SHOHOLA TOWNSHIP
PIKE COUNTY,
PENNSYLVANIA

ZONING ORDINANCE
ORDINANCE NO. 80

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Table of Contents

ARTICLE I - GENERAL PROVISIONS 1
101 Adoption and Conflict 1
102 Title 1
103 Short Title 1
104 Purpose 1
105 Interpretation 1
ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES 2
201 Community Development Objectives 2
ARTICLE III – DEFINITIONS 2
301 Tense, Gender and Number 2
302 General Terms 3
303 Terms OR Words Not Defined 3
304 Specific Terms 3
ARTICLE IV- ESTABLISHMENTS OF DISTRICTS 28
401 General Districts 28
402 Official Zoning Map 28
403 District Boundaries 29
403.1 Establishment 29
403.2 Upper Delaware Overlay District 29
403.3 Flood Plain Overlay District 29
403.4 Interpretation 29
403.5 Uncertainty 29
404 District Characteristics and Purposes 29
405 Zoning District Regulations 31
ARTICLE V – DEVELOPMENT STANDARDS; NONCONFORMITY; ACCESSORY STRUCTURES/USES; WATERBODIES; PARKING; SIGNS 31
501 Dimensional Requirements 31
502 Permitted Deviations from Required Sizes 32

502.1 Non-Conforming Lots of Record 32
502.2 Height Limitations 33
503 Non-Conforming Uses and Buildings 33
503.1 Purpose 33
503.2 Normal Maintenance, Minor Changes 33
503.3 Extensions 33
503.4 Restoration 34
503.5 Changes 34
503.6 Discontinuance 34
504 Unique Lots and Building Locations 34
504.1 Two or More Buildings/Uses on a Parcel 34
504.2 Side Setback of a Corner Lot 34
504.3 Double Frontage Lots 34
504.4 Clear View At Street Intersections 35
505 Accessory Structures and Uses 35
505.1 Accessory Structures 35
506 Buffer for Waterbodies, Streams and Wetlands 35
506.1 Plans 35
506.2 Water Bodies 35
506.3 Wetlands 36
507 Off-Street Parking and Loading 36
507.1 Availability of Facilities 36
507.2 Size of Parking Spaces 36
507.3 Lighting 36
507.4 Public Right-of-Ways 36
507.5 Number of Spaces To Be Provided 37
507.6 Loading and Unloading Areas 39
507.7 Access To Off-Street Parking and Loading Areas 39
507.8 Parking and Loading Area Setbacks 40
507.9 Surfacing 40
507.10 Off-Lot Parking 40
508 Signs 40

508.1 General Sign Regulations 40
508.2 Business Advertising Signs and Institutional Signs 41
508.3 Off-Premises Directional Signs 42
508.4 Directory Signs 42
508.5 Signs Requiring No Permits 42
508.6 Home Occupation Signs 43
508.7 Residential Development and Multi-Family Project Signs 43
508.8 Shopping Center or Multiple Commercial Occupant Signs 43
508.9 Off Premises Advertising Signs: 43
508.10 Temporary Signs 44
508.11 Illumination and Electronic Signs 44
508.12 Non-Conforming Signs 45
508.13 Sign Maintenance 45
508.14 Permit Applications 45
508.15 Political Signs 45
ARTICLE VI – USE REGULATIONS 46
601 Schedule of Uses 46
602 Conditional Uses and Special Exceptions 46
602.1 Applications for Conditional Uses 46
602.2 Conditional Uses and Special Exceptions 46
602.3 Conditional Use and Special Exception Review Criteria 47
602.4 Non-implementation of Conditional Uses and Special Exceptions 49
602.5 Construction in the Upper Delaware Corridor 49
603 Uses Not Specifically Regulated 50
604 Low Impact Home Base Business 50
605 Home-Based Business (No Impact) 51
606 Temporary Uses 51
607 Mineral Extraction 54
607.1 Findings 54
607.2 Intent 54
607.3 Mineral Processing a Separate Use 54
607.4 Location Requirements 55

607.5 Local, State and Federal Regulations 55
607.6 Information Requirements 55
607.7 Reporting Requirements 56
607.8 Expansion of Nonconforming Mineral Extraction Operations 56
608 Mineral Processing 56
608.1 Location Requirements for Mineral Processing 56
608.2 Local, State and Federal Regulations 57
608.3 Informational Requirements 57
608.4 Reporting Requirements 57
609 Oil and Gas Drilling 58
609.1 Property Line Setback and Isolation Distance 58
609.2 Local, State and Federal Regulations 58
609.3 Information Requirements 58
609.4 Plan Submission 59
610 Oil and Gas Processing 59
610.1 Setback for Compressor Stations 59
610.2 Processing Plants Prohibited 59
611 Conservation Design Developments 60
611.1 Purposes and Development Options 60
611.2 General Regulations 61
611.3 Parcel Sizes and Use Regulations 62
611.4 Density Determination and Dimensional Standards 63
611.5 Design Standards 63
611.6 Conservation Open Space Use and Design Standards 63
612 Multi-Family Dwellings 65
612.1 Project Design Process and Procedure 65
612.2 Bulk and Density Standards; Parcel Configuration 66
612.3 Design Criteria 66
612.4 Non-Residential Use 67
612.5 Conversions of Existing Structures 67
612.6 Common Property Ownership and Maintenance 68
612.7 Water Supply and Sewage Disposal 68

613 Standards for Commercial, Manufacturing and Industrial Uses 68
613.1 Setbacks and Buffers 68
613.2 Fire and Explosion Hazards 69
613.3 Radioactivity or Electric Disturbance 69
613.4 Noise 69
613.5 Vibration 70
613.6 Lighting and Glare 70
613.7 Odors 71
613.8 Other Forms of Air Pollution 71
613.9 Surface and Ground Water Contamination 71
613.10 Landscaping 71
613.11 Stormwater Management and Soil Erosion Control 71
613.12 Production and Waste Materials 71
613.13 Sewage Disposal 72
613.14 Other Regulations 72
614 Junkyards 72
614.1 Federal and State Regulations 72
614.2 Setbacks 72
614.3 Fences 73
614.4 Buffers 73
614.5 Screening 73
614.6 Solid Waste 73
614.7 Burning 73
614.8 Waterbodies 73
614.9 Contaminant Removal 73
614.10 Water Quality 73
614.11 Fire Lanes 74
614.12 Land Development 74
614.13 Fire Protection 74
614.14 Doors and Other Hazards 74
614.15 License 74
614.16 Guarantees 74

615 Mobile Homes 74
615.1 Bulk Requirements 74
615.2 Foundation 74
616 Multiple Occupant Commercial Buildings 75
616.1 Plan 75
616.2 Design Criteria 75
617 Solid Waste Disposal Facilities and Staging Areas 75
617.1 Compliance 75
617.2 Setbacks 75
617.3 Security Fence 75
617.4 Access Roads 76
617.5 Screening 76
617.6 Water Quality 76
617.7 Hours 76
617.8 Fire Protection 76
617.9 Prohibited Waste 76
617.10 Other Regulations 76
618 Model Homes 76
618.1 Definition of Model Home 76
618.2 Procedures 77
618.3 Standards 77
619 Hotels, Motels, Boarding/Tourist Homes, and Other Lodging Facilities 77
Design Criteria 77
620 Keeping of Animals 78
620.1 Stables 78
620.2 Kennels 78
620.3 Keeping of Animals on Residential Properties for Non-commercial Purposes 78
621 Self Storage and Warehouse Facilities 79
621.1 Area and Bulk 79
621.2 Screening 79
621.3 Access 79
621.4 Habitation 79

621.5 Contents 79
621.6 Commercial Use 79
621.7 Lighting 79
621.8 Compliance 80
622 Major Impact Developments 80
622.1 Conditional Use Approval Required 81
622.3 Other Impacts 83
622.4 Buffer Setback Requirements 83
623 Recreational Vehicle (RV) Parks and Campgrounds 83
623.1 Density 83
623.2 Setbacks 84
623.3 Campsite Width 84
623.4 Streets and Drainage Systems 84
623.5 Sewage and Water Supply 84
623.6 Occupancy 84
623.7 Records 84
623.8 Waste Disposal 85
623.9 Nuisances 85
623.10 Animals 85
623.11 Garbage, Refuse and Vehicles 85
623.12 Drilling and Mining 85
623.13 Vehicle Parking 85
623.14 Residential Use of Campsites 85
623.15 Decks, Roof-Overs or Screened Enclosures 86
624 Shohola Falls Trails End 86
624.1 Density 86
624.2 Camping Accessories 86
624.3 Vehicle Parking 86
624.4 Decks and Screened Enclosures 86
624.5 Repair of Legally Existing, Nonconforming Decks, or Screened Enclosures 88
624.6 Access Ways 89
624.7 Proof of Ownership 89

624.8 Replacement 89
624.9 Auxiliary Heating 89
624.10 Repair of Roofs and Roof-Overs 89
624.11 Permits 90
625 Vehicle Related Uses 90
625.1 Automatic Car Wash Facilities 90
625.2 Gasoline, Service or Filling Stations 90
625.3 Vehicular Sales Operations 91
625.4 Race Tracks 91
626 Bulk Fuel Storage Facilities 92
627 Institutions, Penitentiaries, Reformatories, Juvenile Detention Centers, Rehabilitation Centers and Similar Structures and Uses 93
627.1 Standards 93
627.2 Unsecured Facilities 94
628 Outdoor Recreation and Facilities 94
628.1 Golf Courses 94
628.2 Miniature Golf Courses (Commercial) 94
628.3 Golf Driving Ranges 94
628.4 Swimming Pools (Public) 95
628.5 Outdoor Commercial Shooting and Archery Ranges 95
628.6 Boat Liveries 95
629 Adult Businesses 95
629.1 Findings 95
629.2 Intent 97
629.3 Conditional Use 97
629.4 Standards 97
630 Landings/Haul Roads for Forestry, Logging, Timber Harvesting and Stone Removal 99
630.1 Access to Public Roads 99
630.2 Landings shall comply with the following requirements: 100
630.3 Restoration and Stabilization- Litter and Refuse 100
630.4 Permit, E & S Plan 100
631 Cemeteries 101
632 Restriction of the Discharge of Firearms 101

633 Agricultural Operations 102
633.1 State Protected Agricultural Operations 102
633.2 Manure Odors 102
633.3 Additional Standards 102
634 Zoos, Menageries, and Wild and Exotic Animals 102
635 Commercial Communication Devices (CCD 103
635.1 Purposes 103
635.2 Permits; Use Regulations 104
635.3 Standards 105
636 Wind Energy Facilities 108
636.1 Purposes 109
636.2 Number 109
636.3 Permits; Use Regulations 109
636.4 Standards 109
636.5 Certification 114
636.7 Wind Test Towers 114
636.8 Discontinued Use 114
637 Wind Turbine Generators, Accessory 114
638 School 115
701 Authority 116
701.1 Zoning Officer 116
701.2 Conditional Uses, Special Exceptions and Variances 116
702 Permits 116
702.1 Requirements of Permits 116
702.2 Applications for Permits 116
702.3 Issuance of Permits 117
702.4 Expiration 117
702.5 Building Completion 117
702.6 Revocation of Permits 117
703 Fees 118
704 Inspections 118
705 Certificate of Compliance 118

705.1 Certificate 118
705.2 Required 118
705.3 Application 119
705.4 Record 119
705.5 E-911 Address 119
706 Violations 119
707 Penalties and Remedies 119
708 Zoning Hearing Board 120
708.1 Jurisdiction 120
708.2 Zoning Hearing Board Applications 120
708.3 Variances 121
709 Appeals to Court and other Administrative Proceedings 122
710 Amendments 122
711 Severability 122
712 General Repeal 122

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

101 Adoption and Conflict

The Shohola Township Zoning Ordinance of April 12, 1990, and all amendments thereto, are revoked and superseded in their entirety as of the effective date of this Ordinance. 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.

