified on the plan.

512 Standards for Commercial, Manufacturing and Industrial Uses

A plan meeting the land development requirements of the Township Subdivision and Land Development Ordinance shall be submitted, and in addition to all other applicable standards, the following performance standards shall apply to all commercial, manufacturing and other non-residential uses.

512.1 Setbacks and Buffers

Where a commercial or manufacturing use is contiguous to a residential district or to an existing residential use the minimum side and rear setbacks shall be increased by fifty (50) percent and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high shall be maintained. Storage of equipment, supplies, products or any other materials shall not be permitted in any front setback and shall be allowed only in side and rear setbacks and shall be maintained at a setback of not less than fifty (50) percent of the setback normally required for side and rear setbacks.

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Municipality shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Municipality, shall not be less than ten (10) feet.
- C. A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local

climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.

- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Municipality shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Subdivision and Land Development Ordinance.
- G. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material
- H. The failure to maintain any buffer required by this or any other section of this ordinance shall constitute a zoning violation.

512.2 Fire and Explosion Hazards

All activities involving, and all manufacturing, production or storage of flammable 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 along with any additional requirements of the Board of Supervisors or Zoning Hearing Board, whichever is applicable. Burning of any materials in open fires is prohibited unless permitted by the Pennsylvania Department of Environmental Protection. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the applicant for approval by the Township. Minimum front, side and rear setbacks shall be increased to fifty (50) feet.

512.3 Radioactivity or Electric Disturbance

No activities shall be permitted which emit dangerous radioactivity, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

512.4 Noise

The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer in the investigation of a violation shall initially estimate DNL using the "Walk-Away Test" as described in the U.S. Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding 65 decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a problem the Officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within 72 hours but no less than 15 minutes apart.

512.5 Vibration.

No vibration shall be permitted which is detectable without instruments at the property line.

512.6 Lighting and Glare

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should

be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §7.108 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

512.7 Odors

No odors shall be permitted as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

512.8 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

512.9 Surface and Ground Water Contamination

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of 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 shall be provided by the applicant and approved by the Township Board of Supervisors or Zoning Hearing Board as applicable. In cases where the proposed use is of such nature as to pose a threat to water quality, the Township may require surface and ground water monitoring at any points on the property or from any ground water supply or water body which may be affected by the proposed use. Such testing shall be conducted at such frequency and for such parameters as the Board shall deem necessary for the type of use proposed. Any required tests shall be conducted by a laboratory certified by DEP for the parameters in question. If any contamination exceeding established state or federal limits is documented, any use of the premises shall cease until such time as the source of contamination is identified and corrected.

512.10 Landscaping

Natural vegetation shall be preserved to the greatest extent possible. Any part or portion of a site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be

provided with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan including the botanical and common names of the plants to be used, the sizes to be planted, and the quantity and spacing of each. All buildings and structures shall be of such design as to be compatible with the surrounding landscape and area. Said plan shall include elements to effect the buffering and screening of neighboring properties as required by this Ordinance or the Board of Supervisors or Zoning Hearing Board, as the case may be, and the plan shall be submitted for review and approval by the Township.

512.11 Stormwater Management and Soil Erosion Control

All applications shall include provisions for stormwater management meeting the requirements for drainage and stormwater control contained in the Township Subdivision Land Development Ordinance; and, a soil erosion and sedimentation control plan, approved by the County Conservation District, shall be implemented.

512.12 Production and Waste Materials

No liquid, solid, toxic or hazardous or other waste from any process or operation shall be stored or disposed of in any area, 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 conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination. The applicant shall provide to the Township a list of all materials used in any manufacturing process and a list of any waste or by-products produced in the process. Facilities adequate for handling all waste materials shall be provided by the applicant and no waste shall be stored on site for a period exceeding six (6) months. In addition, no waste discharge is permitted into a reservoir, sewage or stormwater disposal system, stream, open body of water or into the ground. The area used for temporary storage of said wastes or for the storage of toxic or hazardous production materials shall be of such design to contain the volume of the materials stored should a spill occur, and such containment area shall include a freeboard of one (1) foot.

512.13 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system unless permitted by the Pennsylvania Department of Environmental Protection.

512.14 Other Regulations

Documentation shall be provided by 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. The applicant's engineer shall provide to the Township a certified list of all permits required for the project; and no use of the property shall be permitted and no Certificate of Use shall be issued until the applicant's engineer provides certification that the project has been completed in accord with all applicable requirements.

512.15 Operations and Storage

- A. Unless approved as a conditional use, all facilities and operations of any principal 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 carried out within a building; or shall, as required by the Municipality for conditional uses and special exceptions, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way.
- B. Outdoor storage for other uses may be approved as a conditional use and larger setbacks and/or buffers to

afford protection to adjoining uses and any public road rights-of-way may be required.

- C. Unenclosed uses and activities shall, in any case, be a minimum of fifty (50) feet from any existing residential structure or any R District, unless a greater setback is required by the Township.
- D. Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback areas.

513 Junkyards

Junkyards shall be conditional uses and shall be subject to the conditional use criteria contained in Section 509 and 512 of this Ordinance, all other applicable regulations and the following additional standards:

513.1 Federal and State Regulations

Any junkyard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration, and all junkyards shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966.

513.2 Setbacks

No junkyard shall be located closer than one hundred (100) feet to any public or private road right-of-way or neighboring property line. This setback area shall serve as a buffer area and no other facilities or uses shall be permitted in said buffer area.

513.3 Fences

All junkyards shall be completely enclosed by a solid fence not less than ten (10) feet in height and of such design as to restrict access to the junkyard. 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. Junk shall not be stacked so as to protrude above the fence. The fencing provisions shall be applicable to that portion of the premises intended to be used for the storage of junk.

513.4 Buffers

Such fence and any structures associated with the junkyard shall not be located closer than one hundred (100) feet to any property line or any public or private road right-of-way.

513.5 Screening

All junkyards 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 required.

513.6 Solid Waste

The area used for a junkyard shall not be used as a dump area for solid waste.

513.7 Burning

No burning whatsoever shall be permitted on the premises.

513.8 Waterbodies

No junkyard shall be located closer than two hundred (200) feet to any body of water, stream, wetland, or well.

513.9 Contaminant Removal

To further protect ground water and surface water all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within the shortest reasonable time 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

leakproof containers at a central location on the premises.

513.10 Water Quality

The owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junkyard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junkyard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junkyard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a Department of Environmental Protection 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 Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected. The Township shall also have the authority to collect and analyze such samples at any time. (See also Section 512.9 which shall apply.)

513.11 Fire Lanes

Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet between the fire lands.

513.12 Hours

Any activity associated with the operation of the junkyard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

513.13 Land Development

Applications for permits for junkyards, in addition to meeting the requirements of this Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

513.14 Parts Removal

All glass shall be removed from any broken windshield, window, or mirror; all upholstery shall be removed; and all trunk lids shall be removed within the shortest reasonable time after the arrival of the junk upon the premises.

513.15 Fire Protection

The premises shall be provided with a water supply and/or other fire suppression equipment and/or facilities of such design to be adequate for the particular premises.

513.16 Doors

Doors from all refrigerators, freezers, other appliances or similar items shall be removed prior to placement in the junkyard.

513.17 License

All junkyards shall conform with any Township licensing and record keeping requirements which shall be established by resolution of the Board of Supervisors.

513.18 Guarantees

Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junkyard.

514 Water and Sewer; Fire Fighting

514.1 Facilities Required

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the

applicant, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Protection. Parcel size shall not exempt any use or property from the requirement for a sewage disposal system and obtaining a permit for same. The size of an on-site sewage disposal system for a two-family dwelling shall be twice the size of the system required for a single-family dwelling.

514.2 Minimum Facilities

No building or structure shall be occupied for dwelling purposes unless served by adequate facilities including as a minimum a toilet, bath and/or shower, indoor plumbing, and an approved sewage disposal system.

514.3 Location

Any sewage treatment plant facilities or subsurface absorption areas for off-site sewage disposal systems, including berms, shall be a minimum of fifty (50) feet from any public road right-of-way or exterior development property lien and shall not be placed on individual building lots. In the case of community subsurface systems, a replacement area of suitable soil and size shall be reserved and dedicated for future use should the installed systems fail. The parcel containing said sewage disposal facility shall be of such size that the fifty (50) foot setback will be maintained and the reserved area can be provided. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant.

514.4 Community Wells

Community well lots shall be separate and apart from any other lot and shall not be less than five thousand (5,000) square feet in area; and the setbacks for the District for principal structures shall be maintained.

514.5 Fire Fighting -- Adequate and Reliable Water Source

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the zoning application. Such plans and installations shall be inspected by the Fire Company and shall be approved by the Township. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof.

- A. Pressurized System - When electing to use a pressurized water distribution system, the system shall be designed in accord with accepted engineering practice and Fire Company requirements.
- B. Static Water Sources - When electing to use a static water source, the Developer shall ensure that access to the water source is provided within one-half (½) mile road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Fire Company requires different standards.
 1. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the one-half- mile requirement.
 2. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head with six-inch male *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
 3. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average

ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.

4. Adequate road access shall be provided in accord with Fire Company requirements.

515 Foundations

Any new structure intended for residential occupancy, whether permanent or seasonal, shall be erected on a permanent foundation in accord with the Uniform Construction Code .

516 Mobile Homes and Mobile Home Parks

It is the intent of this Section to provide for the placement of mobile homes on individual building sites and in mobile home parks which are considered conditional uses in the RD District. This Section 516 shall not apply to recreational vehicles.

516.1 Bulk Requirements

Mobile homes shall comply with lot area, setback, height, and other requirements established by this Ordinance for other single-family dwellings.

516.2 Foundation

Mobile homes shall be placed upon and permanently attached to a complete, permanent, foundation as required by the Uniform Construction Code.

516.3 Mobile Home Parks

All mobile home parks shall comply with all regulations which apply to single-family dwelling subdivisions in the District of location.

