

ARTICLE 11
DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS

SECTION 11.0 GENERAL

The Planning Commission, in reviewing a site plan, shall be guided by the considerations and standards presented in this Article. In the review, they shall take into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, and welfare. For permitted uses the Zoning Officer shall ensure compliance with this Article and any other applicable ordinances, articles or sections.

SECTION 11.1 OFF-STREET PARKING

11.1.1 GENERAL REQUIREMENTS

- (a) It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or altered after the effective date of this Ordinance.
- (b) Each vehicle parking space shall include a rectangle with a minimum width of 9 feet and a minimum length of 18 feet. Off-street parking areas shall be designed with sufficient aisle widths, turning radii and maneuvering room, based upon a standard professional design guide, such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook. Handicapped parking spaces shall comply with the current Americans With Disabilities Act Accessibility Guidelines.
- (c) No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two (2) public rights-of-way.
- (d) In stadiums, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat.
- (e) The lighting of off-street parking lots shall not be directed into adjacent properties.
- (f) If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

11.1.2 REQUIRED OFF-STREET PARKING SPACES

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

- (a) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- (b) Additional parking for the handicapped shall be provided in accord with Section 11.1.8.
- (c) Should the applicant provide evidence that the number of parking spaces required by this Section 11.1.2 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of 50 percent provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 11.1.2 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by 2 or more principal uses may be considered for a parking reduction. (See Section 11.1.9)
- (d) For uses not specifically provided above, the Township 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.

<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	
USE	NUMBER OF PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
1. Home occupations / home based businesses	1 additional space for each nonresident employee
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	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
3. Roadside stands	One space for every 50 sq. ft. of area devoted to selling or display.
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	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 240 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	
1. Area devoted to manufacturing, processing, etc.	1 per 800 SFGFA
2. Area devoted to storage or stationary operating equipment	1 per 1,500 SFGFA
3. Area devoted to outside storage	1 per 3,000 SFGFA
4. Additional spaces required	1 per each company vehicle
G. Educational, cultural religious social, fraternal uses	

1. Public and private schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Nursery and elementary schools	1 per employee plus 2 additional spaces per classroom.
4. Churches, synagogues and temples	1 per every 4 seats used for services
5. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Private membership clubs	1 per 100 SFGFA of public assembly area
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 40 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses (See definition of "vehicle" in Article III.)	
1. Sales, service, repair	1 per 240 SFGFA
2. Gas sales	1 per 240 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	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	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 140 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public

Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

11.1.3 CALCULATION OF REQUIRED SPACES

- (a) In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.
- (b) Should the applicant provide evidence that the number of parking spaces required by Section 11.1.2 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced by a maximum of 50 percent provided sufficient and suitable area is dedicated to future parking to meet the normal standards in Section 11.1.2 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Such evidence shall be based upon a standard professional design guide, such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook.
- (c) Handicapped parking spaces shall comply with the current *Americans With Disabilities Act Accessibility Guidelines*.
- (d) For uses not specifically provided above, the Township 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.

11.1.4 DIMENSIONS FOR OFF-STREET AUTOMOBILE PARKING SPACES AND LOTS

- (a) Parking lots shall be designed to accommodate the anticipated size and number of vehicles. The design shall be based upon a standard professional design guide such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook, and the design source shall be referenced on the site plan. Parking lot design shall provide for appropriate pedestrian access between building entrances and parking spaces with minimal conflict with through-traffic routes.
- (b) Handicapped parking shall be designed in accord with the current *Americans With Disabilities Act Accessibility Guidelines*.

11.1.5 PARKING AND LOADING AREA SETBACKS

All parking and loading areas and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from the any public road right-of-way or adjoining property lines by a buffer area not less than 10 feet in width. The side and rear buffer shall be increased to 20 feet when adjoining an existing residential use or a R-Residential District.

- (a) Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided, and from property lines.
- (b) Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include paving except for approved driveway/access way crossings; parking, storage or display of vehicles; or items for sale or rent.
- (c) Uses Permitted - The buffer area may include permitted freestanding signs, pervious storm water facilities, approved driveway/access way crossings, and lighting which does not project onto adjoining property or streets.
- (d) Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and

the street or between the sidewalk and the paving.

11.1.6 CONSTRUCTION OF PARKING AREAS

Parking areas, with the exception of single family residences, shall be covered with a suitable all-weather, dust-free surface. If bituminous or concrete paving is used, the individual spaces shall be visibly marked with paint or other durable material.

11.1.7 LANDSCAPING

In all districts except the I-Industrial District, all improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- (a) Buffer Areas - The buffer area between the parking area and the public street required by Section 11.1.5 shall be landscaped to a minimum of 30 inches in height including vegetation; of which a minimum of 50 percent shall be evergreen shrubbery; and shall average at least one shrub for every 10 feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or a non-commercial district.
- (b) Parking Lot Interiors - A minimum of 8 percent of the interior of any parking lot having 25 or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least 60 square feet in area. One deciduous tree with a trunk diameter of not less than 1 inch measured at a height of 1 foot above finished grade shall be provided for every 3,000 square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation.
- (c) Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- (d) Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township as part of the land development plan.

11.1.8 JOINT USE PARKING

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in 11.1.5. The standards for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to 10 percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

11.1.9 HANDICAPPED PARKING

- (a) Number of Spaces - Any lot including 4 or more off-street parking spaces shall include a minimum of 1 handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans With Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
4 to 25	1
26 to 40	2
51 to 75	3

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
76 to 100	4
101 to 140	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 400	9
401 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- (b) Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
- (c) Minimum Size - Each required handicapped parking space shall be a minimum of 8 feet by 18 feet. In addition, each space shall be adjacent to an access aisle 5 feet in width. Such access aisle may be shared by 2 handicapped spaces by being placed between the spaces. One of every 8 required handicapped spaces shall have an adjacent access aisle of 8 feet in width instead of 5 feet.
- (d) Slope - Handicapped parking spaces shall be located in areas of less than 2 percent slope in all directions in accord with ADA requirements.
- (e) Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

11.1.10 OFF-LOT PARKING

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

SECTION 11.2 OFF STREET LOADING AND UNLOADING REQUIREMENTS

11.2.1 DIMENSIONS OF LOADING BERTHS

Each loading berth, either open or enclosed, shall be 55 feet long, 12 feet wide and 14 feet high; businesses utilizing vehicles not larger than panel trucks may have berths which are not smaller than 20 feet long, 10 feet wide, and 8 feet high.

11.2.2 LOCATION OF BERTHS

All berths shall be located in such a way as not to interfere with the movement of people and vehicles on public roads. Except in the Industrial District, provision for handling of all freight shall not be located along any existing or proposed street frontage.

11.2.3 REQUIREMENTS/LOADING BERTHS

The following shall be considered minimum requirements:

Gross Floor Area (Sq. Ft.)	Loading and Unloading Berth
Retail stores, wholesale establishments, storage uses, other commercial uses	
3,000 - 15,000	1
15,001 - 40,000	2
each 25,000 additional	1 additional
Motels, hotels, office buildings	
100,000 or less	1
100,001 - 300,000	2
each 200,000 additional	1 additional
Industrial, manufacturing	
15,000 or less	1
15,001 - 40,000	2
40,001 - 100,000	3
each 40,000 additional	1 additional

The Township may require additional berths as necessary to adequately accommodate the use.