102 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.

103 Short Title

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

104 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, and to provide for environmental protection and the proper provision of community facilities.

105 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, 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 ensure 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 affords 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 allow for a variety of 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 mean to share a common border, including one upon which a street or travel way is located.

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. These 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.

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.

Abandonment (Non-conforming Use): The cessation of a non-conforming use under circumstances indicating: (1) Actual abandonment of the use, and (2) the intent to abandon the use. Cessation of a non-conforming use for a period of time in excess of twelve (12) consecutive months creates a rebuttable presumption that the prior use is abandoned.

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 or private road.

Accessory Structure, 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.

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 to 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 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;

   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.

E. Definitions associated with the adult business definition:

1. 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.

2. 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.

3. Specified Anatomical Areas: Any of the following:

   a. 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.

   b. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

   c. Specified Sexual Activities: Any of the following:

      i. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

      ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

      iii. Masturbation, actual or simulated.

      iv. 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/Operation: 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 forest 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 any 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 dog or other animal kennels, and all other uses separately regulated by this Ordinance.

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: An establishment 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 landowner or developer filing an application under this Ordinance, including his heirs, successors and assigns. An applicant may be a natural person or business entity, and may be either an owner or lawful possessor of land, or duly authorized agent of same.

Application: A written submission, whether preliminary or final, required to be filed and approved prior to the start of construction, development, or use, including but not limited to an application for a zoning permit, conditional use approval, or other approval pursuant to 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.

Board of Supervisors: The Board of Supervisors of Shohola Township, Pike County, Pennsylvania.

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. Such housing or lodging may not be offered as a permanent residency (*i.e.,* they may be offered for temporary residency only, month-to-month, typically not to exceed 180 days).

Boat Livery: A facility that rents personal use water crafts to the public for recreational purposes.

Building: Any structure having a roof supported by columns or walls and intended to shelter, house or enclose any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building Envelope: An area on a lot within which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions, deed covenants and restrictions, and other factors, as specifically designated within a development plan.

Building Height: The vertical distance measured from the "average elevation of the finished grade" to the highest part of the building, excluding chimneys. The “average elevation of the finished grade” is derived from the elevation of the grade at the center point of each side of the building.

Building, Principal: A building in which the main or principal activity is conducted on a lot; not an accessory building or use.

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.

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

Campsite: An area within a recreational vehicle park or campground, defined on a plan as a numbered, lettered, or otherwise identified tracts, to be used for camping purposes and acting as a temporary site for travel trailers, truck campers, motor homes, or tents.

Car Wash: Any building, premises, or portions thereof used commercially for washing motor vehicles.

Cemetery: Land or buildings used for the burial or interment of deceased humans. "Cemetery" shall not include family burials on a privately owned parcel where no money or other consideration are conveyed or exchanged for plots or burial rights. However, the private, non-commercial burial of human remains shall only occur within a perimeter such as a fence, wall or planting. Outside of such perimeter, a one hundred (100) foot setback from adjacent property boundaries, roads, water bodies and watercourses shall be maintained, measured from the property boundary to the nearest point of the required perimeter.

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: [Refer to *Place of 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.

G. Any equipment used to transmit or receive television, radio, telephone or other electronic communications, which the applicant proves: (1) to be de minimus in size, (2) to be of negligible visual impact, and (3) does not otherwise negatively impact health, safety and welfare of the citizens of Shohola Township.

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 "average elevation of the finished grade" at the base of the support structure to the highest point of the structure. If the support structure is on a sloped grade, then the "average elevation of the finished grade" is derived from the elevation of the grade at the center point of each side of the structure.

Commercial Recreation Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities for use by the public, containing 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, but excluding public parks, playgrounds, and all other uses separately regulated by this Ordinance.

Commercial use: Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

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 Lackawaxen-Shohola Multi-Municipal Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code, 53 Pa. C.S. § 10101, *et seq.* An application for conditional use shall satisfy the requirements of this Ordinance, and approval of a proposed conditional use may be subject to specific conditions 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.

Conservation Area, Secondary: Those areas 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, where the combined outdoor storage area exceeds 2500 square feet for all equipment, vehicles and supplies. This shall not include such activities when clearly incidental to a principal use of the property as a dwelling. Contractor Yards in the Overlay District shall not exceed a combined outdoor storage area of 5000 sq. ft. And shall not include structures exceeding 2000 sq. ft, total floor area.

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.

County: The County of Pike, Commonwealth of Pennsylvania.

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).

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 or 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. Also included are Mother/Daughter dwellings (i.e., single family dwellings with two (2) kitchens, two (2) bathrooms, and separate living areas accessed by common entrances and serviced by common utilities).

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.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Engineer, Municipal: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors as the Engineer for the Township.

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 in the open air or under portable canopies where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals for the sale of articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold. A “flea market” is distinct from a “yard sale” as defined by this Ordinance.

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 individuals residing upon the premises.

Garage, Public Parking: A structure or portion thereof, other than a private parking garage, used for the storage, sale, hire, care, repair or refinishing of vehicles, and available to the public whether for a fee, free, or as an accommodation for clients or customers.

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 are 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.

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.

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 short-term lodging (generally for periods of two weeks or less) 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. A hotel shall not permit accommodations to be used as a temporary or permanent residence.

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 (Sportsmen Club): A large tract of land which is used by members of an organized club or association 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.

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 not include any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection. Junk shall also not include construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

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.

Junkyard: An area of land where junk is stored dismantled, processed, salvaged, sold, or otherwise used or disposed of outside a completely enclosed building. 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: A use providing for the keeping of five (5) or more dogs, when any of which 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.

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

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.

Logging: [See *Forestry*]

Long-Term/Permanent Residency: Occupancy of any dwelling or structure, generally for periods of more than 180 days which serves as the legal residence of an occupant. Long-term residency is

contrasted with both temporary residency (*i.e.,* month-to-month) and short-term lodging at bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and other temporary occupancies (*i.e.,* typically two weeks or less).

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 land area measured in acres or square feet contained within the lot lines of a lot. Lots created by subdivisions must meet the minimum lot size for the zoning district in which the lot is located.

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.

Low Impact Home-Base Business: 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 permitted by this Ordinance, including 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.

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.

E. Mineral Extraction within the Upper Delaware River Corridor shall be limited to Minor Surface Mining Operations as defined by the River Management Plan

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.

Mobile Home: 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.

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

Mobile Home Park: A parcel or contiguous parcels of land designated and improved to contain two or more mobile home lots.

Motel: A facility offering short-term lodging (generally for periods of two weeks or less) 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.

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

No-impact Home-based Business: A business or commercial activity which is clearly secondary to the use as a residential dwelling and which does not generate vehicular or pedestrian traffic in excess of that normally associated with residential use, a permit is not required. A No-impact home-based business is distinct from, and involves less impact than, a home occupation.

Non-conforming Lot: A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, or of Ordinance #72 (the Shohola Township Subdivision and Land Development Ordinance), but which fails to conform to the current standards set forth in this Ordinance or the Subdivision and Land Development Ordinance, as amended.

Non-conforming Structure: A structure or part of a structure, including signs, which lawfully existed prior to the enactment of this Ordinance, or of Ordinance #72 (the Shohola Township Subdivision and Land Development Ordinance), but which fails to conform to the current bulk, dimensional, and other similar standards set forth in this Ordinance or the Subdivision and Land Development Ordinance, as amended.

Non-Conforming Use: A use, whether of land or of a structure, which lawfully existed prior to the enactment of this Ordinance, but which fails to conform to the current use provisions in this Ordinance, as amended.

Nonresidential Building: A building which houses a nonresidential use.

Nonresidential Use: Any commercial, industrial, or institutional use of land, or any other use of land which is not for residential purposes, but excluding agricultural uses.

Nursing Home: Any premises containing sleeping rooms used by persons furnished with meals and nursing care as a temporary or long-term residence.

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

Overlay District: A zoning district which is applied over one or more established zoning districts, establishing additional or stricter standards and criteria for covered properties, in addition to those of the underlying zoning district.

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 storage, sale, hire, care, repair or refinishing of vehicles, 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. A patio 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 wall foundation erected on a poured concrete or stone footer. Piers or a solid concrete slab will also be considered a permanent foundation.

Permanent Residence: [See *Long-Term/Permanent Residency*]

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

Place of Worship: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. A Place of Worship shall be a conditional use in all districts.

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: A roofed patio or deck attached to a structure.

Principal Structure: [See *Structure, Principal*]

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities not for use by the public but to its owners or an association or club with restricted membership, 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, and all other uses separately regulated by this Ordinance.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession, including but not limited to medical, dental, legal, engineering, and accounting offices.

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 Park and Recreational Facilities: A public park shall mean a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Township, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

Public or Semi-Public Use: 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. Facilities owned and operated by a public utility within the Upper Delaware Corridor must conform to the Land and water use guidelines of the River Management Plan.

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.

Public Waterbody Access Area: An area used to access a stream or other body of water for the purpose of launching or landing watercraft or for other recreational or educational purposes. A public waterbody access area may also include ancillary services or facilities, and be operated as a private business open to the general public and lawfully permitted as an allowed point of entrance to the water in compliance with Federal and State laws and regulations.

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

A. Camper Trailer: A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.

B. Motor Home: A vehicular unit built on a self-propelled motor vehicle chassis.

C. Travel Trailer: A vehicular unit, mounted on wheels, of more than 500 square feet and designed to be drawn by a motorized vehicle.

D. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.

E. Self-Contained Unit: A unit which:

1. Can operate without connections to external sewer, water and electrical systems,

2. Has a toilet and holding tank for liquid waste, and

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

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.

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*]

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

Retail Business Greater than 3000 sq ft.: 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 with a combined building footprint that is equal or greater than 3000 square feet.

Retail Business Less than 3000 sq. ft: 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 with a combined building foot print that is less than 3000 square feet.

Right-of-Way: An easement establishing the total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

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.

School - A publicly or privately funded facility that provides education in the following areas: kindergarten, elementary, secondary, post-secondary, postgraduate, or any combination thereof under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted religious based governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania**.**

Self-Storage Facility: A building or buildings containing separated spaces less than 300 hundred square feet to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

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 setback shall be measured from the property line. However, no front setback shall be no less than ten (10) feet from a road right-of-way. All lots must have a front, rear, and side setbacks.

Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the act of June 22, 1937 (P.L.1987, No.394), known as *The Clean Streams Law*, as amended.

Sewage Disposal System: A sanitary sewage collection system in which sewage is either: (1) carried from two or more individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant, which may be publicly or privately owned and operated (off-site community system), or (2) carried from a single dwelling unit by use of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development (on-site).

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. A Commercial shooting range is a Commercial Recreational Facility.

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. Ranges meeting this definition are not permitted within the Upper Delaware Corridor.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

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 properly displayed flag or emblem of any nations, state, city, religious, fraternal, or civic organization, except when part of a sign graphic, or otherwise used to advertise a product or business.

A. On-premise sign: Any permitted sign located on the land upon which the concern advertised by such sign is located.

B. Off-premises sign: Any permitted sign not located on the land upon which the concern advertised by such sign is located.