517 Multiple Occupant Commercial Uses and Shopping Centers

Multiple occupant commercial uses and shopping centers are considered conditional uses in certain Districts. In addition to the standards in Sections 509 and 512 of this Ordinance the following standards shall apply.

517.1 Plan

A plan shall be provided by the applicant to include, at a minimum, the information required for land developments by the Township Subdivision Regulations.

517.2 Design Criteria

- A. The District minimum lot size, building height, setback and maximum lot coverage ratio set forth in the Schedule of Development Regulations shall be maintained. Nevertheless, larger lot sizes may be required based on parking, sewage disposal, stormwater management and other considerations.
- B. Parking and loading shall be provided pursuant to Section 505 of this Ordinance. Parking and loading space requirements shall be determined by summing the required parking and loading spaces required for each individual use proposed for the proposed project. No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.
- C. Not more than one entrance and one exit shall be provided on any public right-of-way. Such entrance and exit shall be clearly defined and constructed in such manner as not to impede visibility.

D. No structure shall be erected within twenty (20) feet of any other structure.

518 Solid Waste Disposal Facilities and Staging Areas

Solid waste disposal facilities and staging areas (hereinafter referred to as facilities), as defined and regulated by the Pennsylvania Department of Environmental Protection and/or this Ordinance are classified as conditional uses in the GC and RD Districts and in addition to the standards in Section 509 and Section 512 of this Ordinance, shall be subject to the following conditions:

518.1 Federal Regulations

Any facility located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.

518.2 Setbacks

No facility created after the effective date of this Ordinance shall be located closer than one thousand (1,000) feet to an existing public right-of-way or property line; residential structure; public, semi-public or institutional use; or commercial or recreational facility; and two hundred (200) feet to any body of water, stream, wetland or well.

518.3 Security Fence

All solid waste disposal facilities shall be completely enclosed by a security 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, and there shall be no advertising of any kind placed on the fence. Such fence and any structures associated with the solid waste disposal facilities shall comply with the setback requirements established in Section 518.2.

518.4 Access Roads

No access road to or through a facility shall be less than two hundred (200) feet from any side or rear property line.

518.5 Screening

All facilities 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 required.

518.6 Water Quality

The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of the premises if water drainage from the facility area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area, the location of which shall be determined by the Board of Supervisors. In addition, any well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a Department of Environmental Protection 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 Pennsylvania Department of Environmental Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected. The Township shall also have the authority to collect and analyze such samples at any time.

518.7 Hours

Any activity associated with the operation of the facility that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

518.8 Land Development

Applications for permits for facilities, in addition to meeting the requirements of this Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development

Ordinance for land developments and major subdivisions.

518.9 Fire Protection

The premises shall be provided with a water supply and/or other fire suppression equipment and/or facilities of such design to be adequate for the particular premises.

518.10 Other Regulations

All solid waste disposal facilities shall fully comply with the regulations of the Pennsylvania Department of Environmental Protection and all other applicable local, state and federal regulations.

519 Public Access Areas on the Delaware River

Public access areas on the Delaware River intended for the launching or landing of watercraft whether publically owned or commercially operated shall be conditional uses subject to the standards contained in Section 509 and Section 512 of this Ordinance and the following standards:

519.1 Location

No public access area shall be planned or located within one (1) mile of any other existing or approved access area along the Upper Delaware River in Shohola Township.

519.2 Road Access

No public access area shall be constructed unless such access area is or will be served by a State or Township right-of-way or by a private road meeting the design standards specified in the Shohola Township Subdivision and Land Development Ordinance.

519.3 Number

No more than five (5) public access areas shall be permitted along the Upper Delaware River in Shohola Township.

519.4 Private Access

These regulations shall not prevent a property owner from launching or landing watercraft at a private access area for the use of his family and guests where no commercial venture of any type is involved.

520 Housing Sales

Housing sales operations are considered conditional uses in certain Districts and in addition to complying with Section 509 and Section 512 of this Ordinance, the following additional standards shall apply:

520.1 Definition of Housing Unit for Sale

An unoccupied residential structure or display for sale and associated with a principal permitted commercial use and not intended for occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller; including but not limited to mobile homes, modular homes and other manufactured housing. (See Section 503.6 for regulation of model homes used as sales offices.)

520.2 Procedures

Housing sales operations shall be considered a land development and shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

520.3 Standards

Housing units for sale shall:

- A. Be permitted only on the same lot with a permitted principal commercial use.
- B. Not be placed upon permanent foundations.

- C. Comply with the setback and height requirements for principal structures and shall be included in the maximum lot coverage calculations, and no model home shall be located less than twenty (20) feet to any other model home or structure.
- D. Not be served by any water supply or sewage disposal facilities.

521 Reserved

522 Hotels, Motels, and Other Lodging Facilities

Hotels, motels and other lodging facilities are classified as conditional uses in certain districts, and this section is intended to provide specific standards for the development of hotels, motels, and other lodging facilities at unit densities that allow full use of the project parcel. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

522.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this Section 522 and this Ordinance, and other applicable Township regulations. However, the number of rentable units shall not exceed ten (10) per acre.

522.2 Design Criteria

- A. Setback, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. In cases where the project structure(s) exceed(s) three thousand (3000) square feet in total floor area, setbacks from public roads and property lines shall be increased by fifty (50) percent of the setback required in the Schedule of Development Standards.
- C. No structure shall be erected within a distance equal to its own height of any other structure.
- D. Rental units of hotels, motels, and other lodging facilities shall not be utilized as permanent residence as defined by Pennsylvania Law.
- E. All facilities in a hotel, motel or other lodging facility project shall be on the same parcel of property and shall clearly intended to serve the tourist trade and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the subject property or it is clearly demonstrated such commercial facility is intended solely for the guests of the lodging facility.

523 Stables and Kennels

523.1 Stables, Private

Private stables are classified as a conditional use in all Districts and shall be subject to the following conditions:

- A. The size of the parcel shall be sufficient to meet all required setbacks to accommodate up to two (2) horses.
- B. No more than two (2) horses shall be kept except that one additional horse may be kept for each additional acre of land.
- C. Two hundred (200) square feet of stable building area shall be provided for each horse kept on the property.
- D. No stable building or corral shall be located within one hundred and fifty (150) feet of an adjoining property line and one hundred (100) feet from any public or private road right-of-way.

- E. All horses shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least twenty-five (25) feet from the property line or public or private road right-of-way.

523.2 Stables, Commercial

Commercial stables are considered conditional uses in any RD District subject to Sections 509 and 512 of this Ordinance and the following standards:

- A. A minimum parcel of five (5) 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 Ordinance and other applicable standards are met.
- B. No more than three (3) horses are kept with the exception that one (1) additional horse may be kept for each additional acre of land.
- C. The building shall not be less than two hundred (200) square feet in size for 1 horse, with an additional two hundred (200) square feet for each additional horse.
- D. All horses shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be not less than forty (40) feet from any property line or public or private road.
- E. Adequate off-street parking shall be provided pursuant to Section 505 of this Ordinance with one space provided for each non-resident employee and one space per two (2) horses kept on the premises
- F. No stable building or corral shall be located within two hundred (200) feet of an adjoining property line and one hundred and fifty (150) feet from any public or private road right-of-way.

523.3 Kennels

Kennels are considered conditional uses in any RD District subject to Sections 509 and 512 of this Ordinance and the following standards:

- A. The size of the parcel shall be sufficient to meet all required setbacks.
- B. No structure used for the keeping of dogs shall be located closer than One hundred and twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road or right-of-way.
- C. Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per six (6) dogs kept on the premises.
- D. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided and maintained at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

524 Keeping of Animals on Residential Properties for Non-commercial Purposes

No cows, goats, swine, fowl or other domesticated (excluding typical house pets such as dogs or cats) shall be housed less than one hundred and fifty (150) feet from any property line or one hundred (100) feet from a public or private road right-of-way; and all such animals shall be confined to an area which is not less than twenty-five (25) feet from any property line or public or private road right-of-way. (See Section 539 for agriculture and Section 540 for wild and exotic animals.)

525 Mini-Warehouses and Warehouses (hereinafter referred to as "warehouses")

Mini-warehouses and warehouses are considered conditional uses and in addition to the standards in Sections 509 and 512 of this Ordinance the following standards shall apply:

525.1 Area and Bulk

The following dimensional regulations shall apply:

Minimum lot size.....	3 acres
Minimum lot width.....	200 feet
Maximum lot coverage.....	30 percent
Minimum front setback.....	100 feet
Minimum rear setback.....	50 feet
Minimum side setback.....	50 feet
Maximum building height.....	35 feet
Minimum distance between buildings...	20 feet

525.2 Buffers

In addition to all other applicable landscaping and buffer standards in this Ordinance, warehouses shall comply with the additional standards in this Subsection 525.2. Natural vegetation shall be maintained to the greatest extent possible. Where natural vegetation is not adequate to screen the warehouse from adjoining properties and any public road right-of-way, a dense evergreen planting of spruce or arborvitae, or similar evergreen consistent with natural vegetation, not less than five (5) feet in height, shall be provided in all setback areas. Said plantings shall be maintained in good growing condition; and whenever necessary, plantings shall be replaced to insure continued compliance with screening requirements. A landscaping plan shall be submitted with the permit application for approval by the Township. Building colors shall be of earth tone colors to complement the landscaping plan. There shall be no use or structure within the buffer area, with the exception of the access drive(s).

525.3 Access

The warehouse shall be served by a defined entrance and exit. Said defined entrance and exit shall be defined by use of curbing, landscaping, fencing, or other appropriate means so that access is restricted to the defined entrance and exit. Access to the public road shall be no less than two hundred and fifty (250) feet from any public road intersection.

525.4 Parking

Parking and loading facilities shall, at a minimum, comply with Section 505 of this Ordinance; and further, shall be designed to meet the requirements of the proposed warehouse. All access, parking and loading areas shall be paved with bituminous or concrete material meeting the requirements for minor roads pursuant to Township standards.