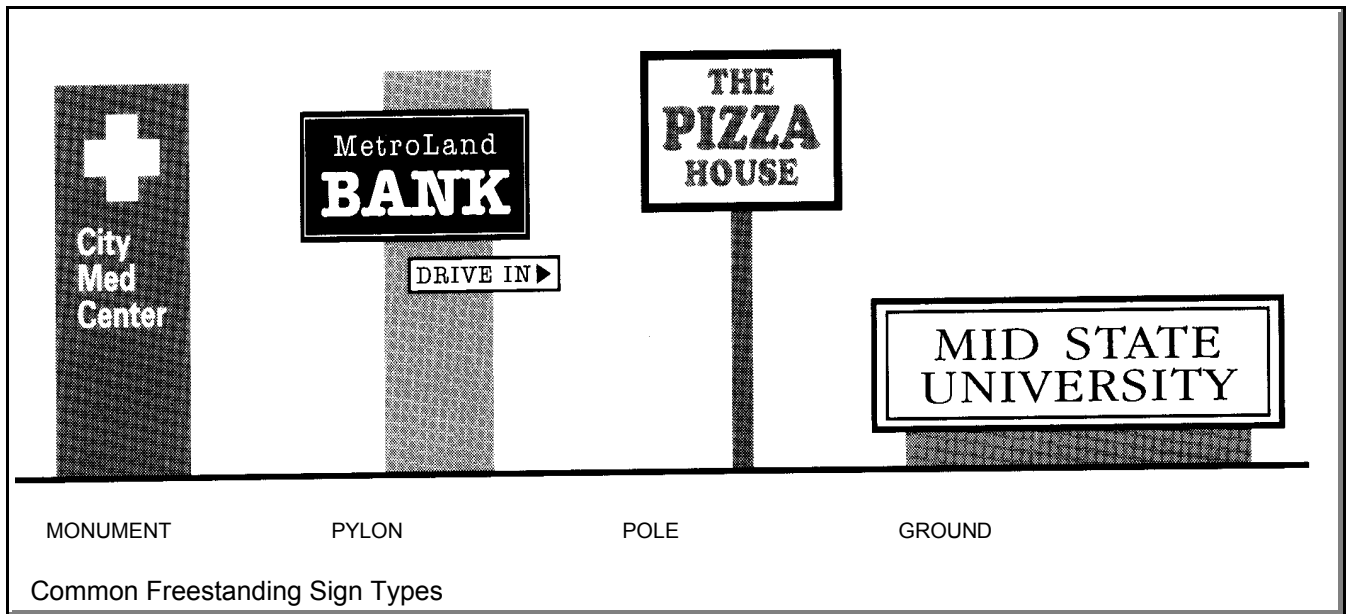
11.2.4 LANDSCAPING: as Required in Section 11.1.7.

SECTION 11.3 SIGNS

11.3.1 DEFINITIONS

- (a) Banner Sign - A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework.
- (b) Directory Sign - A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.
- (c) Flashing Sign - Any sign which has intermittent or changing lighting or illumination of a duration lasting less than thirty seconds shall be deemed a flashing sign.
- (d) Freestanding Sign - The general term for any sign which is permanently affixed to the ground and on a foundation. It is supported on a foundation by one or more uprights, poles or braces, and is not attached to a building or any other structure.





- (e) Off-Premises Sign - Any permitted sign, including billboards, not located on the land upon which the concern advertised by such sign is located.
- (f) 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 bunting, the flag or emblem of any nation, state, or city, also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.
- (g) 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. Where a sign has two display faces back to back the area of only one face shall be considered the sign face 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.

11.3.2 GENERAL SIGN REGULATIONS

- (a) The following regulations shall apply to all permitted signs: No person shall erect, alter, or relocate within Wyalusing Township any sign without obtaining a permit.
- (b) The repainting, changing of parts and preventive maintenance of signs shall not require a permit unless the size or height of the sign changes.
- (c) A sign shall be permitted only in connection with a permitted use.
- (d) All signs shall be removed when the reasons for their erection no longer apply.
- (e) Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located.
- (f) No part of any sign, except official traffic signs, shall be closer than five (5) feet to any public road right-of-way.

- (g) 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.
- (h) 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.
- (i) No sign shall be so constructed, erected, or located as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot.
- (j) No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for such use.
- (k) Freestanding signs shall not exceed a height of twenty (20) feet to the top of the sign.
- (l) Signs shall be constructed of durable material and be maintained in good condition.
- (m) Overhead signs shall be at least eight (8) feet high, measured from the ground or pavement to the bottom-most part of the sign.

11.3.3 BUSINESS ADVERTISING SIGNS AND INSTITUTIONAL SIGNS

(a) Business Advertising Signs

- (1) Billboards or off premises advertising signs may be erected and maintained only when such signs shall not exceed one hundred twenty-eight (128) square feet in area and not more than one such sign shall be located within five hundred (500) feet of any other such sign.
- (2) Business identification signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises. Such signs shall not exceed sixty-four (64) square feet in area, and shall be limited to one sign per property if two display faces are used, and two signs per property if one display face is used on each sign.
- (3) Business identification signs may be erected on the premises of commercial uses permitted in that District provided such signs do not exceed forty-eight (48) square feet in area and shall be limited to one sign per property if two display faces are used, and two signs per property if one display face is used on each sign.
- (4) In addition to the signs permitted in Item A above, the signs actually physically attached to a business building shall not exceed sixty percent (60%) of the surface area of the facade to which the sign is affixed but in no case greater than ninety-six (96) square feet. Such signs shall advertise only the business or profession in the building.

(b) Institutional Signs - 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 forty-eight (48) square feet in surface area.

(c) Place of Business - The signs in Sections (a)(2), (a)(3), (a)(4) and (b) above 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 legitimate branch office, store or warehouse is maintained by the said owner, lessee or occupant of such land. A sign may not be erected on property rented or leased or owned only for sign purposes except for billboards and off-premises signs as stated in Section 11.3.3(a)(1).

11.3.4. DIRECTORY SIGNS

The installation and maintenance of a central directory sign board not more than eight (8) feet high and not more than twelve (12) feet wide advertising two (2) or more businesses shall be permitted. An individual sign on this board advertising a single business shall not exceed a surface area of sixteen (16) square feet and shall be uniform or proportionate with other signs on the sign board and shall require a permit. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. Not more than one directory sign shall be permitted in each direction approaching the advertised businesses.

11.3.5 SIGNS REQUIRING NO PERMITS

(a) Signs advertising the sale, lease, rental 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 twelve (12) square feet;
 - (2) Not more than two (2) signs are placed upon any property unless the property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - (3) Such signs are not illuminated;
 - (4) Such signs shall be removed within thirty (30) 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.
 - (c) Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided: (1) the size of any sign is not in excess of thirty-two (32) square feet; and (2) not more than one such sign is erected on each five hundred (500) feet of street frontage. Signs shall be removed within thirty days of completion of the development.
 - (d) 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: (1) the size thereof is not in excess of twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.
 - (e) No Hunting signs, Trespassing 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.
 - (f) Signs advertising the sale of farm products grown on the premises provided: the size of any such sign is not in excess of twelve (12) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.

11.3.6 HOME OCCUPATION SIGNS

Signs advertising home occupations shall not be larger than twelve (12) square feet, and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated.

11.3.7 MULTI-FAMILY RESIDENTIAL PROJECT SIGNS

One (1) sign identifying a multi-family dwelling project is permitted on the premises of such project providing the sign does not exceed thirty-two (32) square feet in surface area. Signs identifying each building shall also be permitted and such signs shall not exceed two (2) square feet and shall be attached to the building facade.

11.3.8 CLUSTER COMMERCIAL, MULTIPLE OCCUPANT AND SHOPPING CENTER SIGNS

- (a) One (1) free standing sign identifying the cluster commercial or multiple occupant project or shopping center is permitted on the premises of such project provided the sign complies with Section 11.3.3.
- (b) One (1) sign identifying each business or profession (not necessarily each occupant) located in the project or shopping center is permitted provided the sign does not exceed sixteen (16) square feet of surface area. Such signs shall be attached to the same frame as the project sign.
- (c) One (1) additional sign identifying each business or profession in the project is permitted provided the sign does not exceed sixteen (16) square feet in surface area and the sign is attached directly to the facade of the structure housing the business or profession.