C. 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.

D. Electronic Sign: An electrically activated sign that displays messages and that can be electronically changed or programmed such as light emitting diode signs, digital signs, animated signs, such as video displays, plasma display panels, liquid crystal displays, computer monitors, and televisions.

E. Promotional Sign: Signs which promote specific merchandise or service(s), including those incorporated in window displays or attached to the façade of any building(s), visible from the public right-of-way. The text and images displayed upon a promotional

sign may be changed from time to time for the purpose of advertising promotions such as specials and limited time offers.

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 and operation of associated activities such as storage of solid waste disposal vehicles or containers.

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.

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: [See *Watercourse*.]

Street: A public or private thoroughfare, including the entire right of way, designed to provide access by vehicular traffic or pedestrians to abutting property. A Street may be an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, and as further described in the Ordinances of Shohola Township.

Structure: A combination of materials constructed for use or occupancy, whether installed on, above, or below the surface of 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: A structure in which the main or principal activity is conducted on a lot; not an accessory structure or use.

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.

Studio: A place where an artist, musician, photographer, sculptor or others in the fine or performing arts work.

Supervisors: The Board of Supervisors of Shohola Township.

Surrounding Uses: Uses existing on parcels immediately adjacent to a subject parcel, or existing on parcels which would be significantly impacted by a proposed use.

Temporary Residency: Occupancy of any dwelling or structure, generally for periods of less than 180 days which serves as the legal residence of an occupant. Temporary residency is contrasted with both long-term residency (*i.e.,* greater than 180 days) and short-term lodging at bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and other temporary occupancies (*i.e.,* typically two weeks or less).

Timber Harvesting: [See *Forestry*].

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.

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 per year, or for more than three (3) consecutive days, or the buying and selling of new items, stock, or materials shall be considered a commercial operation 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.

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 as set forth on the Official Zoning Map.

403 District Boundaries

403.1 Establishment

District boundary lines shall 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 Deeds Office and the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are otherwise fixed by dimensions as shown on the Official Zoning Map.

403.2 Upper Delaware Overlay District

An overlay district, the boundaries of which are coterminous with the Upper Delaware Scenic and Recreational River Corridor boundary as established by the November 1986 Upper Delaware Final River Management Plan prepared by the Conference of Upper Delaware Townships.

403.3 Flood Plain Overlay District

An overlay district, the boundaries of which are coterminous with Special Flood Hazards (Zone AE) on the Flood Hazard Boundary Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, and last revised October 6, 2000.

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.

404 District Characteristics and Purposes

Taken as a whole, the seven (7) zoning districts in Shohola Township are designed to implement the Purpose set forth in Section 104 and the Community Development Objectives set forth in Article II. The specific characteristics and purposes of each District follows.

A. Rural Development (RD) District: This district provides areas where traditional rural activities and natural resource uses should be encouraged or preserved, and to provide areas for commercial uses which can be adequately regulated with performance standards.

B. Residential (R) District: This district provides for the orderly expansion of residential development, to exclude uses not compatible with such residential development, and to allow appropriate light commercial uses.

C. Neighborhood Commercial (NC) District: This district provides 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.

D. General Commercial (GC) District: This district provides 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.

E. Open Space (OS) District: This district is comprised solely of State Forest Lands and State Game Lands, and provides 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.

F. Flood Plain (FP) Overlay District: This district regulates 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. All development within this district shall be subject to the additional regulations contained within the Shohola Township Floodplain Ordinance, as amended.

G. Upper Delaware (UD) Overlay District: This district regulates development in the Upper Delaware Scenic and Recreational River Corridor in accord with the River Management Plan, and applies 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. Refer to Section 602.5.

Uses prohibited in the UD Overlay District include those which are inconsistent with the goals and objectives of the Upper Delaware River Management Plan, as amended. Minor Commercial Development (as defined in the River Management Plan) within the Overlay District shall not contain structures with an aggregate floor area greater than 2000 sq. ft., except in General Commercial and Neighborhood Commercials Districts. Manufacturing and Industry are prohibited in the UD Overlay

except that light industrial uses as defined in the River Management Plan are Conditional Uses in the NC and GC Districts.

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.

ARTICLE V – DEVELOPMENT STANDARDS; NONCONFORMITY; ACCESSORY STRUCTURES/USES; WATERBODIES; PARKING; SIGNS

501 Dimensional Requirements

All proposed uses and related development shall comply with the following development standards (the Supplementary Regulations contained in Article V and the Conditional Use and Special Exception Criteria contained in Section 602 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 Lot Coverage (%)	Maximum Building Height
			Front	Rear	Side		Refer to §502.2
Residential (R)	43,560	150/200	40	30	20	25	
Rural Development (RD)	130,680	200/200	40	30	20	25	
	But Governed by Section 611 for Optional Conservation Design						
Neighborhood Commercial (NC)	43,560	150/200	25	25	25	40	
General Commercial (GC)	43,560	150/200	25	25	25	40	
Open Space District (OS)	See Note 3						
Flood Plain Overlay District (FP)	See Note 4						
Upper Delaware Overlay District (UD)	See Note 4						

Schedule of Development Standards Notes:

1. Two-family dwellings shall conform to the development standards for each dwelling unit except that the total parcel size shall be fifty percent (50%) larger than that required for a single-family dwelling.

2. A single-family dwelling may be converted to a two-family dwelling provided the lot

on which the dwelling is situated is at least 65,340 square feet (1.5 acres) in Residential (R) General Commercial (GC), Neighborhood Commercial (NC) Districts, and 196,020 square feet (4.5 acres) in Rural Development (RD) District. Applicant must comply with all local and state sewage requirements.

3. 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.

4. Flood Plain Overlay District and Upper Delaware Overlay District - The development standards shall be governed by the underlining zoning district.

5. Notwithstanding the standards set forth in this Schedule, stricter development standards appearing throughout this Ordinance and applying to specific uses shall apply.

6. See Section 502 for Permitted Deviations (*i.e.,* nonconforming lots); Section 612 for multi-family dwellings; Section 504.2 for corner lot requirements and/or structures; Section 504.1 for standards applicable to multiple uses.

502 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:

502.1 Non-Conforming Lots of Record

A. A single-family dwelling and customary accessory structures may be erected on a non-conforming lot of record provided that:

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 506 shall be maintained.

5. The proposed dwelling and structures otherwise comply with all other Federal, State, and local regulations, including but not limited to the Shohola Township Well Ordinance.

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.

502.2 Height Limitations

A. The maximum height of any structure subject to the bulk requirements set forth in this Ordinance shall be thirty-five (35) feet. A structure may exceed a height of 35 feet if an increased setback in each direction of two (2) additional feet per every one foot of height over thirty-five (35) feet is provided. A proposed structure greater than 35 feet shall require conditional use approval, and local firefighting capabilities and fire suppression systems shall be specifically considered and addressed.

B. Unless otherwise regulated by this Ordinance, the height restrictions set forth in subsection A shall not apply to the following attachments, where they no not extend more than four (4) feet above the regulated height of the building: spires, flag poles, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, solar panels, accessory wind turbine generators, television antennae, structures owned by a Public Utility that are not buildings, silos, chimneys, ventilators, and parapet walls.

503 Non-Conforming Uses and Buildings

503.1 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 existing 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 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.

503.2 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.

503.3 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 502.

B. A non-conforming use may be expanded upon a lot occupied by such use at the effective date of this Ordinance, 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.

503.4 Restoration

In the event that any non-conforming structure 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, damage, or settlement. A non-conforming structure 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.)

503.5 Changes

A non-conforming use may be changed to a use of an equal or more restricted classification.

503.6 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 from the owner of a property upon which a non-conforming use exists regarding the status of a non-conforming use that is not in operation. Such a report should set forth: (1) a narrative explanation of the owner's intentions with regard to the use, (2) the status of any pending permits, applications, or other prerequisites to continuation of the use, (3) the reason(s) why the use has not been re-established and continued, and (4) any other information deemed appropriate by the Board of Supervisors or its Zoning Enforcement Officer. Failure of an owner to provide a report within thirty (30) days of a written request by the Township shall be conclusive evidence of the owner's intent to abandon the non-conforming use.

504 Unique Lots and Building Locations

504.1 Two or More Buildings/Uses on a Parcel

A. Development Standards – 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. Each of two (2) or more principal buildings or uses located on a parcel in single ownership shall separately 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. The minimum lot area required for multiple uses shall be the sum of the minimum lot area required for each separate use.

504.2 Side Setback of a Corner Lot

Where a lot has road frontage on two adjacent sides, forming a corner lot, the front setback requirement for the district shall apply to each side abutting a roadway. The setbacks along other property lines shall comply with the side setback required for the District.

504.3 Double Frontage Lots

Where a lot has road frontage on two non-adjacent sides, forming a double frontage lot, the front setback requirement for the district shall apply to each side abutting a roadway. The setbacks along other property lines shall comply with the side setback required for the District.

504.4 Clear View At Street Intersections

Visual obstructions at a street intersection (excluding utility poles, street lights, street signs, or traffic signs) between thirty six (36) inches and ten (10) feet in height, measured from the centerline grade of intersecting streets, shall be prohibited on any lot within the triangle formed by the two lot lines abutting the subject roadways (legs), and a third line (hypotenuse) drawn across the lot to connect the points along the aforesaid boundary lines seventy five (75) feet from the street intersection.

505 Accessory Structures and Uses

505.1 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 V.

B. Unattached accessory structures shall be no closer than ten (10) feet to any principal structure.

C. The second floor of any unattached accessory building containing sanitary facilities shall meet the requirements of the development standards.

D. All setbacks shall be measured from the roof overhang.

506 Buffer for Waterbodies, Streams and Wetlands

Note: *The following standards apply unless lawfully superseded by federal, state or local regulations.*

506.1 Plans

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

506.2 Water Bodies

A. Buffer Required – A Buffer zone of not less than fifty (50) feet shall be maintained between any principle structure and the normal high water mark of any water body or stream.

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. 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 the high water mark, nor shall they run parallel to the water for more than twelve (12) feet.

506.3 Wetlands

For the purposes of protecting water quality, a buffer zone of not less than fifty (50) 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.

507 Off-Street Parking and Loading

507.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided as required herein 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. The term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way. Parking facilities shall be situated so as to minimize, to the greatest degree possible, any impediment to traffic (*e.g.,* the risk of cars stopping upon public roadways, cars entering onto public roadways in reverse, *et cetera*).

507.2 Size of Parking Spaces

The dimensions of each parking space 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. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. Notwithstanding the above, a parking area shall be of ample size and appropriate configuration to ensure the safe operation of vehicles and efficient flow of traffic.

507.3 Lighting

All non-residential off-street parking shall be adequately illuminated. 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.

507.4 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 shall not apply to uses or structures lawfully existing at the effective date of this Ordinance.

507.5 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. It shall be the responsibility of the applicant to provide documentation demonstrating that adequate parking has been provided.

PARKING REQUIREMENTS FOR SPECIFIC USES

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

K. Vehicle related uses 1. Sales, service, repair 2. Gas sales 3. Car wash	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
L. Warehousing and storage	1 per 4,000 SFGFA
M. Miscellaneous uses 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	 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.

507.6 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 the dimensions that will accommodate the largest vehicle entering the loading and unloading area. Loading and unloading areas may be used for additional parking during non-delivery hours.

507.7 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. Access from public highways must meet all federal, state and local regulations.

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. Site distances shall meet federal, state and local regulations.