525.5 Habitation

No warehouse or mini-warehouse shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

525.6 Contents

All warehouses shall comply with the performance standards for commercial and industrial uses as provided in Section 512 of this Ordinance. Mini-warehouses shall not be used for the storage or keeping of animals, food or any other type of perishable substance or material; or any toxic, hazardous or other dangerous materials.

525.7 Commercial Use

No warehouse or mini-warehouse shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse.

525.8 Lighting
See Section 512.6.

525.9 Compliance

All warehouse proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this Ordinance are or will be satisfied.

526 Major Impact Developments

Certain development proposals are hereby classified as having major impacts on the health, safety and welfare of Shohola Township. Such proposals shall be subject to additional review criteria and development standards so that such concerns may be adequately addressed. Major impact developments shall be determined from their estimated trip generation rates and are hereby defined to include any use or any addition to a use established after the effective date of this Ordinance (excluding smaller additions to pre-existing uses) which will generate more than two hundred and fifty (250) trip ends per day. Any proposed use or expansion of an existing use which will generate more than twenty-five (25) trip ends per day of trucks of a commercial or heavier class shall also be considered a major impact development in all cases. The number of trip ends shall be estimated by applying the following trip generation rates (Adapted from "Trip Generation Institute of Transportation Engineers, 1987") to the proposed use:

USE	TRIP ENDS PER DAY
Resort/recreation housing with transient occupancy	11.8 per dwelling unit
Single-family residential units, or subdivisions	10.1 per dwelling unit
Two family and Multi-family residential units	10.1 per dwelling unit
Mobile home parks and other residential uses	7.6 per dwelling unit
RV parks and campgrounds	10.4 per campsite
Hotel, motel, or other lodging houses	13.4 per sleeping unit
Commercial recreation	5.4 per vehicle parking space
Boat Liveries	10 per boat berth
Office buildings	28.8 per 1000 GSFBA*
Multiple occupant commercial & shopping centers	50.9 per 1000 GSFLA**
Medical office buildings	99.0 per 1000 GSFBA*
Restaurants	139.3 per 1000 GSFBA*
Fast food drive-through restaurants	828 per 1000 GSFBA*
Car sales facilities	79 per 1000 GSFBA*
Convenience store	351.7 per 1000 GSFBA*

* GSFBA = gross square feet of building area (See Definitions Section)

** GSFLA = gross square feet of leasable area (See Definitions Section)

Where doubt exists as to the applicable standard, or a specific use is not listed above, the aforementioned "Institute" publications shall be consulted and the final determination made by the Board of Supervisors. Development proposals involving more than one of the above uses shall be evaluated by summing the rates and calculations for each individual use.

In addition to the above uses the following uses shall also be major impact uses in all cases.

1. Industrial parks

2. Manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
10. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
11. Any use involving development in any floodplain area

All major impact development shall be considered a conditional use and shall be permitted only in those districts where provision is made for the use. A major impact development shall meet all other Supplementary regulations applicable to the use and be processed like any other conditional use and the following additional standards (superseding to the extent they are more strict, any other requirements contained within this or other Township Ordinances) shall apply.

526.1 Location

All major impact developments are restricted to locations with direct access to State Routes and accesses to the same shall be located so as to have not less than five hundred (500) feet clear sight distances in both directions from the intersection with the public highway. However, nothing herein shall prevent the approval of a major impact development on a Township road, such development not otherwise limited to certain locations by separate provisions of this Ordinance, if the developer shall agree to improve or finance the improvement of such Township road to the standards of the Township Road Dedication Ordinance.

526.2 Transportation Impacts

Prior to the issuance of a conditional use permit and/or the granting of Preliminary Subdivision approval for any major impact development the applicant shall prepare a transportation impact report which shall be reviewed by the Township Engineer and approved by the Board of Supervisors. The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by the proposed use as well as improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity and elimination of hazardous conditions.

The transportation impact report shall include the following:

- A. A detailed description of the highway network within one (1) mile of the site including all intersections, and railroad grade crossings, proposed ingress and egress locations, existing roadway widths and right-of-ways and existing traffic control devices. In cases where the development has direct access to a road other than an arterial or collector, the detailed description shall be made to include one (1) mile beyond the intersection with the next collector or arterial.
- B. A detailed description of existing traffic conditions for all roads which have direct access to the proposed development site, including assembly of average daily traffic data accumulated by the Pennsylvania Department of Transportation since 1970 and a map plotting of all highway accidents of which the Department has record as well as an analysis of the causes of such accidents. A 24 hour traffic count shall also be conducted for a period of 7 consecutive days on each road with direct access. The existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM or any weekend hour between 10 AM and 10 PM shall be recorded. Seasonally adjusted figures based on patterns observed by the Department shall also be prepared.
- C. A calculation of estimated ADT after development based on the trip generation rates contained in the above

table. Estimates shall also be made of the peak hourly traffic volumes for 3 PM to 6 PM on weekdays and 10 AM to 10 PM on weekends.

- D. Highway and intersection capacities (maximum safe traffic volumes) shall be determined for each of the roads with direct access to the proposed development. This portion of the report shall be prepared in consultation with the Township Engineer, who shall, in turn, consult with the Pennsylvania Department of Transportation regarding roads under Commonwealth jurisdiction. Critical elements to be considered in these calculations are: lane widths, restricted clearances, passing distances, percentages of trucks or buses, grades, average speeds and restrictions, numbers and characters of driveways and private accesses, percentages of right-hand and left-hand turns, alignment, roadway surfacing and the general condition of the highway.
- E. Projected total future traffic demands (during peak periods and on an average basis) shall be calculated for all roads with direct access to the proposed development. This demand shall consist of existing traffic volume plus an assumed normal increase of traffic volume of one percent per year and the anticipated traffic for the proposed development. Peak traffic demands for each road and each intersection shall be compared with capacity figures. Should peak traffic demand following completion of the development or five years from the date of application (whichever would occur later) be projected to exceed capacity, the roadway or intersection shall be considered deficient and the development shall not be permitted unless the applicant/developer makes the road improvements necessary to increase the capacity sufficiently to accommodate the traffic from the proposed development or provides a financial guarantee suitable to the Board of Supervisors to ensure the completion of such improvements.

526.3 Other Impacts

The applicant shall, prior to approval, also prepare and submit a report assessing the impact of the development insofar as stormwater, water supply and quality, community, noise, glare and other environmental and social impacts, as well as security, are concerned. The report shall detail the impacts of any proposed activities which will generate significant noise or glare, including public address systems, and entranceway or other lighting systems and indicate the measures which will be taken to ensure compliance with each of the various applicable performance standards in this Ordinance. These shall be applicable to all non-residential and mixed use major impact developments. The report shall also assess security needs of the proposed development, analyze impacts on local and State law enforcement programs and propose measures to alleviate unnecessary burdens on those programs. Such report shall be used for purposes of determining what, if any, conditions should be attached to an approval if granted.

526.4 Buffer Requirements

Special setback requirements to deal with the impacts detailed above and provide a buffer for adjoining landowners shall be applicable to major impact developments. For all non-residential uses a setback of one hundred (100) feet shall be provided. Such setbacks shall apply to front, side and rear setbacks.

526.5 Ancillary Activities

All non-residential major impact developments, such as hotels, may include other commercial activities (such as coffee shops and beauty salons) not normally permitted in the district provided the floor area they utilize shall not exceed 10% of the gross floor area of all structures. Any use which would exceed this limitation shall be fully subject to the provisions of this Ordinance and meet all lot size, parking and other requirements separate and apart from each and every other use on the site, although more than one use may be permitted in a single building in which case the strictest applicable setbacks shall apply. Additional parking shall be provided for all ancillary activities at the ratio of one parking space for each 50 square feet of floor area or active recreation area open to non-residents or persons who are not guests, including ballrooms, game rooms, tennis courts, pools, theaters and the like.

526.6 Road Standards

The following special road standards (in addition to those normally applicable requirements) shall apply to all non-residential major impact developments:

- A. No access to a major impact development shall be located within 300 feet of any similar access to the public highway except if such access is directly opposite the proposed access.
- B. A seventy-five (75) foot clear sight triangle shall be provided at the intersection of any access with the public right-of-way.
- C. The access may be lighted by approved street lighting but lights shall not be so directed as to produce glare or otherwise hamper the flow of traffic.

527 Special Conservation Standards

The following standards shall apply to any use proposed on any lands that are characterized by steep slopes or floodplains. Any such proposal shall be considered a conditional use and all applicable standards of this Ordinance shall apply. Additional procedures and standards are as follows:

527.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of fifteen percent (15%) and slope shall be measured at those areas of the property which will be used or disturbed. In reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Shohola Township Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Professional Engineer or Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at five (5) foot intervals and any areas to be graded. The proposed location of any sewage system shall also be shown along with springs, swamp areas, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill has been used shall exceed a fifty percent (50%) slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety percent (90%) of maximum density shall be achieved.
- F. No more than seven thousand (7,000) square feet of area shall be cleared for building purposes including the principal structure accessory structures, parking areas and other impervious surfaces.
- G. At least fifty percent (50%) of the area to be used for building purposes shall be less than fifteen percent (15%) slope as indicated by a contour map.
- H. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.

527.2 Floodplains

There is hereby created a special zoning district, the boundaries of which shall be congruent with those identified as

Special Flood Hazards (Zone A) on the Flood Hazard Boundary Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, and originally dated January 10, 1975 for Shohola Township. This District shall be an overlay zone in which the normal provisions of the District indicated on the Official Zoning Map shall apply except that no development shall be permitted which is not completely in accord with the provision of the Shohola Township Floodplain Development Ordinance adopted February 6, 1979.