11.3.9 INDUSTRIAL PARK SIGNS

- (a) One sign identifying the industrial park provided the area of the sign does not exceed forty-eight (48) square feet in area.
- (b) One sign identifying each occupant of the industrial park provided the sign does not exceed thirty-two (32) square feet in area. Such signs shall be attached to the same frame as the sign allowed in Section 11.3.9(a).

- (c) One sign identifying each occupant of the industrial park provided such sign does not exceed thirty-two (32) square feet in area and is situated on the occupant's lot.
- (d) One sign identifying each occupant of the industrial park provided such sign does not exceed twenty (20) square feet in area and is attached directly to the facade of the principal structure.

11.3.10 TEMPORARY SIGNS

The following temporary signs shall be permitted in all Districts upon obtaining a permit: Special advertising or business identification signs or banners not exceeding forty-eight (48) 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 attraction, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding thirty (30) days.

11.3.11 ILLUMINATION

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

11.3.12 NON-CONFORMING SIGNS

- (a) Non-conforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto.
- (b) No non-conforming sign shall be changed, expanded, or altered in any manner except for changing the advertising material on the face of the sign, or to bring the sign into conformity. No non-conforming sign shall be moved in whole or in part to any other location where it would remain non-conforming.
- (c) Termination of non-conforming signs
 - (1) Immediate termination - The following signs or sign features shall be terminated within six (6) months after the effective date of this Ordinance, except as otherwise expressly permitted by this Ordinance. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features: Signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.
 - (2) Termination by abandonment - Any non-conforming sign structure the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be re-established except in full compliance with this ordinance.
 - (3) Termination by damage or destruction - Any non-conforming sign damaged or destroyed, by any means, to the extent of one-half (.50) or more shall be terminated and shall not be restored.

11.3.13 NUISANCE SIGNS

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

11.3.14 PERMIT APPLICATIONS

An application for a permit to install or repair a non-conforming sign or relocate a sign shall be made on the Township Sign Permit Application form and submitted to the Township Zoning Officer along with the fee established by resolution of the Township Board of Supervisors.

SECTION 11.4 ACCESSORY BUILDINGS AND USES.**11.4.1 ACCESSORY BUILDINGS**

Accessory buildings not attached to principal buildings shall comply with the following:

- (a) All structures 50 sq. ft. or more in size shall require a zoning permit.
- (b) Be located in compliance with all setback requirements as stated in the Density Control Schedule.
- (c) Be located no closer than twelve (12) feet to the principal building or a distance equal to the height of each accessory building, whichever is greater.

11.4.2 ACCESSORY USES

In a residential district, accessory uses not enclosed in a building, including swimming pool and tennis courts, shall be erected only on the same lot as the principal structure, shall not be located in front yard on such lot and shall be located not less than 20 feet from any lot line or less than 10 feet from the principal structure, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

- (a) A swimming pool or the lot or any part thereof within which a pool is located shall be completely enclosed by a chain-link fence, or a type of fence that offers the same degree of security against accidental or unauthorized entry. Such fence shall be four (4) to six (6) feet in height, and all entrance gates thereof shall be self-closing, self-latching and capable of being locked. The fence shall be separate and physically detached from the swimming pool itself, and shall be a minimum distance of four (4) feet from the water's edge.
- (b) An above ground pool with no part of its side wall height less than four (4) feet above ground and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any means for intermediate foot or hand holds, and any pool with decking and a ladder that are designed to restrict access, may be exempt from the full provisions of the above fence requirement. However, a full height fence with a self-closing, self-latching gate capable of being locked shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Above ground pools provided with foot or hand holds (draw-banded) and above ground pools less than four (4) foot side wall height above ground are not exempt from the full fencing requirement.

11.4.3 EXCEPTIONS

Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or, where no standard block exists, the word "block" as used above shall be interpreted to mean those structures within 250 feet of either side of the lot in question, on the same side of the street. The average set-back shall be based on no fewer than two similar uses.

11.4.4 SPECIAL DESIGNS

In cases where a developer has designed a grouping of buildings, the Planning Commission may approve the siting of accessory buildings such as garages and carports in the front yard, provided that the buildings are in compliance with all required setbacks.

SECTION 11.5 DRIVEWAY STANDARDS.

No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Wyalusing Township without having first obtained the required permit from Wyalusing Township or PennDOT.

SECTION 11.6 FENCES, WALLS, HEDGES AND SCREEN PLANTING.

Fences, walls, hedges and screen planting are permitted as follows:

- A. Where the driveway meets the road; the hedge, fence or wall shall not exceed three (3) feet in height.
- B. On a corner lot, no fence, wall, hedge or screen planting over three (3) feet in height shall be constructed at the intersection of the two streets. In any use, the minimum clear vision distance shall be twenty-five (25) feet from the edge of the pavement at in intersection.
- C. Fences, walls, hedges or screen plantings may be required, in multi-family, commercial or industrial districts, by the Planning Commission, as is necessary to protect the residential quality of adjacent property.
- D. The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions

exceeding three (3) feet in height measured from the top of the street pavement, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

SECTION 11.7 DRAINAGE SYSTEM AND EROSION CONTROL.

Adequate and comprehensive drainage, stormwater management and erosion and sedimentation systems shall be provided for all land uses in accordance with the WYALUSING TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

SECTION 11.8 NATURAL RESOURCE USES.

Natural resource uses shall be allowed in the A/R zone only by conditional use permit, and shall be subject to the following provisions:

- A. Before a conditional permit is issued, the applicant shall submit a copy of a valid Department of Environmental Protection permit, including all conditions required in the Permit.
- B. The Township shall require that the applicant comply with all provisions of the DEP permit in order to maintain a Conditional Use Permit in the Township.
- C. The applicant may be required to furnish a performance bond payable to the Township, in an amount determined by the Township Supervisors to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released by the Township Supervisors only upon certification that all requirements including the finished grading and drainage have been met in compliance with the DEP and Conditional Use Permits.
- D. No Conditional Use permit for excavation operations or soil mining shall be granted for a period of more than five (5) years, but such permit may be extended for additional five (5) year periods upon approval of the Township Supervisors. To receive such an extension, the applicant must provide plans and information showing the sequence and timing of excavation operations.
- E. Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Township Secretary together with a Conditional Use Permit upon payment of a fee as set by the Township Supervisors resolution to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operation.

SECTION 11.9 ERECTION, RE-ERECTION AND RAZING OF DAMAGED BUILDINGS.

- 11.9.1 Any building which has been damaged by fire or other causes to the extent of more than fifty percent (50%) of its replacement cost shall be repaired or razed within nine (9) months of the occurrence of damage. Such repair or razing shall be conducted in such a manner as to leave the site clean.
- 11.9.2 A building which has been damaged by fire or other causes to the extent of less than fifty percent (50%) must be reconstructed within a twelve (12) month period or razed by or at the cost the owner(s) within the time frames specified in 11.9.1.
- 11.9.3 In the enforcement of this section the Zoning Officer may utilize the services of a qualified appraiser where necessary.

SECTION 11.10 PERFORMANCE STANDARDS APPLICABLE TO ALL NON-RESIDENTIAL USES

The intent of this section is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this section which are intended to limit nuisance elements. The following performance standards shall apply to all existing, proposed new or expanded uses. The standards in this section shall not apply to agricultural uses and forestry enterprises unless explicitly referenced by a specific section.

11.10.1 YARDS AND BUFFERS

A 10-foot wide buffer area shall be maintained along all property lines and the edge of shoulder of any public road right-of-way. The buffer shall be increased to 20 feet in width on the side and rear lot lines that adjoin any existing residential use or an R-Residential District. A front yard buffer shall not be required in the I-Industrial District.