B. There shall be no more than one combined entrance and exit for any business or parking area on any one highway.

507.8 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 at least ten (10) feet.

507.9 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.

507.10 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 an irrevocable written agreement or easement for exclusive use of said lot is provided, approved by the municipal Solicitor and the Board of Supervisors. Off-lot parking shall be reasonably accessible to the lot containing the principal use (*i.e.,* within a minimal distance and capable of being safely and readily accessed during all hours of operation of the principal use). The use of off-lot parking shall be exclusive to the principal use, and may not be utilized to satisfy the parking requirements for any other use under this Ordinance unless there is sufficient, separate parking for all such uses.

508 Signs

508.1 General Sign Regulations

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 (*i.e.,* an advertised event has passed, or an advertised business has ceased operations).

E. Signs shall not be permitted above the roofline 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.

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 analog.

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.

508.2 Business Advertising Signs and Institutional Signs

A. The owner, lessee or occupant of land in Shohola Township, may erect and maintain on such land sign(s) advertising the business or profession of such owner, lessee or occupant of the property. The surface area of such sign(s) shall not cumulatively exceed thirty-two (32) square feet. A double sided sign is permitted (*i.e.,* of thirty-two (32) square feet on each side). Promotional signs shall not consist of more than sixteen (16) square feet.

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, 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.

508.3 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 508.4, no off-premises sign shall be permitted that could otherwise be included on the directory sign and provide the required directions.

508.4 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 508 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.

508.5 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 within 30 days 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.

508.6 Home Occupation Signs

Signs advertising low impact home based business 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.

508.7 Residential Development and Multi-Family Project Signs

One (1) double sided sign not exceeding 24 sq. ft. of surface area on each side or (2) two single sided signs not exceeding 18 sq. ft. of 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.

508.8 Shopping Center or Multiple Commercial Occupant Signs

A. One (1) free standing single or double sided sign identifying the shopping center or multiple occupant project is permitted on the premises of such project provided the sign does not exceed twenty-four (24) square feet in surface area per side.

B. One (1) single or double sided 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 per side. Such signs shall be attached to the same frame as the project sign.

C. In addition, an 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.

508.9 Off Premises Advertising Signs:

Off-premises advertising signs (herein referred to as advertising signs) shall be considered a conditional use and shall only be permitted in the GC District in compliance with the following standards. Advertising signs shall not be erected closer than five (5) feet to the right of way of any highway or road and shall not create a hazard or obstruction.

A. Billboards

1. A Billboard is an off premises advertising sign greater than thirty-two (32) square feet in area: No billboard shall exceed one hundred and twenty (128) square feet in area.

2. The minimum distance required between all billboards shall be one thousand (1000) feet as measured along the center line of the abutting roadway.

3. No billboard shall be erected within two hundred fifty (250) feet of any existing business sign.

4. No billboard shall be erected within one hundred fifty (150) feet of any existing residential dwelling.

5. No portion of any billboard shall be more than twenty (20) feet above the surrounding ground.

B: Small Sized Signs

1. A small sized sign is an off premise advertising sign that does not exceed thirty-two (32) square feet in area.

2. A small sized sign shall be at least one thousand (1000) feet from any billboard as measured along the center line of the abutting roadway; a small sized sign shall be at least five hundred 500 feet from any other small sign as measured along the center line of the abutting roadway.

4. No small signed sign shall be erected within one hundred and twenty-five (125) feet of any existing business sign.

5. No small signed sign shall be erected within one hundred (100) feet of any existing residential dwelling.

6. No portion of any small signed sign shall be more than ten (10) feet above the surrounding ground.

508.10 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 to exceed thirty (30) days.

508.11 Illumination and Electronic Signs

A. Non-electronic signs shall be illuminated only by a steady, stationary (except 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.

C. Electronic signs shall not exceed fifteen (15) sq. ft. and shall be included in the calculation with the total signage area allowance.

508.12 Non-Conforming Signs

A. Non-conforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto.

B. Non-conforming signs shall not 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 to any other location where it would remain non-conforming.

C. Non-conforming signs may be structurally maintained, provided that they are not expanded as a result of such maintenance.

508.13 Sign Maintenance

No owner of any sign, or lessee or owner of any land upon which the sign is located shall allow a sign to become unsightly or in disrepair, so as to endanger the public or to become a public nuisance.

508.14 Permit Applications

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

508.15 Political Signs

Signs erected in connection with a political campaign shall not require a permit. However, the candidate(s), political party, or other organization named on the sign, and the owner of the premises upon which the sign is displayed, shall be responsible for removal of said sign within ten (10) days of the election for which the signs are erected. Political signs shall not be displayed more than three (3) months prior to an election in which the person named in the sign is a candidate.

ARTICLE VI – USE REGULATIONS

601 Schedule of Uses

A. District Use Regulations are provided in the Schedule of Uses (Appendix A)

B. Permits for principal permitted uses and accessory uses and structures that comply with the standards in this Ordinance shall be issued by the Zoning Officer.

C. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.

D. Where there is strict compliance with Section 504.1, there is no maximum number of uses allowed on a single lot or parcel.

602 Conditional Uses and Special Exceptions

602.1 Applications for Conditional Uses

Applications for conditional uses and special exceptions related to lot improvement, minor or major subdivisions, and land development shall contain information required by the Subdivision and Land Use Development Ordinance. Applications that exclusively pertain to changes of use shall contain all relevant information and documents relative to the proposed change of use.

602.2 Conditional Uses and Special Exceptions

Uses specified as conditional uses and special exceptions shall be permitted only after review and approval pursuant to the express standards of this Ordinance.

A. 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 602 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 may impose reasonable and lawful conditions necessary to protect the health, safety, and welfare of the community, and shall direct the Zoning Officer, in writing, to issue a permit 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 by certified and first class mail, with such notice including the reasons for denial.

B. Upon determining that an application for a specific use may only be granted as a special exception 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 Zoning Hearing Board.

Upon receipt of the application for special exception, the Township Zoning Hearing Board shall conduct a public hearing pursuant to public notice and shall grant or deny the application. In advance of the hearing, or after commencement of the hearing but before the record is closed, the Zoning Hearing Board may refer the application to the Township Planning Commission for advisory comment and review by the Township Engineer. A copy of any advisory opinion or Engineer's comments shall be promptly provided to the Applicant. If the application is granted, the Zoning Hearing Board may impose reasonable and lawful conditions necessary to protect the health, safety, and welfare of the community, and 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. If the application is denied, the applicant shall be notified of the action by certified and first class mail, with such notice including the reasons for denial.

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

602.3 Conditional Use and Special Exception Review Criteria

In reviewing an application, the following additional factors shall be considered by the Board of Supervisors and Planning Commission (for a conditional use) or the Zoning Hearing Board (for a special exception):

A. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

C. Location, arrangement, appearance and sufficiency of off-street parking and loading.

D. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

E. 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.

F. Adequacy of water supply and sewage disposal facilities.

G. 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.

H. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

J. Adequate consideration shall be given to minimizing glare and light pollution.

K. 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 Municipalities Planning Code, to meet the intent of the Upper Delaware Scenic and Recreational River Management Plan.

L. No application shall be approved where there is not complete compliance with the terms of this Ordinance. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties affected, 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. Evidence submitted by the applicant and parties with adequate standing shall be evaluated relative to the injurious impact on the health, safety and welfare of residents of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

M. 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.

N. 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 that the applicant is ready, willing, and able 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.

602.4 Non-implementation of Conditional Uses and Special Exceptions -- Should a Conditional Use or a Special Exception be granted and not implemented within a period of three years, it shall be null and void. An applicant may apply for extensions in one year intervals upon good cause shown.

602.5 Construction in the Upper Delaware Corridor

A. Disturbances on slopes greater than 15% shall require conditional use approval. As a requirement of the conditional use approval, applicant shall provide an Erosion and Sediment Plan approved by Pike County Conservation.

B: In no event shall lot clearing or disturbance exceed 20% of the gross area of a parcel within the Corridor, and shall be reduced to 10% on lots characterized by slopes greater than 15%.

C. Construction of principal structures within 100 horizontal feet of the ridgeline shall require conditional use approval. As a requirement of the conditional use approval, applicant shall provide an Erosion and Sediment Plan approved by Pike County Conservation.

D. A separation distance of 100 feet between all principal structures shall be maintained.

E. Mineral extraction operations within the Corridor shall comply with State and Federal Regulations.

F. Buffer Required – A Buffer zone of not less than 100 feet shall be maintained between any principal structure and the normal high-water mark of the Delaware River.

G Public Waterbody Access Areas shall require a minimum of two (2) acres for any new river-related recreational facility used for the parking of vehicles or the erection of any structures.

H. All purposes river-related recreational facilities shall be subject to site plan or conditional use review. Site disturbances shall be limited and vegetative screening required where necessary. For erosion control purposes, access to the river bank should be limited.

I. The mining of uranium and the disposal of low or high level radioactive or toxic wastes in the river corridor is prohibited.

J. Agricultural operations that are concentrated animal feeding operations are prohibited.

K. New major oil and gas transmission lines and refining/production facilities for other than local service will not be located within the river corridor, excepting for individual wells, (subject to conditional use review), lines constructed to provide service for or collect from individual customers or wells.

L. The uses not permitted within the Upper Delaware Corridor shall include those deemed incompatible by the Land and Water Use Guidelines as Major Commercial Recreational Development.

603 Uses Not Specifically Regulated

Whenever it appears to the Zoning Officer that an application proposes a use not specifically addressed by this Ordinance, the application shall be referred to the Zoning Hearing Board. The Board shall hold a hearing within 60 days, pursuant to public notice, to determine whether:

A. The proposed use would be less intensive in external impact and nuisances than uses that are permitted within the district;

B. The proposed use would be closely similar to uses permitted in the district;

C. The proposed use is consistent with, and would not interfere with, existing surrounding uses; and

D. The use is not specifically prohibited in that district.

If the Board decides all four issues in favor of the applicant, the application may proceed with a conditional use application pursuant to Section 602 of this Ordinance. Otherwise, the use is not permitted and the application shall be denied.

Where a use not specifically regulated is proposed within the Upper Delaware Corridor, special consideration shall be given to the Land and Water Use Guidelines of the River Management Plan. Conditions shall be placed on an approved use so as to assure Township compliance with the Plan.

604 Low Impact Home Base Business

Any Low Impact Home Based Business or expansion of a Low Impact Home Based Business shall be a conditional use, and the following criteria shall apply in addition to the standards set forth in Section 602:

A. The Low Impact Home Based Business must be clearly incidental to the use of the dwelling as a residence.

B. The Low Impact Home Based Business shall not utilize more than fifty percent (50%) of the combined gross floor area of the dwelling unit and accessory structures, and in no instance shall utilize more than fifty percent (50%) of the gross floor area of the dwelling unit.

C. No outdoor display or storage of materials, goods, supplies, or equipment used in the Low Impact Home Based Business shall be permitted on the premises.

D. There shall be no visible evidence that the residence is being operated as a Low Impact Home Based Business 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 Low Impact Home Based Business. 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 Low Impact Home Based Business 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.

H. The business shall not involve any illegal activity.

605 Home-Based Business (No Impact)

A home-based business is one which generates no noticeable impact, and is distinct from a Low Impact Home Based Business. Examples of a home based business include 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 whatsoever on neighboring residences or on the residential quality of an area.
The following criteria shall apply to a no-impact home-based business:

A. The home-based business must be clearly incidental to the use of the dwelling as a residence.

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

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

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

E. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, lights, or storage of goods, equipment, or materials.