528 Recreational Vehicle (RV) Parks and Campgrounds

Recreational vehicle parks and campgrounds are classified as conditional uses in the RD District. For purposes of this ordinance, a distinction is made between recreational vehicle parks and campgrounds both of which shall be governed by the standards provided herein. A campsite is a site within either a campground or recreational vehicle park. Campsites not in existence on the effective date of this ordinance may be rented but shall not be individually owned. Any development proposing the sale or long-term lease (more than one year) shall be considered a residential subdivision and shall comply with such regulations. Regardless of ownership status, campgrounds and recreational vehicle parks shall comply with the following items 528.1 through 528.21:

528.1 Density

The minimum area of any campsite in an RV park shall be four thousand five hundred (4,500) square feet and the gross density shall be no greater than eight (8) campsites per acre. Gross density may be measured to include areas developed or planned for common use. No recreational vehicle shall when complete on a site, exceed four hundred (400) square feet in area, including tipouts, but not including tow bar and hitch. Lot coverage of individual sites shall not exceed seven hundred and sixty (760) square feet on lots of four thousand five hundred (4,500) square feet in area and shall not exceed seventeen (17) percent of lots over four thousand five hundred (4,500) feet in area. The following shall be included in calculating lot coverage: recreational vehicle, deck, porch, shed, pop-up camper, gazebo, tent platform, screenhouse-shed combination, and any other structures requiring a permit under this ordinance. (Note: Certain of these structures are no longer permitted per Section 528.17.) No more than one recreational vehicle nor more than one pop-up type camper shall be permitted per campsite.

528.2 Setbacks

No campsite shall be located less than one-hundred and fifty (150) feet from any exterior property line or public right-of way. Each recreational vehicle, trailer, tent or any other structure placed on an RV park site or campground shall be at least:

- A. fifteen (15) feet from the front boundary of the site,
- B. ten (10) feet from the back boundary of the site,
- C. seven (7) feet from each side boundary of the site,
- D. fifty (50) feet from any body of water using the high water mark as a point of reference.

528.3 Campsite Width

The minimum average width for each RV site in an RV park shall be fifty (50) feet and the minimum lot frontage shall be forty (40) feet. The minimum average width for each campsite in a campground shall be forty (40) feet and the minimum lot frontage shall be thirty (30) feet.

528.4 Streets and Drainage Systems

All RV sites shall be provided with vehicular access. Such access shall also be provided for common properties requiring regular maintenance. Streets and drainage systems shall comply with the standards set forth in the Township Subdivision and Land Development Ordinance.

528.5 Sewage and Water Supply

No individual on-site sewage systems or water supplies shall be permitted and all systems for the common use of occupants shall fully comply, as evidenced by approved plans, with the standard imposed by the Pennsylvania Department of Environmental Protection and the Township.

528.6 Occupancy

A campsite shall not be occupied by any person or persons for more than a total of One Hundred Eighty-Two (182) days per year and such campsite shall be unoccupied for at least One Hundred Eighty-Three (183) days per year. occupants of a campsite may be required by the Township, upon seven (7) days notice, to completely vacate a campsite, removing any vehicles and all other property for a period up to twenty-four (24) hours.

528.7 Records

The management of every recreational vehicle park and/or campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. All such records shall be open to inspection by Township officials with reasonable notice. The term "Management" shall include associations of property owners when such are responsible for maintenance of common facilities. The Township Board of Supervisors shall have the authority, when any provision of this ordinance is violated, to prohibit the occupancy of any or all campsites in the recreational vehicle park or campground until the owners and/or management provide evidence of compliance with these provisions. Any recreational vehicle or tent which remains occupied for seven (7) days or more following a Township order prohibiting occupancy, may be removed to a storage area by order of the Supervisors and at the expense of the individual occupant. All campsites shall be clearly identified by a number on the site which shall correspond to a number on the plat plan and the E-911 emergency street address number shall be posted in accord with Township requirements.

528.8 Waste Disposal

No owner or occupant of any campsite shall permit or allow the dumping or placement of any waste anywhere upon any campsite or elsewhere within the development except in places designated. No outside toilets shall be erected or maintained on any campsite. If sewer lines have been installed upon a campsite connecting to the central sewage disposal system constructed within the development, plumbing fixtures within the recreation vehicle placed upon the campsite shall be connected to that sewage disposal system.

528.9 Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

528.10 Animals

No animals shall be kept or maintained on any campsite except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

528.11 Garbage, Refuse and Vehicles

No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter, refuse or non operational and non registered vehicles on a campsite.

528.12 Camping Accessories

Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds no larger than One Hundred (100) square feet and similar items on a campsite shall be maintained in good condition so as not to become unsightly. No storage shed shall be permitted on a permanent foundation and all required setbacks shall be maintained.

528.13 Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any campsite.

528.14 Vehicle Parking

No recreation vehicle shall be parked on any street or roadway within the development.

528.15 Residential Use of Campsites

No campsite shall be used as a primary residence, nor shall it be used for non-recreational purposes. The management of a recreational vehicle park shall maintain a listing of the primary residences of all campsite owners. Occupants of a campsite shall be required to furnish to the management and the Township proof of primary residence.

528.16 Decks, Roof-Overs or Screened Enclosures

The construction of decks, roof-overs or screened enclosures shall be prohibited in any recreational vehicle park.

528.17 Repair of Legally Existing, Nonconforming Decks, or Screened Enclosures

The repair of legally existing, nonconforming decks, or screened enclosures shall comply with the following:

- A. Any deck or screened enclosure which requires thirty-three (33) percent or less of its components to effect the repair may be repaired. Any such structure which requires the replacement of more than thirty-three (33) percent of its components shall be removed.
- B. Decks or screened enclosures alongside recreational vehicles in recreational vehicle parks shall not be permanently affixed to the real estate or the recreational vehicle and shall not be on a permanent foundation.
- C. Floors shall be constructed of deck lumber. Sheet material, such as plywood, shall not be permitted and no floor covering except for outdoor or indoor/outdoor carpeting, shall be permitted
- D. One (1) side of any screened enclosure or deck shall be directly adjacent to the recreational vehicle.
- E. The roof of any screened enclosure shall:
 1. Not exceed a height of eight (8) inches over the outside surface of the recreational vehicle roof nor shall it extend over any portion of the recreational vehicle roof.
 2. Not exceed eight (8) feet from the top of the roof to the floor of the deck, measured from the point where the roof abuts the recreational vehicle.
 3. Pitch downward from the recreational vehicle side with a maximum roof overhang of twelve (12) inches.
- F. Kick plates shall be permitted provided that such plates:
 1. Do not exceed twenty-four (24) inches from the top of the deck.
 2. Do not extend down from the top of the deck below the face plate. Sheeting material used for the kick plate shall be attached only to the outside of support posts and shall be Texture 111 or ½ inch plywood with vinyl siding.
- G. All railings shall be of open design.
- H. Screening shall be the only enclosure design material permitted, except for allowable kick plates and up to eight (8) inches top plate (i.e., eight-inch maximum below rafter on long sides and continuing parallel to deck on short sides). Support posts shall not exceed six (6) inches in width nor six (6) inches in depth. There shall be no additional framing above the kick plate and below the top plate other than screen door framing.
- I. The deck and/or screened enclosure shall not exceed the following limits:
 1. Length of trailer to a maximum of thirty-two (32) feet.

2. Ten (10) feet wide.
 3. Maximum area of three hundred twenty (320) square feet including the step platforms.
- J. Only screened doors shall be permitted.
 - K. The underside of the deck may be open, screened or latticed.
 - L. No electrical wiring or outlets will be attached or installed to any portion of the deck, screened enclosure or other accessory structure.
 - M. No portion of any screened enclosure or other accessory structure shall be insulated.
 - N. Between Labor Day and Memorial Day a single sheet of clear uncovered plexiglass or clear uncovered plastic may be utilized to protect the screened enclosure, provided that an annual seasonal permit is obtained. Applicant shall be in compliance with Section 528.20 of this ordinance (regarding heating).

528.18 Permits

Any recreational vehicle, shed, gazebo, tent platform, or similar structure placed on a recreational vehicle campsite, or the repair of any existing structure on a recreational vehicle campsite, shall require a Permit. A copy of a valid motor vehicle title for the recreational vehicle shall be provided by the applicant prior to the issuance of any permit for the installation or replacement of any recreational vehicle.

528.19 Replacement of Vehicles

Any recreational vehicle of any size which is on a recreational vehicle campsite as of the date of this Ordinance, may be replaced with a recreational vehicle of similar size or a size in compliance with the Ordinance provided that:

- A. Reserved.
- B. Placement of the replacement vehicle shall comply with the setbacks in Section 528.2
- C. A permit has been obtained prior to removal of the vehicle being replaced.
- D. The owner shall not have pending against him/her any charges of violation of Township ordinances or Restrictive Covenants.
- E. Replacement of vehicle does not increase the lot coverage above 760 square feet, or 17% of lots in excess of 4,500 square feet, or the number of square feet of existing lot coverage, whichever is greater. On a campsite on which lot coverage is greater than 760 square feet on the effective date of this Ordinance, no structure may be replaced or repaired except in such a way that would reduce or maintain existing lot coverage.
- F. Replacement of structures other than a recreational vehicle and/or abutting deck/screened enclosure, shall be in conformance with the setback requirements of Section 528.2.

528.20 Auxiliary Heating

No wood or coal burning units shall be placed or installed in any recreational vehicle unless installed by the manufacturer of the recreational vehicle. No heating units of any kind shall be installed or placed in any screened enclosure or accessory structure.

528.21 Non Conformance of Setbacks & Lot Coverage

Any structure nonconforming as to setbacks and lot coverage which was registered by the lot owner with the Township shall be considered a legally existing nonconforming structure. Noncompliance with the required

registration shall invalidate the provisions of Section 528.19 of this Ordinance regarding replacement, and shall require the owner to come into compliance with all other provisions of this Ordinance regarding lot coverage and setbacks. All other structures nonconforming as to setbacks and lot coverage shall be considered illegal unless a Township permit was properly issued for the structure.

528.22 Repair of Roofs and Roof-Overs

Roofs and roof-overs shall not be repaired or replaced except in accord with the recreational vehicle manufacturers standards and the applicable DEP venting regulations for sewage hook-ups.