- (a) Required buffers shall be planted with grass or other suitable vegetative ground cover and shall provide a visual screen from adjacent uses.
- (b) In determining the type and extent of the buffer, the Township shall take into consideration the design of the

structure(s) and site, the setbacks, the topography which may provide natural buffering, natural vegetation that will be preserved, and the relationship of the proposed project to adjoining areas. 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 not incompatible.

- (c) The buffer area may include permitted freestanding signs, pervious storm water facilities, approved driveway/access way crossings, and lighting which does not project onto adjoining property or streets.
- (d) Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer.
- (e) 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. 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.

11.10.2 LANDSCAPING

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises, and the nature and condition of the terrain, as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- (a) All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- (b) Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
- (c) Plants shall be of a type which are proven successful in the Township's climate.
- (d) Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- (e) The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- (f) All unusable areas in and around parking areas shall be landscaped.
- (g) Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- (h) Plastic materials shall not be used as a substitute for plants, shrubs and trees.
- (i) All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- (j) Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- (k) All shrubs not used for ground cover shall be at least five (5) gallons in size.
- (l) Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- (m) All landscaping shall be maintained in good growing condition by the property owner.

11.10.3 OPERATIONS AND STORAGE

All production operations of the principal use shall be enclosed and carried out within a building unless screened from view from adjoining properties and adjoining public roads. The Township may, for conditional uses or special exceptions, require larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Outdoor storage of equipment, supplies, products or any other materials shall be stored only on the rear one-half of the premises and shall be screened from public road. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted except in the rear of the building, in well-maintained vehicles, trailer or containers meeting side and rear yard setbacks.

11.10.4 FIRE AND EXPLOSION HAZARDS

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review and recommendation by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

11.10.5 RADIOACTIVITY OR ELECTRIC DISTURBANCE

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

11.10.6 NOISE

Sustained noise levels shall not exceed 65 dba measured at the boundaries of the lot occupied by such use causing the same.

11.10.7 VIBRATION

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

11.10.8 LIGHTING AND GLARE

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- (a) Exemption - This 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 so as to be visible at the property line.
- (e) Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- (f) Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

(g) Type - The use of mercury vapor lighting shall be prohibited.

(h) Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

11.10.9 ACCESS TO PUBLIC ROADS; EMERGENCY VEHICLE ACCESS

Special consideration shall be given to access to and from public streets and traffic volumes generated by the proposed use. A projection of expected vehicular use of neighborhood streets, including estimates of traffic volumes, shall be submitted. No access drive for any industrial use shall be within 300 feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground, or fire station unless a street 50 feet or more wide lies between such access drive and such building or use. In all cases, access for emergency vehicles to the site and to all structures shall be maintained in accord with the International Building Code and other applicable standards.

11.10.10 ODORS; OTHER FORMS OF AIR POLLUTION

The discharge of smoke, fumes, gas, dust, odor, or any other atmospheric pollutant not in compliance with PA DEP requirements beyond the boundaries of the lot whereon such use is located shall not be permitted.

11.10.11 SURFACE AND GROUND WATER PROTECTION

The discharge of any effluent whatsoever into any watercourse, open ditch, or land surface shall be prohibited except as approved by the PA DEP. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. 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 developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

11.10.12 DISCHARGE TO SEWAGE SYSTEMS

Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system shall be prohibited except only in accordance with the rules of, and under the control of, public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Township Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.

11.10.13 STORM WATER MANAGEMENT AND SOIL EROSION CONTROL

A Storm water management plan and soil erosion control plan may be required by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the Township Subdivision Ordinance or other applicable Township regulations and County Conservation District standards and shall be based on generally accepted engineering principles appropriate for the proposed use.

11.10.14 WASTE MATERIALS

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial 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 in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground except as approved by the PA DEP.

11.10.15 HANDICAPPED ACCESS

Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.

11.10.16 SETTLING AND/OR STORAGE PONDS AND RESERVOIRS

All ponds, reservoirs or other such structures which are associated with any manufacturing or industrial process, any sewage or waste disposal process, or agricultural manure management operation shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet

high and of a design to restrict access to the area to be controlled. Any such structure which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high, topped by three (3) strands of barbed wire. (See §503.12 for accessory freshwater ponds.)

11.10.17 SECURITY

In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

11.10.18 OTHER REGULATIONS

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

SECTION 11.11 SOLAR ENERGY SYSTEMS AND SOLAR ACCESS.

To the maximum extent possible, all new development proposals totaling ten (10) or more acres may be designed so that the maximum number of buildings shall receive direct sunlight sufficient for using solar energy systems for space, water, or industrial process heating or cooling. Buildings and vegetation should be sited and maintained so that unobstructed direct sunlight reaches the southern exposure of the greatest number of buildings according to the following guidelines:

- A. Solar access should be protected between the solar azimuths of -45° (east of due south) to $+45^{\circ}$ (west of due south).
- B. In considering dimensional modifications permitted in Articles 6 and 7, the Planning Commission shall also consider solar access and design considerations.
- C. For purposes of solar access, streets, lots and building setbacks should be designed so that the buildings are oriented with their long axes running from east to west for single-family development and north to south for townhouse and multi-family development.
- D. In order to maximize solar access, the highest densities shall, to the maximum extent possible, be placed on the south-facing slopes with lower densities sited on north-facing slopes.
- E. Streets should be oriented on an east/west axis to the greatest possible extent.
- F. Buildings shall, to the greatest extent possible, be sited as close to the north lot line or lines as possible to increase yard space to the south for better owner control of shading.
- G. Tall buildings shall, to the greatest extent possible, be sited to the north of shorter ones and be buffered from adjacent development.
- H. Existing vegetation should be retained and incorporated into the design as practicable.
- I. A description of any mechanisms, such as deed restrictions, covenants, etc., that are to be applied shall be provided.

SECTION 11.12 WIND ENERGY CONVERSION SYSTEMS (WINDMILLS).

The intent of this section is to regulate the placement of and access to wind energy conversion systems for the purpose of protecting the health and safety of individuals on adjacent properties as well as the general public.

- A. SETBACK: The installation shall not be erected nearer to any lot line than the total height of the structure. Such height shall be defined as the tower height, plus one-half ($\frac{1}{2}$) the rotor diameter on a horizontal axis installation;

on vertical axis installations, the distance from the base of the tower to the top of the unit.

B. SAFETY:

1. The foundation and supports for the windmill shall either be designed by a licensed professional engineer and the drawings bear his seal and signature, or carry a manufacturer's seal or certification.
2. At least one sign shall be posted at the base of the tower warning of high voltage.
3. Tower climbing apparatus shall be no lower than 12 feet from the ground.
4. All installations shall be designed with braking systems.

C. NOISE: See Section 11.10.6.

D. DESIGN CONSIDERATIONS:

1. All electric lines serving the installation shall be installed underground.
2. All towers proposed to have guy wire supports shall have the guy wire foundation setback the minimum distance as specified for the tower in Section 11.16.

SECTION 11.13 HOME OCCUPATIONS AND HOME BASED BUSINESSES

11.13.1 HOME OCCUPATIONS

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- (a) The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- (b) The total area used by all home occupations on the premises does not exceed 35 percent of the gross floor area of the dwelling unit, including basement, and 600 square feet of an accessory.
- (c) No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
- (d) There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for the required parking area and permitted sign.
- (e) No external structural alterations which are not customary to a residential building shall be allowed.
- (f) The home occupation shall be conducted only by members of the family residing in the dwelling and not more than 2 persons other than residents of the dwelling shall be employed on the premises.
- (g) Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- (h) No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- (i) No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to 200 square feet.
- (j) The use shall not involve the parking of more than 1 truck of any type on the lot or on adjacent streets at any period of time. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of 2 times per day.