F. 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 at the property line.

G. The business activity may not generate any solid waste or sewage discharge in volume or type not normally associated with a solely residential use.

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

I. The business shall not involve any illegal activity.

606 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. Allowed in GC, NC, and RD only.

   b. Maximum length of permit shall be fifteen (15) days.

   c. No structure, equipment or parking within five hundred (500) feet of any residential structure.

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 regulations in this section.

b. Required water and sanitary facilities must be provided.

c. The length of permit shall be one (1) year, renewable by Zoning Officer if work continues

d. The mobile home shall be removed from the property within six (6) months of any occupancy permit for the new or rehabilitated residence.

6. Food Carts/Vendors and Retail Tents, Booths and Tables.

a. Permitted in GC, NC and RD Districts only.

b. Maximum length of permit shall be six months.

c. No more than one permit shall be issued for any parcel in any one calendar year.

d. Shall not be located within 100 feet from any residents.

e. Must provide safe and adequate access.

f. Operation during day light hours only.

C. 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.

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 of 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 or property as a result of the event. Proof of a signed contract with a disposal firm or other similar assurances may also be required at the time of application as an assurance that refuse will be properly handled and disposed, and that the premises will be cleared of all debris during and after the event. In determining the amount of any bond or the type of other assurance required, the Board may consider the proposed type, nature, and duration of the event.

607 Mineral Extraction

607.1 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.

607.2 Intent

The intent of this section is to ensure that 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 state statute.

607.3 Mineral Processing a Separate Use

Mineral processing is a separate and distinct use from mineral extraction. Mineral processing is any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to alter or prepare mineral products 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. However, mineral processing does not include the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

607.4 Location Requirements

Mineral extraction shall be permitted only in accord with the requirements of this Section 607 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 for mineral extraction shall be ten (10) acres.

B. Property Line Setback and Isolation Distance - 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.

607.5 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.

607.6 Information Requirements

A. Township Application Information - The applicant shall 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 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.

607.7 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.

607.8 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 607.

608 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 608 shall apply.

608.1 Location Requirements for Mineral Processing

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, provided that there is compliance with the more stringent setback requirements herein.

B. Setbacks - The following setbacks shall be maintained for any mineral processing operation, 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 607:

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.

608.2 Local, State and Federal Regulations

All mineral processing 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.

608.3 Informational Requirements

The applicant shall provide the information required by this Section 608 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 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.

608.4 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.

609 Oil and Gas Drilling

609.1 Property Line Setback and Isolation Distance

A setback of one hundred (100) feet shall be maintained between the nearest boundary of a well pad and any property line or public road rights-of-way. During the preproduction phases (i.e. site preparation, preparing for drilling, construction of the drilling rig, and hydraulic fracturing) and an isolation distance of 500 five hundred feet shall be maintained between the nearest boundary of the well pad and any structure. However, based upon consideration of adjoining uses, environmental and topographic features, the protection of community character, and the protection of the public health, safety and welfare, the Board of Supervisors may impose setbacks and isolation distances in excess of those set forth herein if a need for increased standards is supported by clear and convincing evidence.

609.2 Local, State and Federal Regulations

Oil and Gas Drilling shall comply with all applicable local, state and federal laws, 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, rules, and regulations include, but are not limited to the Non-coal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

609.3 Information Requirements

The following information shall be provided to the Township for each well pad location upon application for conditional use approval. In cases where an application has been made for any required permit or approval, and such permit or approval has not been granted, a copy of the application shall be provided. The submission of all final approvals shall be condition of approval of the conditional use application.

A. Road Access – A copy of the relevant occupancy permit for access from a State or Township Road.

B. 9-1-1 – Proof of assignment of a 9-1-1 address by Pike County.

C. Drilling Permit – A copy of the DEP Drilling Permit.

D. E&S Plan – A copy of the Erosion and Sediment Control Plan submitted by DEP.

E. PPC Plan – A copy of the Preparedness, Prevention and Contingency Plan (PPC Plan) as submitted to DEP and Emergency Contact Information for 24-hour contact (which information shall be updated upon any change of contact during the pad and roadways construction, drilling operation, and extraction operation of each well within 48 hours of such change).

F. Other Information and Conditions for Approval – Based upon the unique circumstances of a specific proposed plan, the Board of Supervisors may require additional, relevant information and attach such other lawful conditions as are deemed necessary to protect the public health, safety, and welfare of Township residents.

609.4 Plan Submission

In addition to the requirements set forth in this Ordinance, the following shall also be required as part of a conditional use application under this subsection:

A. Baseline Noise Measurements – The applicant shall provide the Township with documentation of the established ambient noise level prior to beginning oil or gas drilling and production operations. The applicant shall provide an estimate of the noise generation during each phase of staging and operation, and specifically represent whether the noise levels comply with the standards set forth in Ordinance #74.

B. Noise Mitigation – If noise generation during any phase of staging or operation is expected to exceed the standards set forth in Ordinance #74, the applicant shall provide a noise mitigation plan specifically setting forth the methods, devices, or other means which the applicant shall employ to mitigate noise and to substantially comply with the standards set forth in Ordinance #74. Utilization of the methods, devices, and other means set forth in the noise mitigation plan shall be a specific condition of approval.

C. Activities Within Floodplain – Plan submissions shall include certification by a licensed and qualified engineer that structures located within a 100 year floodplain will not cause or exacerbate the effect of flooding on adjacent properties or public roadways in the event of a 100 year flood.

D. Storage and Handling of Chemicals and Hazardous Materials – The applicant shall provide a plan for the storage and handling of chemicals and hazardous materials within the 100 year floodplain, including a detailed list of all chemicals and hazardous materials stored and handled at the site during each phase of staging and operations. The applicant shall demonstrate by clear and convincing evidence that the materials will be stored and handled in such a manner as to not create a risk of harm to property, persons, or the environment in the event of a 100 year flood. Storage of chemicals and hazardous materials not pursuant to a specifically approved plan shall be prohibited.

E. Timing and Duration of Construction Activities – The applicant shall provide a timetable, measured from the estimated date of approval by the Board of Supervisors, within which construction activities shall occur. The duration of construction activities shall not exceed the actual time reasonably necessary to conduct those activities, and in no event shall exceed twelve (12) months unless authorized by the Board of Supervisors upon a showing of undue hardship or exceptional circumstances.

610 Oil and Gas Processing

610.1 Setback for Compressor Stations

The minimum setback for the nearest boundary of a compressor station to the property line shall be the minimum distance required to maintain compliance with the noise threshold as set forth in Ordinance #74 or any successor noise regulations.

610.2 Processing Plants Prohibited

As processing plants are an industrial use involving the use of hazardous chemicals and materials with inherent environmental risks, and other similar industrial uses are not permitted within the Township,

the Board of Supervisors finds that natural gas processing plants are inconsistent with other existing and allowed uses within the Township. Processing plants are therefore an excluded use from all zoning districts.

611 Conservation Design Developments

In all Zoning Districts, Conservation Design Development may be used at the developer's option. Conservation Design Development shall comply with this Section 611.

(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 defines the minimum open space that must be conserved.)

611.1 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

Lackawaxen/Shohola Township Multi-municipal 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.

611.2 General Regulations

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

A. Ownership - Regardless of ownership, a Conservation Design development shall be developed as approved.

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 capable of supporting development. Factors to be considered in this determination are environmental and topographical conditions, as well as tract shape, and configuration.

C. Intersections and Access -The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall maximize use of driveways entering onto internal local streets. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.

D. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources/Site Analysis Plan, per the Shohola Township Subdivision and Land Use Ordinance.

E. Primary Conservation Areas- The design shall strictly minimize the disturbance of the following primary conservation areas which are environmentally sensitive: wetlands,

floodways, floodplains, slopes in excess of twenty-five percent (25%), and areas within the 50-foot buffer zone required by for water bodies and streams.

611.3 Parcel Sizes and Use Regulations

A. Parcel Size

1. All Districts – Conservation Design Development shall constitute a tract of thirty (30) acres or more, and in no event shall be permitted on an unsuitable site which cannot meet the requirements of this type of development.

2. Act 319 Lands in RD Districts -- On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of one (1) parcel per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this Section 611.

3. Existing Conservation Easements -- Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this section, provided such easement preexisted the effective date of this section, 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

2. Two-Family Dwelling Units or Townhouses

3. Conservation Open Space - Designated Open Space areas as required herein.

4. Accessory Uses - Accessory uses shall be permitted on the same lot with any permitted use and not conducted as an independent principal use. Current schedule of development standards shall apply.

611.4 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

DENSITY STANDARDS		
Required open space		
50% of Total Land Area		
Maximum Density		
RD		1 Dwelling Unit per Acre
R, NC, GC		2 Dwelling Units per Acre
In cases where the calculation yields a fractional number of dwelling 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. Lots under one (1) acre require central sewer system and central water. In all cases the overall density for the district shall be maintained.		

611.5 Design Standards

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 set forth in the current development standards.

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 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.

611.6 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 other uses of the conservation open space. However, facilities servicing dwellings within the development, such as 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.

B. Layout – The land area of each tract of open space within the development shall be maximized, and shall be laid out so that an interconnected network of open space will be provided.

C. Ownership - The conservation open space shall be owned and maintained in accord with the 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.

H. Permanent Conservation Open Space -The required conservation open space shall be subject to permanent conservation easements prohibiting future residential and commercial development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities.

612 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.

612.1 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. 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, if applicable, 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.

C. Open Space – For developments that use conservation design, 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 no case shall the minimum open space be less than thirty (30) percent of the project parcel.

612.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on the following Table shall apply to multi-family dwellings and projects. 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 land area In Upper Delaware Overlay District – Per River Management Plan	1.5 .5	1.5 .5	2.0 .5
Maximum number of dwelling units per building	6	8	12
Maximum building height	35	35	35
Maximum lot coverage (percent)	70% §612, 1.C		
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum Individual Lot Area	none		
Un-obstructive Separation of Principal Buildings	35 feet		

612.3 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 Subdivision and Land Use 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 from each other by a distance of not less than thirty-five (35) feet. The separation shall be unobstructed to allow emergency vehicle access.

D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided 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 Subdivision and Land Use 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. Parking - Parking for multi-family dwelling projects shall comply with Section 507 of this Ordinance.

612.4 Non-Residential Use

Non-residential uses and Low Impact Home Based Businesses which employ persons other than unit residents shall not be permitted in a multi-family dwelling. 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.

612.5 Conversions of Existing Structures

Conversions of existing structures to a multi-family dwelling use consisting of four or more units, regardless of whether such conversions involve structural alterations, shall be considered land developments and, moreover, be subject to the provisions of this section 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.

612.6 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 a written opinion of an attorney representing the developer that said Law does not apply to the subject project. Such submission is subject to review and approval by the Township Solicitor.

612.7 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.

613 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.

613.1 Setbacks and Buffers

Where a commercial or manufacturing use is within or contiguous to a residential district or to an existing residential use, the minimum side and rear setbacks shall be increased by fifty (50) percent. A buffer consisting of a solid fence 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, except the temporary display for promoting ready-for-sale merchandise germane to the approved conditional use. Otherwise, storage 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 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.

B. The width of the required buffer shall not be less than ten (10) feet.

C. A mix of ground cover and shrubbery 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.

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 Township shall determine that the proposed use and adjoining use(s) are compatible.

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, or to maintain said buffer in good condition pursuant to subsection G, shall constitute a zoning violation.