528.23 Access Ways

One (1) access way for entrance to a recreational vehicle shall be permitted in accord with the standards in this §528 and other township requirements. The size of the access way shall not exceed four (4) feet by four (4) feet and may be accessed by steps of standard dimension.

529 Vehicle Related Uses

Vehicle related uses are considered conditional uses as provided in the schedule of Uses and, in addition to all other applicable standards, shall comply with the standard in this section.

529.1 Automatic Car Wash Facilities

All automatic car wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, but not limited to, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic.
 1. All access drives shall be no less than twenty (20) feet nor more than thirty-five (35) feet in width.
 2. When an automatic car wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. A ten (10) foot buffer strip shall be provided along all road or street right-of-way lines except where access drives are located. The ten (10) foot buffer strip shall contain plantings or other barriers to prevent vehicular ingress or egress.
- E. The site shall be sufficiently large to accommodate cars awaiting washing during peak periods so that the lines of automobiles along the adjacent road or street shall be avoided.
 1. Waiting line area for five (5) automobiles shall be provided for each automatic car wash machine as a minimum.
 2. Waiting line area for three (3) automobiles shall be provided for each self washing stall as a minimum.

529.2 Gasoline, Service or Filling Stations

All gasoline service or filling stations shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said station shall be set back a minimum of sixty (60) feet from the road

or street right-of-way line and thirty (30) feet from the side or rear property lines.

- B. All repair, service or similar activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- C. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junk regulation set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- D. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of This Ordinance.
- E. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.
- F. Gasoline pumps and other service appliance may be located in the required front setback but shall not be situated closer than thirty feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- G. No vehicles shall be stored in any required setback areas.

529.3 Vehicular Sales Operations

All vehicular display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles and travel trailers shall be subject to the following specific regulations and the requirements:

- A. All principal and accessory buildings and structures shall be in accord with the setback, building height and lot coverage requirements of the District.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicles and travel trailers shall meet the appropriate front, side and rear setback requirements as for the District. (See Section 512.1).
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in Section 529.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junk regulation set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of This Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening.

- G. No vehicles shall be stored in any required setback areas.
- H. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.

529.4 Race Tracks

- A. The track/course shall not be less than five hundred (500) feet from any property line or public road right-of-way, and greater setbacks may be required to address community effects.
- B. No race shall be conducted between the hours of 9:00 P.M. and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.
- C. All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- D. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- E. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- F. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- G. No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

530 Bulk Fuel Storage Facilities

All bulk fuel storage facilities are classified as conditional uses in the GC District and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

- A. Bulk fuel storage facilities shall be located on a tract of land not less than five (5) acres in area.
- B. 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.
- C. Storage tanks shall be located not less than five hundred (500) feet from any existing dwelling, school, church or similar structure.
- D. The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent and approved by the Planning Commission protection barrier.
 - 1. All tanks containing flowable liquids shall be surrounded by an earthen dike, lined with impregnable lining, with a capacity equal to the total quantity of liquid capable of being stored in the said tank or tanks.

- E. 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.
- F. Bulk fuel storage facilities shall be developed in complete compliance with all applicable Local, State, Federal and insurance regulations and requirements.

531 Institutions, Penitentiaries, Reformatories, Juvenile Detention Centers, Rehabilitation Centers and Similar Structures and Uses

All institutions, penitentiaries, reformatories, juvenile detention centers, rehabilitation centers and similar structures and uses are considered conditional uses in the GC District and, in addition to all other applicable standards, shall be in strict conformity with the following specific requirements and regulations.

531.1 Approvals

Institutions, penitentiaries, reformatories, juvenile detention centers, rehabilitation centers and similar structures and use are conditional uses and land development plan approval is required.

531.2 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres undivided by any highway, right-of-way of any type, stream, lake or any other natural or man made features; and, in order to provide for safe ingress and egress from the site with sight distances meeting Township or State requirements, as applicable to the adjoining public road, the site shall have a minimum frontage of five hundred (500) feet on a public road. The Board of Supervisors may, however, as part of the conditional use review process, reduce the road frontage requirement if the applicant can demonstrate that access to the property meeting Township or State, as the case may be, sight distance requirements will be provided in accord with a properly issued Highway Occupancy Permit.

531.3 Site Design Standards

The site shall be improved in accordance with the following minimum requirements:

- A. The building shall be set back a minimum of two hundred and fifty (250) feet from the right-of-way line of the abutting road.
- B. The site layout shall be such that any required or proposed security fencing shall not be visible from the nearest right-of-way line of the abutting road.
- C. A landscaping and screening strip not less than seventy-five (75) feet in width shall be established along all side and rear site lines.
 1. Evergreen trees shall be planted and maintained of a size and configuration such that immediately upon completion, not more than ten percent (10%) of any required or proposed security fencing shall be visible when viewed from any point along the site perimeter and five (5) years thereafter any required or proposed security fencing shall be totally obscured from any and all points along the site perimeter during all seasons of the year.
- D. A perimeter security road not less than fifteen (15) feet in width shall be constructed approximately centered on a cleared and graded strip having a minimum width of seventy-five (75) feet located immediately inside of the landscaping strip and immediately outside of any required or proposed security fencing. The grade and profile of the cleared area shall provide continuous, full and complete visibility of the security fencing from one bend to another and shall be forever maintained without any visual obstructions.

532 Reserved

533 Outdoor Recreation and Facilities

All outdoor recreation areas and facilities including golf courses, miniature golf courses, golf driving ranges, public pools, public tennis courts, outdoor shooting ranges, outdoor archery ranges and other similar outdoor recreational facilities and uses are considered conditional uses in certain districts and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

533.1 Golf Courses

- A. All golf courses shall be kept in a neat and well maintained condition.
 - 1. Ownership and maintenance responsibilities shall be outlined and stated on the plan and a guarantee certification of such maintenance responsibilities submitted with the zoning permit application.
- B. A fifty (50) foot buffer strip shall be required along all property lines.
 - 1. Screening shall not be required between fairways and property lines.
- C. All walkways and paths shall have at least an all weather surface.
- D. Existing trees and vegetation shall be preserved whenever possible to keep the area around the fairways as natural as possible.

533.2 Miniature Golf Courses (Commercial)

- A. No commercial miniature golf course shall be situated within one hundred (100) feet of any property line abutting an existing residence or within one hundred (100) feet of a R-1 zoning district.
- B. Adequate fencing shall be provided to protect adjacent uses from stray balls.

533.3 Golf Driving Ranges

- A. No golf driving range shall be situated within two hundred (200) feet of any property line or within one hundred (100) feet of any road or street right-of-way line.
- B. Adequate fencing shall be provided to protect adjacent uses from stray balls.

533.4 Swimming Pools (Public)

- A. Security fencing of such design to restrict access, at least six (6) feet in height shall be provided along all boundaries of the swimming pool area.
- B. No public swimming pool shall be situated within one hundred (100) feet of any property line or road or street right-of-way line.
 - 1. When a public swimming pool is abutted on a side or rear property line by an existing residence within one hundred (100) feet or by a zoning district having residences as a principal permitted use adequate screening shall be provided along such property lines in accordance with Section 512.

533.5 Outdoor Shooting Ranges

Commercial, public and private outdoor shooting ranges shall be considered conditional uses and the following standards shall apply.

- A. All outdoor shooting ranges shall be situated a minimum of three hundred (300) feet from any property line abutted by an existing residence situated within one hundred (100) feet or by a zoning district having residences as a principal permitted use.
- B. All outdoor shooting ranges shall be designed and constructed with sufficient safety facilities to prevent wild or ricocheting bullets.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the shooting area.
- D. All shooting shall be confined to the hours of 9:00 a.m. and 7:00 p.m., but in no case after sunset.

533.6 Outdoor Archery Ranges

- A. All archery ranges shall be situated a minimum of fifty (50) feet from all property lines and road or street right-of-way lines.
- B. All archery ranges shall be designed and constructed to protect the public from wild or stray arrows.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the archery area.

534 Adult Businesses

534.1 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. 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. Certain employees of sexually oriented business regulated by this Ordinance 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, 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 Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. 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. 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. 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. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view *adult* oriented films.
- I. 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. 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. 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. 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.

534.2 Intent

It is the intent of this §534 to:

- A. 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. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. 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. 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. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

534.3 Conditional Use

Adult businesses are classified as conditional uses in the General Commercial District which provides a suitable area for the development of such uses away from areas designated for residential development.

534.4 Standards

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

A. Parcel Size; Setback - Adult businesses shall not be located less than:

1. A minimum parcel size of four (4) acres shall be required.
2. Five hundred (500) feet from any public road right-of-way or property line.
3. One thousand (1,000) feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages;
 - h. place of worship
 - i. public or private school

B. Similar Businesses - Adult businesses shall not be located within two hundred and fifty (250) lineal feet of any existing adult business.

C. Measurement - The setback distances established in this §534 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.

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 the Zoning Ordinance, but only in accord with Article IX of this Ordinance.

E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (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 Ordinance that is in violation of any of the provisions of this §534 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 Ordinance 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 Subsection "A" above is developed within the required setback distance. Any additions or expansions of the use shall comply with Subsection "A" above.

H. Reserved

- I. **Visibility and Signs:** - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Article XI of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (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.
- J. **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 §534:
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 three (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.

535 Upper Delaware Overlay District

The Upper Delaware Overlay District is hereby created and it shall encompass all areas in Shohola Township which are included in the Upper Delaware Scenic and Recreational River (UDSRR) corridor as defined in the November 1986, *Upper Delaware Final River Management Plan (RMP)* prepared by the Conference of Upper Delaware Townships. In addition to all other applicable requirements, the special standards in this Section 535 shall apply to all uses and/or expansion of uses located in the Upper Delaware Overlay District or as otherwise having an impact on the Upper Delaware Overlay District.