- (k) One two-sided, non-illuminated sign, identifying the home occupation(s), not to exceed a surface area of 4 square feet on each street frontage of the lot, shall be permitted in accord with the standards of Section 11.3.
- (l) Section 11.10 shall also apply to home occupations.
- (m) The following uses shall not be permitted as home occupations: adult businesses, commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, funeral parlors or other uses not meeting the requirements of this Section 11.13.
- (n) The following types of uses shall be permitted as accessory uses in all districts. All other applications for home occupations not specifically enumerated as permitted shall be considered conditional uses, except that the uses enumerated in Subsection (m) above shall be prohibited.
 - (1) Professional offices for individual practitioners
 - (2) Rooming and/or housing of not more than two (2) persons.
 - (3) Custom dressmaking or tailoring.
 - (4) Foster family care for not more than four (4) children simultaneously.
 - (5) Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 - (6) Tutoring for not more than four (4) children simultaneously.
 - (7) Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.
 - (8) Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 - (9) Single chair beauty shops and barbershops.

11.13.2 HOME BASED BUSINESSES

It is the intent of this subsection to regulate the operation of home businesses to permit a variety of commercial uses in the A/R District under certain conditions established to minimize effects on neighboring properties and the District as a whole. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home based business not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home based business or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- (a) The home based business must be conducted entirely inside a building.
- (b) No outdoor storage of materials, goods, products, supplies, or equipment used in the home based business shall be permitted unless adequate screening and buffers are provided in accord with Section 11.10 of this Ordinance.
- (c) The home based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five (5).
- (d) Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- (e) No home based business shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the District.
- (f) No goods or items for retail sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home based business with the total display and/or storage area limited to 200 square feet.
- (g) One two-sided, non-illuminated sign, identifying the home occupation(s), not to exceed a surface area of 4 square feet on each street frontage of the lot, shall be permitted in accord with the standards of Section 11.3.
- (h) Section 11.10 shall also apply to home based businesses.
- (i) Any use not meeting the requirements of this Section 11.13.2 and the following uses shall not be permitted as home based businesses:

Abused person shelters

Adult businesses

Airports	Junk yards
Amusement parks	Manufacturing and industry Motels
Amusement arcades	Natural resources processing
Banks	Natural resource uses
Betting uses	Race tracks
Bulk fuel storage facilities	Recyclable processing facilities
Bus terminals	Recycling collection facilities, large and small
Campgrounds and recreational vehicle parks	Restaurants, fast-food
Car and truck washes	Restaurants, traditional
Commercial communications device sites	Self-storage facilities
Convenience stores	Slaughter houses
Crematoriums	Solid waste facilities, public
Detention facilities	Solid waste facilities, commercial
Flea markets	Solid waste staging areas
Gasoline service station	Taverns
Heliports, commercial	Theaters
Hotels	Treatment centers
	Truck terminals

SECTION 11.14 TOWNHOUSE AND MULTI-FAMILY DEVELOPMENTS

All townhouse and multi-family development, as permitted in this Ordinance shall, in addition to the requirements set forth in such section and articles, conform to the following standards, which shall be regarded as minimum requirements:

- A. The density of townhouse and multi-family dwellings shall be based on the density standards for the Zoning District contained in Section 5.1 Density Control Schedule based on the type of water supply and sewage disposal provided.
- B. Townhouse developments shall meet the following standards:
 1. There shall be no more than eight (8) townhouse units in any contiguous group.
 2. Yard requirements:
 - a. Front Yard - Minimum 30 feet (from interior project road)
 - b. Rear Yard - Minimum 25 feet
 - c. Side Yard - Minimum 10 feet (at ends of buildings)
 3. All principal buildings shall be set back a minimum of 50 feet from any lot line.
 4. Maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.
 5. Maximum site coverage by all buildings and structures shall not be more than 30% of the lot area, such percentage to be calculated on the basis of the total project area.
 6. Accessory buildings and uses: see Section 11.4.2.
- C. Multi-family developments shall meet the following standards:
 1. Yard requirements:
 - a. No building shall be nearer than fifty (50) feet to the road line of any dedicated road peripheral to the site.
 - b. No building shall be nearer than thirty (30) feet from the road line of any interior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.
 - c. No dwelling unit building shall be nearer than fifty (50) feet from any lot line.
 - d. No accessory building, including unattached garages, shall be nearer than ten (10) feet to any lot line and shall be located in the rear or side yard only.
 2. The maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.
 3. Maximum site coverage by all buildings and structures shall be not more than 30% of the lot area, such

percentage to be calculated on the basis of total project area.

4. No building shall contain more than twelve (12) dwelling units.

C. Minimum unit size of multi-family dwelling units:

- Efficiency: 550 sq. ft.
- One bedroom: 700 sq. ft.
- Two bedrooms: 850 sq. ft.
- Three bedrooms: 1,000 sq. ft.
- An additional one hundred twenty (120) sq. ft. for each bedroom shall be added for larger apartment sizes.

SECTION 11.15 KENNEL STANDARDS

A kennel as defined in this Ordinance may be permitted as stated in Article 4. Such use shall conform to the following standards which shall be minimum requirements:

- A. MINIMUM LOT SIZE 5 acres.
- B. SETBACK: the actual kennel facility and all associated runs or fenced areas shall be setback a minimum of 100' from an existing abutting residential use.
- C. BUFFER: all kennel facilities and associated shall be adequately screened by solid fence, dense plantings or landscaping so as not to be visible from all roads and adjacent properties.
- D. KENNEL FACILITY: shall have sufficient indoor boarding areas and associated outdoor runs to accommodate the proposed number of animals to be boarded.

SECTION 11.16 ANTENNAS ACCESSORY TO APPROVED USES.

(See Section 11.26 for Commercial Communication Devices) No antenna accessory to an approved principal use of any kind may be erected or established in the Township except in conformance with the standards in this section.

11.16.1 SIZE:

- (a) For residential and business uses, antennas shall not exceed twelve (12) feet in diameter within fifty (50) feet of any lot lines.
- (b) For all other uses, antennas shall not exceed fifteen (15) feet in diameter within fifty (50) feet of any lot line.
- (c) For residential uses, the total height of ground-mounted antennas shall not exceed twenty (20) feet above the ground.
- (d) The set back distance to any lot line shall not be less than the height of the antenna.
- (e) All installations shall meet the requirements of any applicable building code.

11.16.2 LOCATION:

- (a) For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located at least five (5) feet from any principal building and lot line. If a usable signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to site plan approval. For purposes of this Ordinance a usable satellite signal is a signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.
- (b) In the event that a usable signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that site plan approval is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise is in compliance with the applicable building code and electrical code.

11.16.3 GENERAL PROVISIONS:

- (a) For all uses, television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
- (b) Not more than one antenna shall be allowed on any residential lot less than one acre in size.
- (c) All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.
- (d) Antennas shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- (e) Every antenna must be adequately grounded for protection against a direct strike by lightning.
- (f) All antennas shall show evidence of appropriate FCC and FAS approvals were applicable.
- (g) All efforts shall be made to ensure that antennas do not create visual impacts.