613.2 Fire and Explosion Hazards

All manufacturing, production, storage, and/or non-personal use of flammable and explosive materials shall require adequate safety devices against the hazard of fire and explosion. This shall include adequate fire-fighting and fire suppression equipment and devices required by the Board of Supervisors or Zoning Hearing Board based upon the opinion of firefighting personnel or other persons qualified to give such opinion. Burning of any flammable, and/or explosive materials in open fires is prohibited. Any person or entity engaging in the manufacture, production, storage, and/or non-personal use of flammable and explosive materials shall provide, both as a condition of approval and from time-to-time upon request of the Township, a written analysis of the materials used, the potential hazards, and the details of planned safety and accident response actions.

613.3 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.

613.4 Noise

Noise levels may not exceed the absolute noise level limitation identified in Table 1, and are otherwise subject to the regulations set forth in Ordinance 74 (Shohola Township Nuisance Ordinance)

TABLE 1 Maximum Permissible dB(A) on Boundary of Receiving Property		
Within or Contiguous to a Residential District or Use		Commercial Zones (GC)
6:00 am to 10:00 pm	10:00 pm to 6:00 am	All Times
63	50	65

613.5 Vibration

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

613.6 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 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. Lighting shall not constitute a nuisance as defined in Ordinance 74.

A. Exemption – This section 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, or to otherwise violate the provisions of Ordinance 74.

F. Height - The maximum height of light standards shall not exceed the maximum height of the building. 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.

613.7 Odors

Noxious odors shall not be permitted as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted. Activities which emit odors in violation of Ordinance 74 are prohibited.

613.8 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, animals, vegetation, or other forms of property, or which can cause any excessive soiling.

613.9 Surface and Ground Water Contamination

All activities involving the possible contamination of surface or ground water shall require 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, it shall be a violation to continue any use of the premises until such time as the source of contamination is identified and corrected.

613.10 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.

613.11 Stormwater Management and Soil Erosion Control

All applications shall include provisions for stormwater management meeting all requirements of law and local ordinance; A soil erosion and sedimentation control plan, approved by the County Conservation District, shall be implemented.

613.12 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 which the applicant anticipates using in any manufacturing process, and a list of any waste or by-products produced in the process.

Following commencement of operations, the owner and/or operator of the facility shall provide a current list of such materials used and waste or byproducts produced as often as reasonably requested by the Township Zoning Officer. 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.

613.13 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.

613.14 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; 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.

614 Junkyards

The storage of junk material shall only be permitted in an approved junkyard, and is otherwise subject to the provisions of Ordinance 74. Junkyards shall be conditional uses and shall be subject to the conditional use criteria contained in Section 602 of this Ordinance, all other applicable regulations and the following additional standards:

614.1 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.

614.2 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.

614.3 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.

614.4 Buffers

No fence or any other structures associated with the junkyard may be located closer than one hundred (100) feet to any property line or any public or private road right-of-way.

614.5 Screening

All junkyards shall be screened from view from all adjoining properties and any public right-of-way. Natural vegetative cover shall be maintained in all required setbacks. Vegetative plantings must be of sufficient density, and fencing of such sufficient design, to achieve the required screening.

614.6 Solid Waste

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

614.7 Burning

No burning shall be permitted on the premises.

614.8 Waterbodies

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

614.9 Contaminant Removal

To further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, other petroleum products, and any other noxious or potentially contaminating materials must be removed from all junk prior to storage on the premises. Such liquids and materials shall be disposed in a manner meeting all state and federal requirements and, while stored on the premises, be kept separately in leakproof containers at a central location on the premises.

614.10 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.

614.11 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.

614.12 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.

614.13 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.

614.14 Doors and Other Hazards

Doors from all refrigerators, freezers, other appliances or similar items shall be removed prior to placement in the junkyard. All other junk materials should be secured and/or prepared for storage in such a manner as to ensure the safety of persons on the premises.

614.15 License

All junkyards shall conform to any Township licensing and record keeping requirements, as required and amended from time-to-time by the Board of Supervisors.

614.16 Guarantees

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

615 Mobile Homes

615.1 Bulk Requirements

A single Mobile home situated on a lot not within a Mobile Home Park shall comply with lot area, setback, height, and other requirements established by this Ordinance for single-family dwellings.

615.2 Foundation

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

616 Multiple Occupant Commercial Buildings

Multiple occupant commercial buildings are conditional uses in the General Commercial District. In addition to the standards in this Ordinance the following standards shall apply.

616.1 Plan

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

616.2 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.

B. Parking and loading shall be provided pursuant to this Ordinance.

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 a manner as not to impede visibility.

D. No structure shall be erected within thirty five (35) feet of any other structure.

617 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 District and in addition to the standards in this Ordinance, shall be subject to the following conditions:

617.1 Compliance

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.

617.2 Setbacks

No storage, transferring or processing of waste shall occur within one thousand (1,000) feet of an existing public right-of-way or property line; residential structure; public, semi-public or institutional use; or commercial or recreational facility. No such activities shall occur within two hundred (200) feet to any body of water, stream, wetland or well.

617.3 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.

617.4 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.

617.5 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 affect the required screening may be required.

617.6 Water Quality

The owner of any facility shall provide the written results of any water quality testing or assessment completed by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency within 10 days of receipt of such results. When samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall cease operations until such time that 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, as necessary to ensure the health, safety and welfare of Township residents.

617.7 Hours

Any activity associated with the operation of the facility that produces any noise audible beyond the property line shall be governed by Ordinance No. 74 or any noise regulation in effect at the time of the violation.

617.8 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.

617.9 Prohibited Waste

There shall be no hazardous, explosive, radioactive or non-hazardous petroleum waste transported, processed, stored or disposed of within the facility. Only waste originating from within Pike County, Pennsylvania may be transported, processed, stored or disposed of within the facility.

617.10 Other Regulations

The facility shall provide a current and updated list of transport companies, license numbers and load manifests on a monthly basis.

618 Model Homes

618.1 Definition of Model Home

An unoccupied residential structure or display for sale and associated with a principal permitted commercial use, not intended for occupancy, and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller. Model Homes may include, but are

not limited to, mobile homes, modular homes and other manufactured housing used for these purposes.

618.2 Procedures

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

618.3 Standards

Model Homes 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 from any other model home or structure.

D. Not be served by any water supply or sewage disposal facilities.

619 Hotels, Motels, Boarding/Tourist Homes, 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 ensure the protection of adjoining properties and the public health, safety and general welfare.

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. Rental units within hotels, motels, and other similar lodging facilities shall only be offered for short term lodging, and shall not be utilized for long term/permanent residency.

D. Boarding and Tourist Homes (*i.e.,* those offered for temporary residency) are a separate use from Hotels and Motels. Boarding and Tourist Homes shall not be offered for permanent residency.

E. Hotels, Motels, Boarding/Tourist Homes, and Other Lodging Facilities within the Upper Delaware Overlay shall only be permitted if they meet the criteria of "Small Hotel" as defined within the Upper Delaware River Management Plan.

620 Keeping of Animals

620.1 Stables

A. Stables on parcels less than 10 acres: Where a parcel contains less than ten (10) contiguous acres, a stable shall require conditional use approval, and may be subject to limitations upon the number of horses to be kept.

B. Stables on parcels 10 acres or more: Where a parcel contains ten or more contiguous acres:

1. A stable shall be a permitted use if it shall be used to house no more than four (4) horses at any time.

2. A stable shall require conditional use approval if it shall be used to house more than four (4) horses at any time.

620.2 Kennels

A. Any structure or fenced enclosure used for the keeping of dogs shall not be located any closer than One hundred and twenty-five (125) feet from any property line or one hundred (100) feet from any public or private road or right-of-way.

B. Adequate off-street parking shall be provided.

C. 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.

D. Dogs shall be housed in a fully enclosed structure between the hours 8:00 p.m. to 8:00 a.m.

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

No cows, goats, swine, fowl or other domesticated animals (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 other regulations regarding agriculture and wild and exotic animals.) For small Fowl, this section does not apply to the keeping of less than 25 birds.

621 Self Storage and Warehouse Facilities

Self-storage and warehouses are conditional uses and in addition to the standards set forth elsewhere in this Ordinance, the following standards shall apply:

621.1 Area and Bulk

The following dimensional regulations shall apply to warehouses in RD and self-storage facilities in NC

Minimum lot size..... as per Zoning District
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

621.2 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 affect the required screening may be required.

621.3 Access

The facility shall be served by a defined entrance and exit.

621.4 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.

621.5 Contents

All warehouses shall comply with the performance standards for commercial and industrial uses as provided in this Ordinance. Warehouses and Self-storage shall not be used for the storage or keeping of animals, or any toxic, hazardous or other dangerous materials. Self-storage facility shall be not used for the storage of any perishable substance.

621.6 Commercial Use

No warehouse or self-storage shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. Any material, supplies, equipment or goods of any kind stored outside of the warehouse structure, shall be stored in a designated, approved outdoor storage area.

621.7 Lighting

See Section 507.3.

621.8 Compliance

Proposed space rental agreements for self-storage facilities shall be submitted with the conditional use application, and shall provide specific rules and regulations for use of facilities by patrons to ensure that requirements of this Ordinance are or will be followed. The operator of the facility is responsible for enforcement of those rules and regulations, remains primarily responsible for all violations, and cannot delegate its obligations to comply with this Ordinance.

622 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.

The following uses shall be major impact uses in all cases.

1. Industrial parks;

2. Manufacturing or industrial uses that are housed in a single facility that have more than two bays for loading and unloading of materials and goods;

3. Junkyards;

4. Mineral extraction;

5. Mineral processing;

6. Agricultural products processing that does not constitute a normal agricultural operation as defined by 3 Pa.C.S. Section 312;

7. Solid waste facilities and staging areas;

8. Warehouses and trucking terminals that have more than two bays for loading and unloading of materials and goods;

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;

12. Retail businesses, wholesale businesses, shopping centers, malls and multiple occupant commercial buildings with a building footprint greater than 8000 square feet.

Major impact developments also include those which, regardless of the type of use, will generate more than two hundred and fifty (250) passenger vehicle trip ends per day, or twenty-five (25) commercial vehicle trip ends per day. Major impact developments also include expansions of preexisting uses that will cause the use to generate total trip ends that meet or exceed these volumes.

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 **GSFLA – Gross Square Feet of Leasable Area
Where doubt exists as to the applicable standard, or a specific use is not listed above, the aforementioned "Institute" publication shall be consulted. Development proposals involving more than one of the above uses shall be evaluated by taking the sum of the rates and calculations for each individual use.

Calculation of trip ends in excess of the aforementioned thresholds using “Institute” publications creates a rebuttable presumption that a particular plan constitutes a Major Impact Development. An Applicant may rebut that presumption by presenting clear and convincing evidence, based on sound engineering methodology, that the proposed use will not impose significant impacts on traffic volume, storm water runoff, water supply, noise, glare, the environment, or other considerations herein. Upon such a finding by the Board of Supervisors at a public hearing, an Applicant shall be permitted to proceed with a plan without meeting the requirements of a Major Impact Development.

622.1 Conditional Use Approval Required

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.

622.2 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. 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 for safe ingress 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, 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 (ADT) 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 the completion of such improvements.

622.3 Other Impacts

The applicant shall, prior to approval, also prepare and submit a report assessing the impact of the development regarding storm water controls, water supply and quality, creation of nuisances, public safety, and other relevant environmental, community, and social impacts. 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 the Ordinances of Shohola Township. The report shall also assess security needs of the proposed development, analyzing additional demands placed upon local and State law enforcement agencies, and proposing measures to mitigate those demands. Such report shall be used, along with other information available to the Township, to determine the conditions of approval that are necessary to protect the public health, safety, and welfare.