535.1 **Findings and Intent**A. **Findings**

1. The 1978 federal designation of the Upper Delaware River as a National Scenic and Recreational River recognized the unique natural and community character of the Delaware River Corridor.
2. The 1986 *Upper Delaware Final River Management Plan* identifies the need for local municipalities to regulate the use of land and water in the corridor to protect the unique natural and community character.
3. The unique character of the River Corridor is largely related to large expanses of forest, limited development immediately adjacent to the River, good water quality, and the lack of extensive visual intrusions of development.
4. The integrity of the River Corridor is critical to the local economy in terms of maintaining property values and attracting tourists and visitors to the area.

5. Development which is not controlled for its impacts on the natural environment and the visual effect on the River Corridor is detrimental to the integrity of the River Corridor.
 6. Section 27 of the Pennsylvania Constitution states: *The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*
 7. The Commonwealth, pursuant to the Pennsylvania Municipalities Planning Code, has authorized its local municipalities to conserve and preserve public natural resources.
 8. Section 604(1) of the Pennsylvania Municipalities Planning Code, provides that zoning ordinances shall be designed to *promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.*
 9. Section 605 of the Pennsylvania Municipalities Planning Code, provides that zoning ordinances may provide classifications within districts *for the regulation, restriction or prohibition of uses and structures at, along or near places having a special character or use affecting and affected by their surroundings.*
- B. Intent - The intent of this Section 535 is to provide development standards which will afford the required environmental and visual protection to the integrity of the River Corridor.

535.2 Prohibited Uses

The following uses and expansions of such uses shall be prohibited in the Upper Delaware Overlay District. The only other uses permitted shall be those uses permitted in accord with the underlying zoning districts.

- A. Two-family dwellings except as planned in a conservation design subdivision
- B. Multi-family dwellings except townhouses as planned in a conservation design subdivision
- C. Recreational vehicle parks
- D. Campgrounds
- E. Mobile home parks
- F. Intensive livestock operations
- G. Agricultural products processing
- H. Natural resource uses
- I. Solid waste disposal facilities and related operations such as container and vehicle storage
- J. Junkyards
- K. Shooting ranges
- L. Intensive use recreational facilities
- M. Golf Courses

- N. Hotels
- O. Detention facilities as regulated by Section 531 of this Ordinance
- P. Commercial communications device sites
- Q. Wind energy facilities.
- R. Race tracks.
- S. Zoos and menageries

535.3 Development of Existing Lots of Record

The intent of this section is to minimize the visual impacts associated with the development of individual lots existing at the time of enactment of this provision. The development shall be exempt from the building design and site clearing provisions of this Section 535.3 if the Zoning Officer determines that the visual impact analysis required by Section 535.3,D demonstrates that the view of any principal structures, accessory structures, parking, sewage disposal system, and any proposed clearing, except for the required access drive, are minimized from any public viewing point. (See Section 535.4 for conservation design subdivision requirements in the Upper Delaware Overlay District.)

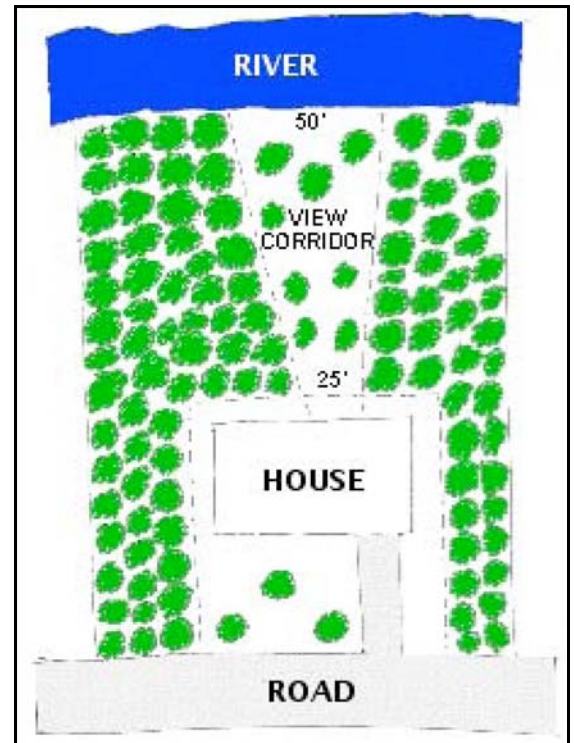
- A. Basic Standard - The basic standard of this Section 535.3 is that buildings in the Upper Delaware Overlay District shall largely be screened from view from public viewing points.
- B. Site Plan - The applicant shall provide a detailed site plan to the Zoning Officer including all information necessary to document compliance with this Ordinance. The site plan, at a minimum, shall include:
 - 1. Lot lines.
 - 2. Existing site conditions including contours at intervals necessary to provide slope details, existing vegetation (differentiating between deciduous trees, evergreen trees, brushy areas, and grassy areas), streams and water bodies, and significant natural features.
 - 3. Location of all proposed development and site clearing, principal structures, drives, parking and accessory structures (including sewage disposal systems).
 - 4. Location of all areas proposed for thinning of vegetation including identification of vegetation and trees to remain.
 - 5. Details of all landscaping and tree planting.
- C. Building and Structure Plans - The applicant shall provide plans for all proposed buildings and structures including all information necessary to document compliance with this Ordinance. The plans, at a minimum, shall include:
 - 1. Building and structure footprint and elevations.
 - 2. All building and structure design details.
- D. Visual Impact Assessment - The applicant shall provide a visual impact assessment at a level of detail to show how the view of the structure will be minimized from any public viewing point. The development shall be exempt from the building design and site clearing provisions of this Section 535.3 if the visual impact analysis documents that the view of the principal structures, accessory structures, parking, and any proposed

clearing, except for the required access drive, is minimized from any public viewing point.

- E. Skyline Protection - The skyline, which is the line between the tops of the vegetation on the site and the sky as seen from a public viewing point, shall not be penetrated by any structure when viewed from any public viewing point (excluding the road providing access to the development within 400 feet on either side of the driveway leading to the development). No vegetation clearing or thinning shall alter the skyline as seen from any public viewing point except as permitted by this Section 535.3.
- F. Tree and Vegetation Clearing and Pruning; Preservation, -
1. Clearing and Pruning - Tree and vegetation clearing and pruning shall be minimized and shall be limited to those areas of the lot approved for principal and accessory structures, parking, drives, the sewage disposal system, etc., and view corridors in accord with this Section 535. In any case, such clearing and pruning shall not disrupt the continuity of the skyline. The removal of entire trees shall only be permitted where selective pruning cannot accomplish the same objective. This shall not preclude forestry enterprises conducted in accord with Township requirements.
 2. Protection from Mechanical Injury - The limit of approved clearing and soil disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
 3. Protection from Grading Change - Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
 4. Protection from Excavations - When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
- G. Building Envelope - The building envelope permitted shall be a rectangle with an up-slope boundary forty (40) feet or less from the building, side boundaries forty (40) feet or less from each side of the building, and a down-slope boundary twenty-five (25) feet or less from the building. Accessory structures shall be built within the building envelope or in a clearing no greater than twenty (20) feet around the structure. Parking areas shall be built within the building envelope. Sewage disposal systems may be installed outside the building envelope.
- H. Building and Structure Design - Buildings and structures shall, whenever possible, be designed and constructed to blend with the natural background. Reflective siding and roofing materials shall not be used, unless the materials are treated to eliminate reflection. This shall not apply to window glass.
- I. Buffers - A buffer of not less than fifty (50) feet in width shall be maintained between the building envelope/setback area and all property lines. This buffer shall remain undisturbed except for the required drive, the required sewage disposal system, utility crossings, and the view corridor permitted by this Section 535. In the case of nonconforming lots, the buffer width may be reduced in the same proportion as the existing lot size to the minimum required lot size; but not to a width of less than twenty (20) feet.

J. View Corridors

1. Selective Cutting and Pruning - Selective cutting and pruning is allowed on the lot, including the buffer areas, to provide one (1) view corridor through and between trees, provided that the narrowest point of any view corridor is no more twenty-five (25) feet in width at the structure facade. A second view corridor shall be permitted provided the sum of the narrowest points of the two (2) view corridors does not exceed twenty-five (25) feet and the corridors do not overlap. (See diagram.)
2. Corridor Width - The corridor width may increase by up to 0.5 feet for every foot of distance away from the structure to a maximum of fifty (50) feet in width.
3. Clear Cutting - Clear cutting of the entire view corridor shall not be permitted.
4. Thinning Limitation - The basal area of trees in the view corridor shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.



- K. Lighting - Outdoor lighting for all development shall be downward shielded and screen to minimize reflective glare and transmission of light beyond the property lines. Outdoor lighting shall also comply with Section 512.6 and Section 532.
- L. Lack of Existing Vegetation; Conditional Use - In cases where the Zoning Officer determines that the visual impact assessment shows that existing trees and vegetation are not adequate to screen the development, the application shall be considered a conditional use. In addition to the other information required by this Section 535.3, the applicant shall provide a tree planting and landscaping plan to minimize the visual impact.
 1. The buildings shall be located on the site to minimize the visual impact.
 2. All trees planted shall be species indigenous to surrounding woodlands, and shrubs and other landscaping vegetation shall be of a type adapted to the climate of the Township. The minimum tree size shall be 4" caliper at 42 inches above ground level, and all trees and vegetation shall be maintained in good condition and shall replaced in-kind as necessary.
 3. The tree planting and landscaping shall achieve the proposed screening within five (5) years of permit approval.
- M. Applicant Request for Conditional Use - In cases where the applicant believes the requirements of this section should not be applied to the proposed development, the applicant may request that the application be considered a conditional use by the Board of Supervisors. The Board may then, as part of the conditional use process, modify the specific provisions of this Section 535.3 if it determines that the basic screening standard

in Subsection A above is achieved by the applicant's proposal.

535.4 Conservation Design Development in the Upper Delaware Overlay District

Residential subdivisions in the Upper Delaware River Overlay District shall comply with Section 510- Conservation Design Development in accord with the underlying zoning district.