SECTION 11.17 GASOLINE FILLING STATIONS, SERVICE AND REPAIR GARAGES, AUTOMOBILE SALES

Where permitted, a gasoline filling station, service and repair garage and automobile sales areas shall conform to the following standards which shall be regarded as minimum requirements:

- A. Minimum lot size shall be:
 - 1. 30,000 sq. ft. for a gasoline filling station, service and repair garage
 - 2. 45,000 sq. ft. for a combination gas station, mini-mart convenience food store.
 - 3. Additional lot area and setbacks shall be required as deemed to be adequate by the Planning Commission to accommodate tractor trailer servicing.
- B. Lot frontage and width shall be at least 150 feet.
- C. No gasoline service station or public garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
- D. Fuel pumps and other service devices shall be located at least 35 feet from any front lot line and 50 feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.
- E. All automobile parts, including tires and dismantled vehicles are to be stored within a building. Old tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a 6 foot high fence, wall or natural screen.
- F. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- G. All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed 30 days and must be stored in the rear of the premises, out of sight as much as is possible.
- H. PARKING:
 - 1. No vehicle shall be parked, stored or left standing within 35 feet of the street line.
 - 2. Parking requirements shall be in conformance with Section 11.1. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Commission to accommodate tractor trailer parking areas.
 - 3. Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Planning Commission, will be adequate to prevent the transmission of headlight glare

across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer may direct the property owner to replace said shrubs.

4. All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained and, if lighted, shall produce no glare on adjacent properties.
5. A maximum of two driveways and curb cuts shall be permitted. These shall be no less than 20 and no wider than 30 feet, and located a minimum of 30 feet from any street intersection and a minimum distance of 40 feet shall be maintained between such driveways and curb cuts.

SECTION 11.18 DESIGN STANDARDS FOR MOBILE HOMES AS SECOND PRINCIPAL RESIDENTIAL USES

A mobile home may be allowed as a second principal residential use on a lot in single ownership subject to site plan approval and the following standards:

- A. A mobile home, if proposed on a separate lot, shall meet the setback and yard requirements of residential use.
- B. If a mobile home is to be permitted on a lot containing a principal residential use, all residential setback requirements must be met by such mobile home, except that in no event shall it be situated closer than 20 feet from the principal residential building.
- C. The applicant shall justify the adequacy of the proposed water and sewer arrangement for the mobile home to the Planning Commission.
 1. The Planning Commission may determine upon showing of adequate data such as flow tests and quality reports that a single water supply source is adequate.
 2. In all instances, separate distinct sewage disposal systems shall be required.
 3. The granting of a Conditional Permit shall be for a period of two (2) years, and may be renewed. Such approval shall be granted only upon evidence that the mobile home meets all provisions of the building code. Such approval may be renewed for additional two year increments at the approval of the Planning Commission.

SECTION 11.19 Reserved

SECTION 11.20 USES LOCATED IN THE FLOOD WAY OR FLOODPLAIN

All uses located in the designated flood way and/or floodplain areas in the TOWNSHIP OF WYALUSING shall comply with the requirements of the WYALUSING TOWNSHIP FLOOD DAMAGE REDUCTION ORDINANCE.

SECTION 11.21 Reserved

SECTION 11.22 DRIVE-THROUGH USE STANDARDS.

Where permitted either as accessory to other permitted uses or as principal use, these facilities as defined in this Ordinance shall conform to the following standards which shall be regarded as minimum requirements.

- A. All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.
- B. Lanes shall not cross any principal pedestrian access to the building or site.
- C. Stacking or Queuing Up Guidelines:
 1. Fast Food Restaurants: A minimum of 140 feet between start of lane to service window.
 - a. Minimum 80 feet from start of lane to order
 - b. Minimum 60 feet from order station to service window.
 2. Banks and other businesses not using order station:
 - a. Minimum of 100 feet from start of lane to service window.
 3. Multiple drive-through lanes: The Township may allow reductions for businesses with multiple drive-through

lanes based on review of proposed traffic circulation and usage.

4. All uses shall maintain a minimum distance of 20 feet from the service window to the public right-of-way or interior parking aisles.

SECTION 11.23 OUTDOOR PUBLIC ADDRESS SYSTEMS.

All public address systems that can be heard on the outside of structures shall be so designed as to meet the following minimum standards:

- A. Such systems shall be designed such that the speakers direct sound into the site.
- B. Noise levels emanating from such systems shall not exceed 65 dba at any property boundary adjoining a residential use.

SECTION 11.24 RECREATIONAL VEHICLE PARKS OR CAMP GROUNDS

Recreational vehicle parks or campgrounds shall meet the following design standards:

- A. The spaces or campsites shall be not less than thirty (30) feet wide or less than 2,400 square feet in area for each vehicle exclusive of streets and other public areas. The density of the park shall not exceed eight (8) spaces/campsites per acre.
- B. Campgrounds must meet all Department of Environmental Protection specifications in regard to toilet facilities, sewage dumping facilities, water facilities and other requirements not covered in this Ordinance.
- C. If a campground is to be laid out for non-transient placement of RV's or campers, the park shall meet the density and all other requirements for Mobile Home Parks as set forth in the Wyalusing Township Subdivision and Land Development Ordinance.
- D. Minimum setback lines shall be as follows:
 1. From the right-of-way line of a dedicated public street shall be as designated in Section 5.1, Density Control Schedule, for the district in which the site is located.
 2. On private streets shall be not less than ten (10') feet from the right-of-way of the private street.
 3. Side and rear building lines shall be not less than ten (10) feet from the lot line on each side and from the rear lot line of each recreational vehicle or campground lot and not less than fifty (50) feet from the recreational vehicle park or campground property line on the sides and rear not adjacent to a dedicated public street right-of-way.
- E. RECREATION AREAS STANDARDS
 1. In all parks, there shall be one or more recreation areas which shall be easily accessible to all park residents.
 2. The size of such recreation area shall be based upon a minimum of two hundred (200) square feet per each approved lot or site. No outdoor recreation area shall contain less than three thousand (3000) square feet.
 3. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

SECTION 11.25 ADULT BUSINESSES

11.25.1 FINDINGS

In adopting these standards which apply to adult businesses, the Township Board of Supervisors 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 Board of Supervisors, 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 of Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- (b) Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- (c) Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- (d) Offering and providing such space, encourages such activities, which create unhealthy conditions.
- (e) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- (g) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (h) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- (i) Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (j) There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- (k) It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- (l) The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

11.25.2 INTENT

It is the intent of this Section 11.25 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.

11.25.3 CONDITIONAL USE IN THE I DISTRICT

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

11.25.4 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) Setback - Adult businesses shall not be located less than:
 - (1) One hundred and fifty (150) feet from any public road right-of-way.
 - (2) One hundred and fifty (150) feet from any property line.
 - (3) Four hundred (400) feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
 - (4) One thousand (1,000) feet from any:
 - a. church or synagogue
 - b. 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 11.25 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 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 the requirements of this Ordinance.
- (e) Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- (f) Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this Section 11.25 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 nonconforming 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) Alcohol - No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
- (i) Visibility and Signs: - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Section 11.3 of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- (j) Exemption for Modeling Class: This Section 11.25 shall not apply to a person appearing in a state of nudity in a modeling class operated:
 - (1) By a proprietary school, licensed by the State, or an academically accredited college or university;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 - (3) In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
 - (4) By an organization which qualifies under Section 501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

SECTION 11.26 COMMERCIAL COMMUNICATION DEVICES

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 11.26 and Article 4.

11.26.1 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.

11.26.2 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 fifteen (15) 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 fifteen-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 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 Fifteen Feet on Existing Structures – A/R, HC, and I Only - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in A/R, HC, and I Districts and shall require conditional use approval in accord with this Section 11.26.
- (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 telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:
 - (1) The telecommunications 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 or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

11.26.3 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 planned 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) Co-location; 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 an eight-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. 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 is at the minimum height required to function

satisfactorily and allow for collocation. 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.

- (d) Parcel Size; 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 fifteen (15) feet, the minimum parcel size and setbacks in this Subsection D shall apply.
- (1) Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. 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 CCD is unmanned and the land on which the CCD and support structure 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 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. 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 co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for not less than six (6) other providers should there be a future additional need for such facilities.
- (i) Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- (j) Access; Required Parking - Access to the CCD and support structure 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 CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- (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/Removal - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall immediately notify the Township in writing and shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also require a financial guarantee from the applicant 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) 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 Township 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 fifteen (15) feet.