622.4 Buffer Setback 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. In addition to any other buffer required by this ordinance, the natural vegetation that exists at the time of the application shall remain and be preserved within the 100 foot buffer, except that such vegetation may be removed from parcels in the GC Zone.

623 Recreational Vehicle (RV) Parks and Campgrounds

A distinction is made between recreational vehicle parks and campgrounds both of which shall be governed by the standards provided herein. RV parks shall require a minimum of ten (10) acres and tent camp grounds a minimum of five (5) acres. 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 regulations:

623.1 Density

The gross density of a RV park or campground shall be no greater than six (6) 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 tip-outs, but not including tow bar and hitch. Lot coverage of individual sites shall not exceed eight hundred and sixty (860) square feet on lots of five thousand (5000) square feet in area and shall not exceed eighteen (18) percent of lots over five thousand (5000) feet in area. No more than one recreational vehicle, no more than one pop-up type camper shall be permitted per campsite. In addition, to facilitate drainage, a minimum of 20% of the lot coverage shall be maintained in a natural state. No impervious membrane shall be used as part of the surface/subsurface of any lot.

623.2 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.

623.3 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.

623.4 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.

623.5 Sewage and Water Supply

No individual on-site sewage system or water supply 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.

623.6 Occupancy

No occupant may occupy a campsite or campsites within a single recreational vehicle park or campground for more than 182 days in any 365 day period. 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.

623.7 Records

The management of every Recreational Vehicle Park and/or campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. Such records shall include, at a minimum, the date(s) of occupancy and name, address, and phone number of each occupant. All such records shall be open to inspection by Township officials upon 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.

623.8 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.

623.9 Nuisances

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

623.10 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.

623.11 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.

623.12 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.

623.13 Vehicle Parking

No recreation vehicle shall be parked on any street or roadway within the development. To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the RV park or Campground, but shall be restricted to designated parking areas either at each RV or campsite site, or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each RV lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) RV lots.

623.14 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.

623.15 Decks, Roof-Overs or Screened Enclosures

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

624 Shohola Falls Trails End

Shohola Falls Trails End is a preexisting recreational vehicle park subject to the regulations set forth above in Sections 623.

In furtherance of the Settlement Stipulation entered into on the 29th day of December, 2009 and made an Order of Court on February 8, 2010, in an action In Equity filed in the Pike County Court of Common Pleas, Shohola Township v. Shohola Falls Trails End Property Owners Association, Inc., No. 14-2004, the following additional regulations apply:

624.1 Density

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 eight hundred and sixty (860) square feet on lots of five thousand (5000) square feet in area and shall not exceed nineteen (19) percent of lots over five thousand (5000) feet in area. The following shall be included in calculating lot coverage: recreational vehicle, deck, porch, shed, pop-up camper, gazebo, tent platform, screen house-shed combination, and any other structures requiring a permit under this ordinance per campsite. In additional, to facilitate drainage, a minimum of 20% of the lot coverage shall be maintained in a natural state. No impervious membrane shall be used as part of the surface/subsurface of any lot.

624.2 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.

624.3 Vehicle Parking

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

624.4 Decks and Screened Enclosures

A. Decks are permitted accessory structure for any trailer or recreational vehicle and shall require a Zoning Permit issued by Shohola Township.

1. Decks may remain permanently on the property, except by means of any permanent footings.

2. Decks may not be permanently enclosed, but the deck area may be protected from sun, wind, precipitation, and insects with standard camping accessories

including, for example, awnings affixed to the trailer or recreational vehicle, self-supporting screen rooms, etc.

3. Decks may be improved with electrical service only by using a trailer's or recreational vehicle's external GFI receptacle.

4. All electrical wiring to and around the deck shall be routed through and protected by standard electrical conduit.

B. Decks shall comply with the following design and construction standards. Except as noted, the Uniform Construction Code requirements are not applicable.

1. Decks shall not exceed a width of 10 feet.

2. Decks shall not exceed the length run of the corresponding trailer or recreational vehicle, but in no event shall exceed 30 feet.

3. Decks shall be constructed in a manner consistent with the Prescriptive Residential Wood Deck Construction Guide of the 2006 International Residential Code (IRC).

4. Decks constructed higher than eighteen (18") inches above grade shall include a safety railing constructed in a manner consistent with the IRC.

C. Screened enclosures shall comply with the following design and construction standards. Except as noted, the Uniform Construction Code requirements are not applicable.

1. 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.

2. The structure shall be constructed of weather/rot resistant material (i.e. pressure treated, composite, etc.). Sheet material, such as plywood, shall not be permitted and no floor covering except for outdoor or indoor/outdoor carpeting, shall be permitted.

3. One (1) side of any screened enclosure shall be directly adjacent to the recreational vehicle.

4. The roof of any screened enclosure shall:

a. 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.

b. Not exceed eight (8) feet from the top of the roof to the floor, measured from the point where the roof abuts the recreational vehicle.

c. Pitch downward from the recreational vehicle side with a maximum roof overhang of twelve (12) inches.

5. Kick plates shall be permitted provided that such plates:

a. Do not exceed thirty-six (36) inches above the surface of the floor.

b. Do not extend beneath the joist system. Sheeting material used for the kick plate shall be attached only to the outside of support posts and shall be covered with siding (i.e. Texture 111 or ½ inch plywood with vinyl siding or other appropriate manufactured siding).

6. All railings shall be of open design and be constructed in a manner consistent with IRC.

7. 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.

8. The screened enclosure shall not exceed the following limits:

a. Length of trailer to a maximum of thirty (30) feet.

b. Ten (10) feet wide.

c Maximum area of three hundred (300) square feet including the step platforms.

9. Only screened doors shall be permitted.

10. The underside of the screed enclosure may be open, screened or latticed.

11. Screened enclosures may be improved with electrical service only by using a trailer's or recreational vehicles external GFI receptacle.

12. No portion of any screened enclosure or other accessory structure shall be insulated.

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

No more than thirty-three (33) percent of the components of any deck or screen enclosure may be repaired or replaced during any 365 day period. Upon replacement, access ways must be upgraded as necessary to comply with Section 624.6.

624.6 Access Ways

One (1) access way for entrance to a recreational vehicle shall be permitted. 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.

624.7 Proof of Ownership

A copy of a valid motor vehicle title, or other proof of ownership, 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.

624.8 Replacement

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

A. Placement of the replacement recreational vehicle or trailer shall comply with the setbacks in Section 623.2.

B. A Zoning Permit has been obtained prior to removal of the vehicle being replaced.

C. The owner shall not have pending against him/her any charges of violation of Township ordinances or Restrictive Covenants.

D. Replacement of a trailer or recreational vehicle does not increase the lot coverage above 860 square feet, or 19% 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 860 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.

E. Replacement of structures other than a trailer or recreational vehicle and/or abutting deck/screened enclosure, shall be in conformance with the setback requirements of Section 623.2.

624.9 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.

624.10 Repair of Roofs and Roof-Overs

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

624.11 Permits

In addition to activities otherwise requiring a zoning permit pursuant to this Ordinance, the replacement of trailers and recreational vehicles and construction of decks and screened enclosures within Shohola Falls Trails End shall also require compliance with Section 702 and its subparts.

625 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 standards in this section.

625.1 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.

C. A buffer strip or curb shall be provided along all road or street right-of-way lines except where access drives are located to prevent vehicular ingress or egress.

D. The site shall be sufficiently sized to accommodate cars awaiting washing during peak periods so that the lines of automobiles along the adjacent road or street shall be avoided.

1. A waiting line area for a minimum of five (5) automobiles shall be provided for each automatic car wash machine.

2. A waiting line area for a minimum of three (3) automobiles shall be provided for each self-washing stall.

625.2 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 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 outdoors, provided that they are not conducted within the required setback area.

C. Unregistered or inoperable vehicles stored on the premises shall not be visible beyond the property boundaries.

D. All tires and parts stored outside of a completely enclosed building shall not be visible beyond the property boundaries.

E. 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.

F. No vehicles shall be stored in any required setback areas.

625.3 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. No outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicles and travel trailers shall be closer than twenty-five (25) feet from any property line.

C. Activities which are normally accessory to such sales operations, such as engine tune-up and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in above.

D. 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.

E. All tires and parts stored outside of a completely enclosed building shall not be visible beyond the property boundaries.

625.4 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 impacts affecting the health, safety, and welfare of the public.

B. No race shall be conducted between the hours of 9:00 P.M. and 9:00 AM. 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 outdoors, provided that they are not conducted within the required setback area.

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.

626 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. 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.

B. Storage tanks shall be located not less than five hundred (500) feet from any structure capable of being occupied other than those accessory to the use.

C. The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or an equivalent protection barrier.

D. 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.

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

627.1 Standards

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

A. 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 manmade 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.

B. Site Design Standards The site shall be improved in accordance with the following minimum requirements:

1. 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.

2. 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.

3. A landscaping and screening strip not less than seventy-five (75) feet in width shall be established along all side and rear site lines.

4. 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.

5. 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.

627.2 Unsecured Facilities

All unsecured facilities are exempt from the standards set forth in Section 627.1 and are subject to the general standards applicable to the District in which the use is proposed.

628 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:

628.1 Golf Courses

A. If proposed in conjunction with a Planned Residential Development, 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. Screening may be required between fairways and property lines depending on topography, type of and distance to surrounding structures.

C. All walkways and paths shall have an all-weather surface.

C. Existing trees and vegetation shall be preserved whenever possible to keep the area around the fairways as natural as possible.

D.

628.2 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 or RD zoning district.

B. Adequate screening shall be provided to protect adjacent uses from stray balls.

628.3 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.

628.4 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.

C. Adequate screening shall be required when a public swimming pool is abutted by an existing residential use, or an R or RD zone district.

628.5 Outdoor Commercial Shooting and Archery Ranges

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

A. All ranges shall have a safety zone of four hundred and fifty (450) feet in all directions. No range shall be closer than 450 feet to any property line. The perimeter of the safety zone shall be fenced or marked to prevent accidental intrusion into the shooting area.

B. All ranges shall be designed and constructed with sufficient safety facilities to prevent wild or ricocheting bullets/arrows.

E. All shooting shall be confined to the day light hours and in no event earlier than 8:00am or later than 7:00pm.

628.6 Boat Liveries

A Boat Livery shall require a minimum of two (2) acres.

629 Adult Businesses

629.1 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.

F. 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 ensuring 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.

629.2 Intent

It is the intent of this Section 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.

629.3 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.

629.4 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:

1. A minimum parcel size of four (4) acres shall be required.

2. Setbacks shall be maintained in accordance with Section 501 of this Ordinance.

3. An Adult Business shall not be closer than one thousand (1,000) feet from any:

i. residence
ii. group care facility
iii. commercial enterprises catering primarily to persons under eighteen (18) years of age
iv. public or semi-public building or use
v. public park or public recreation facility
vi. health facility
vii. any establishment that sells alcoholic beverages;
viii. place of worship
ix. 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 Section 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 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 Section 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. 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 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.

I. 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 Section:

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:

i. 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

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

iii. 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.

630 Landings/Haul Roads for Forestry, Logging, Timber Harvesting 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:

A. The cultivating, harvesting, transporting and selling trees for commercial purposes (see definition of forestry in Article III).

B. 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.

630.1 Access to Public Roads

A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.

B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

C. Weight Limitations -All operations shall comply with all posted weight limits and road bonding regulations, except where a lawful exception applies.