535.5 Timber Practices (See also Section 536.)

Clear cuts in excess of two (2) acres in size shall be considered conditional uses in order to assure that impacts to soil, water, vegetation and wildlife resources are minimized, and in addition to all other applicable regulations of this Ordinance the following standards shall apply:

- A. The applicant shall provide a timber harvesting plan prepared by a professional forester.
- B. A soil erosion and sedimentation control plan meeting the approval of the County Conservation District shall be implemented on the site.
- C. Timber harvesting in that area within fifty (50) feet of the normal high water mark of the Delaware River or any stream, shall be of the selective cut method only and not less than fifty (50) percent of the overhead canopy shall be maintained.

536 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 (see definition of *forestry* in Article III).
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. (Note: Such uses are considered natural resource uses as defined in Article III and are permitted as conditional uses only in accord with the Schedule of Uses. Natural resource uses which involve the removal or recovery of materials other than existing stone walls or already quarried stone shall comply with the requirements of Section 506 governing natural resource uses.

536.1 Access 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-harvest condition.

536.2 Landings

Landings shall comply with the following requirements:

A. Setbacks

1. Residential and Nonresidential Buildings - Landings shall not be less than two hundred (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 fifty (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 fifty (50) feet from any public road right-of-way.
 4. Streams, Water Bodies and Wetlands - Landings shall not be less than fifty (50) feet from any stream, water body, stream, or wetland.
- B. Slope - Landings shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

536.3 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.

536.4 Permit, E & S Plan

- A. Permit - All operations governed by this Section 536 shall require a zoning permit in accord with Section 702 of this Ordinance and the application shall include a sketch 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 as required by Section 512.12 of this ordinance and a copy of the plan approval letter from the Pike County Conservation District.

537 Cemeteries

Cemeteries shall be subject to the use criteria contained in Section 509 and 512 of this Ordinance, all other applicable regulations, and the following additional standards:

- A. No cemetery shall be located on a lot having a residence nor shall a residence be permitted on a cemetery lot created after the date of this ordinance.
- B. Cemetery lot size shall conform to the lot size of the RD District. There shall be a buffer of 50 feet from adjacent property, roads, water bodies and water courses.
- C. There shall be road access to and parking areas for any cemetery.
- D. Individual permits shall not be required for headstones or grave markers.
- E. No structure other than headstones, grave markers, mausoleums, holding buildings or a maintenance shed, shall be erected within any cemetery.

- F. For the protection of ground water a vault shall be required for any burial.
- G. A perimeter such as a fence, wall, or plantings shall enclose the cemetery. Outside of such perimeter there shall be a fifty foot buffer area or setback from adjacent property, roads, water bodies and water courses.
- H. Perpetual care of any cemetery created after the date of this ordinance shall be maintained by the establishment of an endowment or trust fund approved by the township solicitor.
- I. No structure shall be erected within fifty (50) feet of any existing cemetery, graveyard, or burying-ground.
- J. No structure other than headstones or grave markers shall be erected within any existing cemetery, graveyard, or burying-ground.
- K. The location of any cemetery on any property shall be noted on any permit, sketch, or property transfer document submitted for approval of the township or agent thereof. The secretary of the Township shall maintain a record of existing cemeteries, graveyards, and burying-grounds within the township.
- L. Commercial or public cemeteries shall conform with land development regulations.

538 Optional Transferable Development Rights (TDR)

538.1 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 Shohola Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

538.2 Basic Concept and Authorization

- A. Sending Properties and Receiving Properties - The provisions of this Zoning Ordinance which permit transferable development rights allow owners of parcels in Shohola 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 Shohola 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 §603(c)(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 must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, 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* will 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 bonafide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Section 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.

538.3 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 or RD Zoning District and shall be a minimum of ten (10) acres in size.
 2. At least eighty (80) percent of the *sending property* shall be restricted from future development by a conservation easement in accord with this §538.
 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 acreage as calculated for the property in accord with §510.4,D of this Ordinance by the density factor (# of acres of adjusted tract acreage per dwelling unit) in the Calculation of Transferable Development Rights Table.

CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS (See §538.3,C,2 below for parcels subdivided after the effective date of this §538)	
Sending Property Location	Density Factor (# of acres of adjusted tract acreage per dwelling unit)
R	0.75
RD	1.50

- 2. Subdivision Prior to Transfer - The density factors in §538.3,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 §538. Density in such case shall be determined using the density factors in §510 applicable to conservation 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 Acreage. At a minimum, the plan shall show the site features enumerated in §510.4,D of this Ordinance.
- 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 Pike 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 Section 538.3,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 must meet 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.

1. Sending Property Conservation Easement - Any *sending property* from which development rights have been severed must be permanently restricted from future development by a conservation easement provided to the Township which meets the following minimum requirements:
 - a. 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.
 - b. Township Approval - The conservation easement shall be approved by the Board of Supervisors of Shohola Township, in consultation with the Township Solicitor.
 - c. Enforcement Rights - The conservation easement shall designate Shohola 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:
 - 1) All future owners of any portion of the *sending property*, and
 - 2) All future owners of any portion of any parcel to which the transferable development rights are permanently attached.
 - d. 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.
 - e. 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.

- f. 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.
- g. 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.
- h. 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 Pike County Recorder of Deeds.

538.4 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 Prohibition - Development rights shall not be transferred to any property in any NC, GC or OS District except in accord with Section 538.4,F, below for increases in lot coverage in GC and NC Districts.
- B. Residential; Off-Site Sewage and Off-Site Water; Other Receiving Property Qualifications - Residential density of permitted residential types on a *receiving property* may be increased through the use of TDR's in accord with the provisions of this §538 when the *receiving property* is located in an R or RD District and is served by offsite sewage disposal and off-site water supply.
- C. Conservation Design Required - All *receiving properties* shall be governed by the Conservation Design Development standards in §510.
- D. Receiving Property Base Residential Density - The base residential density of the *receiving property* shall be determined by dividing the adjusted tract acreage as calculated for the property in accord with §510.4,D of this Ordinance by the applicable zoning district minimum lot size requirement for lots served by off-site sewage disposal and off-site water supply.
- E. 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.
- F. C-1 and NC Lot Coverage Increase - Development rights from sending properties may be used to increase lot coverage in GC and NC Districts at the rate of ten thousand (10,000) square feet for each development right. However, in no case shall lot coverage be increased to more than eighty(80) percent.
- G. 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 fifty (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. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
 - 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 Ordinance.

538.5 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 Shohola 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 Acreage plan of the *sending property* required by §538.3,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 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 must 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 must 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 - Shohola 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 §538.3,E.

538.6 Amendment and/or Extinguishment

- A. Amendment - The Township reserves the right to amend this Ordinance 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 Ordinance 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 §538 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

539 Agricultural Uses -- Crop Production and Livestock Operations

In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

539.1 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.

539.2 Manure Odors

Because the Township is a rural/agricultural area with many farms, the spreading of manure shall not be considered an offensive odor and shall be exempt from §512.7; however, this exemption shall not apply to sewage sludge or concentrated animal feeding operations.

539.3 Additional Standards

- A. Silos and bulk storage bins shall be exempted from area and bulk requirements, provided their setback is equal to or greater than their height.
- B. Farm buildings shall not be constructed closer than fifty (50) feet from any property line.
- C. Unless state or federal regulations are more restrictive, no outdoor feedlot, compost or manure storage shall be located closer than two hundred (200) feet from an abutting residential use, and in no case closer than one hundred (100) feet from any property line or water body.

540 Zoos, Menageries, and Wild and Exotic Animals

No individual other than a registered veterinarian in the course of his professional duties, a licensed falconer who keeps and maintains only his own birds, or an individual duly licensed for wildlife rehabilitation 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 Ordinance, comply with the following requirements:

- A. A minimum parcel size of five (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.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.
- J. The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

541 Commercial Communication Devices (CCD)

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this Section 541 and the Schedule of Uses.

541.1 Purposes

- A. To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- D. To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

541.2 Permits; Use Regulations

A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than twenty (20) feet shall be permitted in all districts as an accessory use and

conditional use approval shall not be required. Any subsequent installations above the initial twenty-foot height increase shall be a conditional use. The applicant shall provide the following information:

1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
 3. Evidence of recorded agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Twenty Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than twenty (20) feet higher than the structure on which it is mounted shall be permitted only in those districts specified in the Schedule of Uses and shall require conditional use approval in accord with this Section 541.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:
1. The CCD facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

541.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.
- B. Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the

owners of tall structures within a five-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:

1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD does not exceed the minimum height required to function satisfactorily and provide adequate height for five (5) service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- D. Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than twenty (20) feet, the minimum setbacks in this §§D shall apply.
1. Separate Parcel - If the parcel on which the CCD and support structure is located is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 2. Lease, License or Easement - If the land on which the CCD and support structure is located is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency or emergency communications interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and

support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.

- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Collocation; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of collocated facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access - The Applicant shall provide and maintain access to the CCD and support structure by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- K. Color and Lighting; FAA and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.

- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also require a financial guarantee for the removal of the structure, such guarantee in an amount deemed adequate by the Township and in a form approved by the Township Solicitor.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.
- P. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than twenty (20) feet.
- Q. Review Fees - The Applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal, and shall deposit with the Township an amount deemed adequate by the Township to cover the anticipated costs. Should the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the Applicant. No approval shall become effective until all costs have been paid by the Applicant.

542 Wind Energy Facilities

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities:

542.1 Purposes

- A. To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.
- B. To avoid potential damage to adjacent properties from wind turbine structure failure and falling ice, through engineering and proper siting of such structures.

542.2 Number

The number of wind turbines on a particular parcel shall be governed by compliance with all setback, separation and height requirements.