SECTION 11.27 DETENTION FACILITIES

In addition to all other applicable standards, detention facilities shall be in strict conformity with the following specific requirements and regulations and shall be permitted only in those districts as specified in Article 4.

11.27.1 PARCEL SIZE

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of twenty-five (25) acres.

11.27.2 SITE DESIGN STANDARDS

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

- (a) The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - (1) residence
 - (2) group care facility
 - (3) commercial enterprises catering primarily to persons under eighteen (18) years of age
 - (4) public or semi-public building or use
 - (5) public park or public recreation facility
 - (6) health facility
 - (7) church or synagogue
 - (8) public or private school
- (b) A perimeter security fence of such height and design deemed adequate by the Township may be required by the Township.

11.27.3 SECURITY

All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific

services to be offered, types of residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

11.27.4 ACCESSORY USES AND ANCILLARY ACTIVITIES

Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.

SECTION 11.28 JUNK YARDS

Junk yards shall be permitted only in those districts as specified in Article 4 and, in addition to other applicable regulations, shall comply with the following requirements:

11.28.1 ANNUAL LICENSE

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junk yard; and no person shall establish, maintain or operate, or continue to maintain or operate any premises in such manner which constitutes a junk yard under the terms of this Ordinance; except as authorized by this ordinance and without a license issued by the Township. All licenses shall be valid for a period of one (1) year beginning January 1st and expiring January 1st of the following year. All licenses must be renewed annually on or before January 1st of each year.

- (a) Application - Any person intending to operate or currently operating a junk yard in the Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.
- (1) Name of applicant
 - (2) Address and telephone of applicant
 - (3) The location of the junk yard
 - (4) Property owner if different than applicant
 - (5) Any criminal record of the applicant, owner or associates involved in the business
 - (6) Signature of the applicant and owner
- (b) Plan - The application shall include a plan of the proposed junk yard showing, at a minimum, the following information:
- (1) All information required for land developments by the Township Subdivision and Land Development Ordinance.
 - (2) The location of principal structures on all properties within one thousand (1,000) feet of the junk yard premises.
- (c) Annual Fee - The operator of every junk yard shall pay an annual license fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.
- (d) Annual Bond - The operator of every junk yard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal undertaken by the Township in response to violation of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of any junk and the remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.
- (1) Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junk yard, but in no case shall the amount be less than twenty thousand dollars (\$20,000).
 - (2) Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
 - (3) Annual Renewal - The bond shall be renewed and refilled annually along with the annual license renewal.
 - (4) Term - The bond shall be executed in favor of the Township and shall be for the use of the Township.

The term of the bond shall be for two (2) years.

(5) It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Board of Supervisors shall have the authority to use such bond to effect the required compliance and/or the removal of junk.

(e) Determination of Issuance - Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junk yard; the character of adjacent properties and the likely effect of the junk yard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junk yard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junk yard premises. Any license shall be for the operation of the junk yard only upon the premises for which the license is issued and no license shall be transferable by any means.

(f) Records - Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:

- (1) Date and approximate time of purchase, acquisition or receipt of junk
- (2) Full and complete description including trade names and serial numbers, if any
- (3) Name and address of person from whom junk was obtained

Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township.

(g) Revocation - Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

11.28.2 PROPERTY OWNER RESPONSIBILITY

It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this Ordinance; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.

11.28.3 MINIMUM PARCEL SIZE AND OPERATING STANDARDS

The minimum parcel size for new junk yards shall be twenty (20) acres. All existing and proposed junk yards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

(a) Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

(b) Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. Said fence shall be completed prior to the issuance of a license for a new junk yard. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

(c) Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.

(d) Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than two hundred and fifty (250) feet from any public road and any property line, and three

hundred (300) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this Section D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this Section d.

- (e) Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- (f) Burning - No burning whatsoever shall be permitted on the premises.
- (g) Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well, nor in any identified floodplain area.
- (h) Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- (i) Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) 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 junk yard 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 junk yard 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 certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to Township. 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.
- (j) 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.
- (k) Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday. During business hours, an adult attendant shall, at all times, remain on the premises.
- (l) Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- (m) Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- (n) Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- (o) Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

SECTION 11.29 reserved

SECTION 11.30 SELF-STORAGE FACILITIES

Self-storage facilities shall be permitted only in those districts as specified in Article 4 and shall comply with the

following standards in addition to all other applicable standards of this Ordinance.

11.30.1 BULK REQUIREMENTS

Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to district standards. Minimum distance between buildings shall be twenty (20) feet.

11.30.2 SETBACK AREAS

There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).

11.30.3 HABITATION

No storage unit 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.

11.30.4 STORAGE LIMITATIONS

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

11.30.5 LIGHTING

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

11.30.6 FIRE - WATER DAMAGE

All storage units shall be fire-resistant and water-resistant.

11.30.7 MATERIALS STORED

All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this Section 11.30 are or will be satisfied.

SECTION 11.31 SHOOTING RANGES AND ARCHERY RANGES -- OUTDOOR

This Section 11.31 is intended to provide minimum standards to regulate outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such ranges shall be permitted only in those districts as specified in Article 4.

11.31.1 SETBACKS

- (a) All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this Section 11.31. This shall not apply to structures on the same parcel as the shooting range.
- (b) All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this Section 11.31. This shall not apply to structures on the same parcel as the shooting range.

11.31.2 SAFETY DESIGN

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this Section 11.31. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

11.31.3 NOISE REDUCTION

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Section 601 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

11.31.4 HOURS OF OPERATION

No firearm shall be discharged outdoors between the hours of 8:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

11.31.5 FENCE

Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.

11.31.6 POSTING

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

11.31.7 NRA, STATE AND FEDERAL REGULATIONS

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

SECTION 11.32 SHOPPING CENTERS AND MULTIPLE OCCUPANT COMMERCIAL ESTABLISHMENTS

It is the intent of this Section 545 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as *multiple occupant commercial establishments*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

11.32.1 CONDITIONAL USE AND LAND DEVELOPMENT

Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this Section 11.32. Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.

- (a) Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- (b) A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shopping center;
- (c) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- (d) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- (e) Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- (f) Location and dimensions of pedestrian entrances, exits, walks;
- (g) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas;
- (h) Preliminary architectural drawings for all buildings;

- (i) Location, size, height, and orientation of all signs other than signs flat on building facades;

11.32.2 OWNERSHIP

The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

SECTION 11.33 SOLID WASTE

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in Article 4, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this Section 11.33.

11.33.1 TRAFFIC STUDY

The applicant shall provide evidence by a professional person or firm competent to perform traffic analysis showing that the traffic generated by the site will not cause a reduction in the level of service on the roads used by said facility. The applicant shall provide copies of the completed traffic analysis to the Township Engineer for review and approval. The Township Engineer shall transmit the review in writing to Board of Supervisors, the applicant and other known parties of interest prior to the hearing. If the facility will cause a reduction in the level-of-service approval shall not be granted.

- (a) The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- (b) The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

11.33.2 SETBACKS

No part of any facility created after the effective date of this Ordinance shall be located closer than five hundred (500) feet to an existing public right-of-way, property line or stream. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than fifty (50) feet in width shall be provided in all yards in accord with Section 601 of this Ordinance. Additional buffers and setbacks may be required in accord with this Ordinance.

11.33.3 FENCING

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed prior to the issuance of a certificate -of-use for a new facility. 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.

11.33.4 ENVIRONMENTAL IMPACT STATEMENT

As part of the conditional use process, the Township may require the applicant to prepare and submit an Environmental Impact Statement pursuant to Section 603 of this Ordinance.

11.33.5 STORAGE AND LOADING/UNLOADING

Storage of solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste shall be stored an enclosed building or in a fully enclosed waste container or dumpster. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.