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.

630.2 Landings shall comply with the following requirements:

A. Setbacks

1. Residential and Nonresidential Buildings - Landing areas 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, except where the adjacent parcel is part of the same forestry/stone removal operation.

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.

630.3 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.

630.4 Permit, E & S Plan

A. Permit - All operations governed by this Section shall require a zoning permit. The application shall include a sketch accurately showing the location and setbacks for any landings. Management activities not causing earth disturbance are exempt from the permit requirement.

B. E & S Plan - The applicant shall provide a copy of the proposed soil erosion and sedimentation control plan as required by this ordinance, along with proof that the plan has been submitted for county approval. Any approval shall be conditioned upon implementation of the E&S plan approved by the Pike County Conservation District.

631 Cemeteries

Cemeteries shall be subject to the use criteria contained in 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 effective date of this ordinance.

B. Cemetery lot size shall conform to the lot size of the RD District.

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. 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.

G. 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.

H. No structure shall be erected within fifty (50) feet of any existing cemetery, graveyard, or burying-ground.

I. No structure other than headstones, mausoleums, maintenance sheds or grave markers shall be erected within any existing cemetery, graveyard, or burying-ground.

J. 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.

K. Commercial or public cemeteries shall conform to land development regulations.

632 Restriction of the Discharge of Firearms

It shall be a prohibited activity and a violation of this Ordinance to discharge a firearm such that the projectile travels within 100 feet of any boundary line of the property upon which the firearm is discharged. No firearm shall be discharged on a lot less than 1 acre.

633 Agricultural Operations

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

633.1 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.

633.2 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 Section 613.7 and Ordinance #74; however, this exemption shall not apply to sewage sludge or concentrated animal feeding operations.

633.3 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.

634 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, an individual duly licensed for wildlife rehabilitation, or an approved menagerie or zoo is permitted to maintain, keep or possess any collection of wild or exotic animals for public exhibition. 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 housed 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.

635 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 and the Schedule of Uses.

635.1 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.

635.2 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.

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.

635.3 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. CCD 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) so 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 subsection 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. Co-location; 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. Applicant shall have continuing obligation, as a condition of permitting and approval, to provide a new Certificate of Insurance within thirty (30) days of any change of agent, underwriter, or coverage amounts, and shall immediately notify the township upon any suspension or cancellation of coverage.

J. Access - The Applicant shall provide and maintain access to the CCD and support structure by means of a public street, easement, or right-of-way. 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 possessor 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. Prior to construction of the CCD, and as a condition of any permits or approval, 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.

636 Wind Energy Facilities

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

636.1 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.

636.2 Number

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

636.3 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.

636.4 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.

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 section, 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 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 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, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

2. Uniform Construction Code - The wind energy facility shall comply with the Pennsylvania Uniform Construction Code.

3. 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.

4. 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.

5. 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 (10) feet from the ground.

6. 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 waving, fluttering or revolving

devices, but not including weather devices.

7. 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.

8. 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.

9. 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 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.

M. 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.

N. 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.

O. 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.

636.5 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.

636.6 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.

636.7 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 other requirements of this Zoning Ordinance applicable to structures. Such towers shall be removed within eighteen (18) months of installation.

636.8 Discontinued Use

Should any wind energy facility or support structure cease to be used as a wind energy facility, the owner or operator or then owner of the land on which the wind energy facility 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. Prior to construction of the wind energy facility, and as a condition of any permits or approval, 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.

637 Wind Turbine Generators, Accessory

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 §613.4 and Ordinance #74. 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.

G. Compliance with FAA Regulations - Accessory wind turbine generators shall comply with applicable FAA regulations.

638 School

A. Schools with enrollments of 100 students or less**:**
Where permitted, this use is subject to the following:

1. All buildings shall be set back at least 50 feet from front, side and rear property lines.

2. Any outdoor play area provided shall be located in a side or rear yard and shall be set back at least 25 feet from all property lines.

3. Vehicle passenger drop-off and pickup areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

4. Traffic circulation shall be designed to minimize congestion on adjacent roadways during peak drop-off and pickup times.

5. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

B. Schools with enrollments of greater than 100 students**:**
Where permitted, this use is subject to the following:

1. All buildings used for the teaching of students, shall be set back at least 100 feet from front, side and rear property lines.

2. Any outdoor play area provided shall be located in a side or rear yard and shall be set back at least 50 feet from all property lines.

3. Vehicle passenger drop-off and pickup areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

4. Traffic circulation shall be designed to minimize congestion on adjacent roadways during peak drop-off and pickup times.

5. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces

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 the Zoning Hearing Board.

702 Permits

702.1 Requirements of Permits

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. 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 permits or approvals obtained at the time of application. Where a plot sketch is required, it shall be 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.

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 twelve (12) 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. Permits may be renewed for one (1) year upon request and payment of fee. If a Permit is renewed prior to expiration, the fee shall be one half of that fee established by the Board of Supervisors for a Zoning Permit. If a permit is renewed after expiration, the fee shall be equal to that fee established by the Board of Supervisors for a Zoning Permit.

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 a warrantless 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. In the absence of such permission, 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 and 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 utilized 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 prior to the issuance of a Certificate of Compliance.

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 Section 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 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 of the Municipalities Planning Code 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.

APPENDIX A

	Zoning District				
NOTES **Format: X/Y** **X=use in the zoning district** **Y=use in the zoning district and in the Delaware Overlay** **P=permitted use, C=conditional use,** **N or blank= use not permitted** **Refer to sections 403.2, 404, 501, 602.3, and 637 for uses contemplated in the Delaware Overlay.**	**GC**	**NC**	**RD**	**R**	**OS**
Agricultural operations	P/P	P/P	P/P	P/P	P/P
Conservation design development	P/P	P/P	P/P	P/P	
Forestry enterprises	P/P	P/P	P/P	P/P	P/P
Hunting clubs	P/P	P/P	P/P		
No impact home-based business	P/P	P/P	P/P	P/P	
Single family detached dwellings	P/P	P/P	P/P	P/P	
Two family dwellings	P/P	P/P	P/P	P/P	
Private Stables >10 acres =/< 4 horses	P/P	P/P	P/P	P/P	P/P
Public parks and Recreation Facilities	P/P	P/P	P/C	P/C	P/C
Adult Business	C/C				
Agricultural products processing	C/N		C/N		
Apartment buildings	C/N		C/N		
Banks	C/C	C/C	C/C		
Bulk fuel storage facilities	C/C				
Bus Terminal	C/C				
Professional offices	C/C	C/C	C/C		
Campgrounds	C/C	C/C	C/C		
Car and truck washes	C/C				
Cemetery	C/C	C/C	C/C	C/C	C/C
Commercial communications device sites	C/C	C/N	C/N		C/N
Commercial kennels, stables, and other animal husbandry	C/C	C/C	C/C		
Commercial recreation facilities	C/C		C/C		
Contractor yards	C/C	C/C	C/C	C/C	
Conversion of single family dwelling to two family	C/C	C/C	C/C	C/C	
Country clubs	C/C	C/C	C/C		
Day care, child or adult	C/C	C/C	C/C	C/C	
Flea markets	C/C	C/C	C/C		
Fraternal clubs and lodges	C/C	C/C	C/C		
Golf courses	C/C	C/C	C/C		
Greenhouses, commercial	C/C	C/C	C/C	C/C	

	Zoning District				
NOTES **Format: X/Y** **X=use in the zoning district** **Y=use in the zoning district and in the Delaware Overlay** **P=permitted use, C=conditional use,** **N or blank= use not permitted** **Refer to sections 403.2, 404, 501, 602.3, and 637 for uses contemplated in the Delaware Overlay.**	**GC**	**NC**	**RD**	**R**	**OS**
Low Impact Home Based Businesses	C/C	C/C	C/C	C/C	
Hospitals, clinics and nursing homes	C/C		C/C		
Hotels	C/C		C/C		
Institutions as regulated by Sec. 527	C/C		C/C		
Junkyards	C/N		C/N		
Manufacturing and Industry	C/C				
Medical and Dental Offices for single Practitioner	C/C	C/C	C/C	C/C	
Medical and Dental Offices	C/C	C/C			
Mineral extraction	C/C	C/C	C/C		
Mineral processing	C/N		C/N		
Mobile home parks	C/C	C/C	C/C		
Motels	C/C	C/C	C/C		
Multiple Occupancy Commercial Bldg.	C/C				
Oil and gas wells	C/C	C/C	C/C		C/C
Outdoor sales	C/C	C/C			
Places of Worship	C/C	C/C	C/C	C/C	
Private stables < 10 acres and =/> 4 horses	C/C	C/C	C/C	C/C	
Public and semipublic uses	C/N	C/N	C/N	C/N	
Public waterbody access areas	C/C	C/C	C/C	C/C	C/C
Race tracks	C/N	C/N	C/N		
Recreational vehicle parks	C/C	C/C	C/C		
Religious houses	C/C	C/C	C/C	C/C	
Restaurants (sit down)	C/C	C/C	C/C		
Retail stores more than 3000 sq. ft.	C/C	C/C			
Retail stores less than 3000 sq. ft.	C/C	C/C	C/C		
Schools	C/C	C/C	C/C	C/C	
Self-Storage	C/N	C/N			
Service establishments	C/C	C/C	C/C		
Shooting ranges, commercial	C/N	C/N	C/N		
Small lodging facilities	C/C	C/C	C/C		
Solid waste disposal facilities & related operations such as container and vehicle storage	C/N		C/N		
Studios	C/C	C/C	C/C		
Swimming pools, commercial	C/C	C/C	C/C		

	Zoning District				
NOTES **Format: X/Y** **X=use in the zoning district** **Y=use in the zoning district and in the Delaware Overlay** **P=permitted use, C=conditional use,** **N or blank= use not permitted** **Refer to sections 403.2, 404, 501, 602.3, and 637 for uses contemplated in the Delaware Overlay.**	**GC**	**NC**	**RD**	**R**	**OS**
Tourist recreation facilities	C/C	C/C	C/N		
Townhouses and garden apartments	C/C	C/C	C/C		
Truck terminals	C/C				
Truck Stops	C/C				
Vehicle sales, supply and service facilities	C/C				
Warehouses	C/C	C/C	C/N		
Wind energy commercial facilities	C/N	C/N	C/N		
Zoos and menageries	C/N	C/N	C/N		
ACCESSORY USES					
Carports	P/P	P/P	P/P	P/P	
Customary accessory uses and structures	P/P	P/P	P/P	P/P	P/P
Day care, child, as an accessory use	P/P	P/P	P/P	P/P	
Essential Service	P/P	P/P	P/P	P/P	P/P
Garages	P/P	P/P	P/P	P/P	
Home gardening, nurseries and greenhouses	P/P	P/P	P/P	P/P	
Private parking areas and garages	P/P	P/P	P/P	P/P	
Private swimming pools	P/P	P/P	P/P	P/P	
Signs in association with an approved use	P/P	P/P	P/P	P/P	
Solar collectors	P/P	P/P	P/P	P/P	P/P
TV satellite dishes	P/P	P/P	P/P	P/P	
Wind turbine generators, accessory	P/P	P/P	P/P	P/P	P/P
Yard sales	P/P	P/P	P/P	P/P	

ARTICLE VIII – ADOPTION

THIS ORDINANCE ordained and enacted this 12th day of November, 2020, by the Board of Supervisors of Shohola, Township, Pike County, Pennsylvania, to be effective immediately.

_____

_____

_____

ATTEST: _____