542.3 Permits; Use Regulations

- A. Permits - A zoning permit shall be required for every wind energy facility and wind turbine installed in the Township, and all such facilities shall comply with the Township Wind turbine Generator Ordinance.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the District in which the wind energy 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 wind energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property

with an existing use in districts where permitted subject to the following land development standards:

1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and wind turbines shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

542.4 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
 1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the District minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied.
 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any wind turbine, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no wind turbine shall be located closer to any property line (not lease, license or easement line) than 1.1 times the turbine height, including the rotor plane.
 3. Public and Semi-Public Structures - No wind turbine shall be located less than two thousand (2,000) feet from any existing public or semi-public principal structure measured from the center point of the turbine base. (For the purposes of this §542, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.)
 4. Principal Structures on Wind Energy Facility Parcel - No wind turbine shall be located less than six hundred (600) feet from any existing principal structure on the wind energy facility parcel or lease, license or easement parcel as measured from the center point of the turbine base, unless the property owner provides written permission allowing for a lesser distance. (For the purposes of this §542, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.) In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.
 5. Principal Structures on Other Parcels - No wind turbine shall be located less than two thousand (2,000) feet from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds of Pike County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the

location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Township. In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.

6. Property Lines and Public Roads - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the turbine, including the rotor plane.
7. Communication and Electric Lines - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from the nearest above ground public electric power line or public telephone line or other public communication line as measured from the highest point of the turbine including the rotor plane.
8. Horizontal Rotors - The required setbacks for windmills with horizontal rotors shall not be less than 1.1 times the height of the turbine tower or 1.1 times the height of the turbine tower plus the distance of the outer end of the rotor from the tower, whichever is greater.

C. Wind Energy Facility Design

1. Standards; Certification - The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Reserved
3. Uniform Construction Code - The wind energy facility shall comply with the Pennsylvania Uniform Construction Code.
4. Controls and Brakes - All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
5. Electrical Components - All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
6. Warnings - A clearly visible warning sign concerning voltage must 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 ten (ten) feet from the ground.
7. Signs - No advertising material or signs other than warning, equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waiving, fluttering or revolving devices, but not including weather devices.

8. Climb Prevention/Locks/Fence

- a. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- c. A fence may be required around each wind turbine support structure and other equipment. The fence shall be a minimum of eight (8) feet in height.

9. Emergency Services - The facility shall comply with all applicable local, state and federal fire code and emergency services guidelines; and, all wind turbine generators shall be equipped with portable fire extinguishers, unless the local fire department or Township Engineer provides written documentation establishing that the same is not necessary.

10. Other Regulations - The applicant shall document compliance with all applicable state and federal regulations.

D. Noise and Shadow Flicker

1. Audible sound from a wind energy facility shall not exceed forty-five (45) dBA as measured at the exterior of any occupied building on any other parcel. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this Subsection D, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted

E. Landscaping - Landscaping shall be required to screen as much of the support structure as possible and any other ground level features (such as a building); and, in general, buffer the wind turbine and support structure site from neighboring properties. Any required vegetation shall be maintained in good condition. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

F. Water Supplies. All wind turbine generator sites shall be designed and constructed in such a fashion as to avoid any disruption and or interference with private wells, springs and/or other water sources. In the event any problems occur with any private water source, which problems are proximately caused by the operator, the operator shall immediately supply potable water in such quality and quantity as supplied by the original private water source.

G. Licenses - The applicant shall demonstrate that it has obtained the required licenses from the Township and governing state and federal agencies.

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

- I. Color and Lighting; FAA and PA DOT Notice - Wind turbines, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements. If lighting is required, the lighting alternatives and design chosen shall minimize the disturbance to the surrounding views. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- J. Transmission and Power Lines - On-site transmission and power lines between wind turbines shall, to the greatest extent possible, be placed underground.
- K. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind energy facility operator.
- L. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall utilize Good Utility Practice to minimize the impact, if any, of stray voltage and/or EMF.
- L. Water and Sewer - Water, other than for facility cooling and fire suppression purposes, and sewage facilities shall not be permitted at wind energy facility sites to preclude person(s) from living or staying on the site, unless such facilities serve a use otherwise approved in accord with this Ordinance.
- M. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the wind energy facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.
- N. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, wind turbines, building, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance.

542.5 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of this Ordinance. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.

542.6 Review Fees

In addition to the normal application fees, the applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Governing Body to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

542.7 Wind Test Towers

Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with §501.4 and other applicable requirements of this Zoning Ordinance. Such towers shall be removed within eighteen (18) months of installation.

543 Wind Turbine Generators, Accessory (See also §501.2 for height limitation requirements.)

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following:

A. Setback; Height

1. No part of the wind turbine generator structure shall be located closer to any property line or road-right-of-way than 1.10 times the height of the structure as measured from the highest point of the rotor plane.
2. The height of a wind turbine generator structure, as measured from the highest point of the rotor plane, shall not exceed sixty (60) feet in R Districts and the Upper Delaware Overlay District.
3. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.

B. Noise - Noise from the accessory wind turbine generator shall comply with §512.4. The level, however, may be exceeded during short-term events.**C. Uniform Construction Code** - Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings documenting compliance with the Uniform Construction Code. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.**D. Compliance with FAA Regulations** - Accessory wind turbine generators shall comply with applicable FAA regulations.

ARTICLE VI

RESERVED

ARTICLE VII - ADMINISTRATION

701 Authority

701.1 Zoning Officer

It shall be the duty of a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

701.2 Conditional Uses, Special Exceptions and Variances

Permits for construction and uses which are conditional uses shall be issued only upon approval by the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon approval by of the Zoning Hearing Board.

702 Permits

702.1 Requirements of Permits (For recreational vehicle parks and campgrounds see also Section 528.18.)

A Permit shall be required prior to the erection, addition, or structural alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, including the clearing and excavation of land intended for construction or change in use, until a permit has been duly issued therefore. No Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure. All activities shall comply with the Pennsylvania Uniform Construction Code.

702.2 Applications for Permits

All applications for permits shall be accompanied by all other required permits or approvals and a plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

702.3 Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

702.4 Expiration

If an applicant fails to diligently commence substantial construction or initiation of the use within twelve (12) months, or allows interruptions in substantial construction of longer than six (6) months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.

702.5 Building Completion

Any building construction shall be completed within one (1) year of issuance of an applicable permit. Otherwise, a permit shall be considered to have automatically expired at the end of such one-year period and a permit renewal shall be required.

702.6 Revocation of Permits

The Zoning Officer shall revoke a permit or approval issued, and may issue a stop work order or cease and desist order, under the provisions of this Ordinance in case of:

- A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based: (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or,
- B. Violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; or,
- D. Any other just cause set forth in this Ordinance.

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

703 Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Application for permits, special exceptions and variances shall be accepted only after fees have been paid in full.

704 Inspections

- A. The Zoning Officer may inspect any premises to confirm compliance with this ordinance or to determine whether any violations of this Ordinance exist. This right of inspection shall also apply to private and gated communities. Prior to entering upon any property to conduct an inspection, the Zoning Officer shall obtain the permission of the owner and/or occupant for the same. Such permission shall be implicit upon any application made to the Township. If the Zoning Officer is unable to obtain such permission in the case of a suspected violation, the Zoning Officer shall have the authority to conduct the necessary inspection of the premises in accord with this Ordinance and the applicable laws of the Commonwealth.
- B. At any time during construction the Zoning Officer may conduct such inspections as he may deem necessary. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- C. The Applicant shall contact the Zoning Officer at the completion of construction to arrange for an inspection. A record shall be made indicating the date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Compliance. Nothing contained in this Ordinance shall impose or imply any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

705 Certificate of Compliance

705.1 Certificate

A Certificate of Compliance shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

705.2 Required

No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Compliance shall have been issued therefore by the Zoning Officer.

705.3 Application

A Certificate of Compliance, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall only be issued after the Zoning Officer has confirmed the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

705.4 Record

A record of all Certificates of Compliance shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

705.5 E-911 Address

No certificate of Compliance shall be issued by the Zoning officer unless a sign is in place indicating the property's E-911 address. This includes Certificates for new or replacement houses, decks, sheds, garages, additions, etc. In order to apply for the Certificate the property owner must install a sign that meets the following minimum requirements:

- A. The sign must have the E-911 address number in block numbers no less than 3 inches high.
- B. The signs must be hung no lower than four (4) feet nor higher than eight (8) feet above road level.
- C. The signs must be placed where the driveway meets the road.

The above are the minimum requirements. Signs may be embellished or made aesthetically pleasing as long as the minimum standards are met.

706 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

707 Penalties and Remedies

The Township may use against violators of this Ordinance such enforcement remedies as are established by Section 617 of the Pennsylvania Municipalities Planning Code and any other remedies legally available to the Township.

708 Zoning Hearing Board**708.1 Jurisdiction**

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing

body pursuant to sections 609.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.

- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to section 912.1 of the Pennsylvania Municipalities Planning Code and Section 708 of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in the Pennsylvania Municipalities Planning Code.

708.2 Zoning Hearing Board Applications

Application to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the application is being requested and the reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions 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 estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the Board may require or the applicant deems appropriate.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application

for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

708.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance, that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a re-zoning.

709 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

710 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

711 Severability


In the event that any provision, section, sentence, or clause of this ordinance or ordinances amending this ordinance shall be held to be invalid or unconstitutional, such invalidity shall not affect or impair any remaining part of this ordinance, or ordinances amending this ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

712 General Repeal

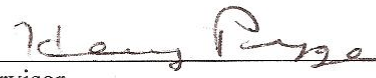
All ordinances and existing' parts of ordinances inconsistent herewith shall be, and the same are, hereby repealed to the extent necessary to give this ordinance, or ordinances amending this Ordinance, full force and effect.

ARTICLE VIII - ENACTMENT

This Shohola Township Zoning Ordinance is hereby enacted into law this 13th day of November, 2008, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code to be effective immediately.



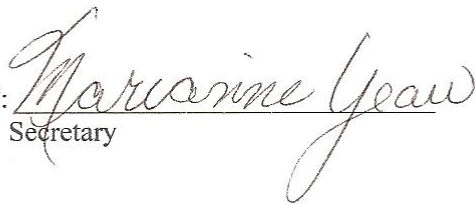
Supervisor



Supervisor



Supervisor

ATTEST: 
Secretary