11.33.6 EFFLUENT TREATMENT

The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.

11.33.7 DANGEROUS MATERIALS

No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

11.33.8 WATER QUALITY

The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage or disposal of solid waste if water drainage from the facility 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 solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. All wells located on the premises shall also be sampled every three months. In addition, the Township may require testing of a representative sample of all wells within one (1) mile of the facility as determined by the Township as part of the conditional use process. All stream and well samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.

11.33.9 EMERGENCY ACCESS

The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

11.33.10 HOURS OF OPERATION

Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Eve, New Year's Day, 4th of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.

11.33.11 NUISANCES

Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Board of Supervisors that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.

11.33.12 ATTENDANT AND INSPECTIONS

An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a Conditional Use Permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.

11.33.13 STATE AND FEDERAL REGULATIONS AND REPORTING

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this Section 11.33 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

SECTION 11.34 RACE TRACKS

Race tracks shall be permitted only in those Districts specified in Article III, and in addition to all other applicable standards, shall comply with the standards in this Section 11.34. All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any R, NC or HC District. The Township shall require such noise deadening devices and practices deemed necessary to prevent the noise from becoming objectionable to surrounding areas.

SECTION 11.35 TREATMENT CENTERS/CLINICS, AND MEDICAL OFFICES AND HEALTH FACILITIES

In addition to all other applicable standards, treatment centers/clinics, and medical offices and health facilities including, but not limited to, hospital facilities, and nursing and adult homes, whether publicly or privately operated, shall comply with the following requirements and shall be permitted only in those districts as specified in Article 4.

11.35.1 WASTE DISPOSAL

Details shall be provided by the applicant about the types and amount of medical and hazardous waste generated anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.

11.35.2 SECURITY

In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

11.35.3 TREATMENT CENTERS/CLINICS

The following additional standards shall apply to treatment centers/clinics.

- (a) In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of five (5) acres.
- (b) The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - (1) residence
 - (2) group care facility
 - (3) commercial enterprises catering primarily to persons under eighteen (18) years of age
 - (4) public or semi-public building or use
 - (5) public park or public recreation facility
 - (6) health facility
 - (7) church or synagogue
 - (8) public or private school
- (c) A perimeter security fence of such height and design deemed adequate by the Township may be required by the Township.
- (d) Methadone treatment facilities, as defined by §621(d) of the Pennsylvania Municipalities Planning Code, shall, in addition to the other requirements of this §853, comply with the requirements of §621 of the Pennsylvania Municipalities Planning Code.

SECTION 11.36 SPECIAL CONSERVATION STANDARDS

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized as steep slopes, wetlands or flood plains. The procedures and standards are as follows:

11.36.1 STEEP SLOPE AREAS

Steep slopes shall be defined as slopes in excess of fifteen percent (15%) grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or U.S.D.A. Soil Conservation Service maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed. Any use or development of in excess of twenty-five percent (25%) grade shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met: (See also Section 406 of the Township subdivision and land development ordinance.)

- (a) An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.

- (b) A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- (c) Impervious surfaces are kept to a minimum.
- (d) No finished grade where fill is used shall exceed a fifty (50) percent slope.
- (e) Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- (f) All disturbed areas shall be stabilized and best management practices shall be used to control soil erosion and sedimentation.
- (g) At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- (h) Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- (i) Roads and utilities shall be installed along existing contours to the greatest extent possible.
- (j) Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- (k) Natural vegetation shall be preserved to as great a degree as possible.
- (l) In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

11.36.2 WETLANDS

If the Township determines that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Resources, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, to be delineated on any application proposing a new use or expanded use of land. The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

11.36.3 BUFFER FOR WATER BODIES

For the purposes of protecting water quality and ensuring recreational access to water bodies, a buffer zone/building setback of not less than fifty (50) feet shall be maintained from any body of water one (1) acre or more in size or any stream. No buildings, structures (except uncovered docks), sewage disposal systems or other impervious surfaces (except approved street and driveway crossings) shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement.

11.36.3 FLOOD PLAINS

Flood plains shall be governed by the Township Floodplain Regulations.

SECTION 11.37 - 11.38 Reserved

SECTION 11.39 GROUP HOMES

Group homes shall be permitted in any lawful dwelling unit in accord with this Section 11.39 and other applicable standards of this Zoning Ordinance.

11.39.1 DEFINITION

See definition in Article 2.

11.39.2 SUPERVISION

There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

11.39.3 CERTIFICATION

The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

11.39.4 REGISTRATION

The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.

11.39.5 COUNSELING

Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three (3) nonresidents per day.

11.39.6 PARKING

One off-street parking space shall be provided for each employee on duty at any one time, and one additional (1) space shall be provided per two (2) residents reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 11.2 of this Zoning Ordinance.

11.39.7 APPEARANCE

If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

11.39.8 BULK AND DENSITY

The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.

11.39.9 NUMBER OF RESIDENTS

The following maximum number of persons shall inhabit a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time:

- (a) Single Family Detached Dwelling with minimum lot area of one (1) acre and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: eight (8) total persons.
- (b) Any other lawful dwelling unit: six (6) total persons.

SECTION 11.40 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments are considered conditional uses in certain districts as set forth in Article III and shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

- (a) Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
- (b) Not more than five (5) rentable rooms are provided in the establishment.
- (c) The owner or manager of the bed and breakfast must reside on the premises.
- (d) Sewage disposal meeting the requirements of the Township and PA DEP is provided.
- (e) Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

SECTION 11.41 HOTELS, MOTELS, AND LODGING FACILITIES

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 while at the same time recognizing the limitation of the proposed site. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

11.41.1 DENSITY

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §11.41 and this Ordinance, and other applicable Township regulations.

11.41.2 DESIGN CRITERIA

- (a) Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- (b) All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the District where the subject property is located.

SECTION 11.42 CONCENTRATED ANIMAL FEEDING OPERATIONS

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act.

11.42.1 USE CLASSIFICATION

Concentrated animal feeding operations shall be considered conditional uses.

11.42.2 DEFINITION AND CALCULATIONS

- (a) Concentrated animal feeding operation (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds, on an annualized basis, two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. Acres suitable for application of manure include owned or rented crop land, hay land or pasture land that (1) is an integral part of the operation and (2) is or will be used for the application of manure from the operation. Farmstead (a minimum deduction of 2 acres is required) and forest land do not qualify.
- (b) Animal equivalent unit (AEU) - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. To determine the number of AEU's associated with an operation the following formula shall be used:

$$\# \text{ of AEU's} = \frac{(\text{number of animals}^*) (\text{animal weight in pounds}) (\text{number of production days per year})}{(365 \text{ days per year}) (1,000 \text{ pounds})}$$

*NOTE: average number on a typical production day

11.42.3 STANDARDS

The following standards shall be applied to all CAFO's and no conditional use approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance.

- (a) The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be 25 acres for a CAFO involving poultry and 100 for any other CAFO.
- (b) CAFO buildings used for housing of animals shall not be less than 250 feet from any property line and not less than 500 feet from any existing dwelling not located on the land with the CAFO.
- (c) A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- (d) A stormwater management plan shall be prepared meeting the requirements of the Township subdivision and land development ordinance.
- (e) A conservation plan shall be prepared meeting the requirements of the Bradford County Conservation District.
- (f) A buffer plan shall be prepared in accord with Section 11.10.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.

- (g) Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared.
- (h) The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.
- (i) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.
- (j) The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- (k) The applicant shall dispose of solid and liquid waste daily in the manner that will avoid creating insect or rodent problems and minimize odor.
- (l) The applicant shall document that the use of pesticides will meet state and federal requirements.
- (m) No CAFO buildings shall be erected in the one hundred-year flood plain.