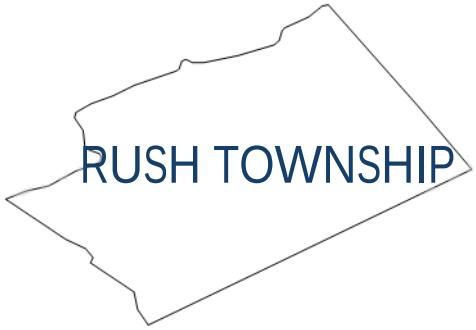
EASTERN SCHUYLKILL REGIONAL PLANNING

MUNICIPALITIES

OF









ZONING ORDINANCE

(2019 Edition) Through Amendment of October 6, 2026

Effective October 6, 2026

2022 AMENDMENTS ARE IN RED

2026 AMENDMENTS ARE IN GREEN

ACKNOWLEDGEMENTS

The preparation of this ordinance was made possible by the dedication and efforts of the volunteer members of the Eastern Schuylkill Planning Commission appointed by the member municipalities.

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TABLE OF CONTENTS

Page

CHAPTER I. TITLE, PURPOSE, INTERPRETATION AND APPLICATION....1

Section 100. Title....1
Section 101. Purpose....1
Section 102. Interpretation....1
Section 103. Application....1

CHAPTER II. DEFINITIONS....2

Section 200. General....2
Section 201. Definitions....2

CHAPTER III. ZONING DISTRICTS....47

Section 300. Types of Zoning Districts....47
Section 301. Official Zoning Map....47
Section 303. Application of District Regulations....48

CHAPTERS IV, V, VI, VII, VIII, IX....50

ZONING DISTRICT REGULATIONS....50

Section 400. W-P (Woodland Preservation) Zoning District....50
Section 401. Specific Intent....50
Section 402. Uses Permitted by Right....50
Section 403. Uses Permitted by Special Exception....50
Section 404. Conditional Use. (Reserved)....51
Section 405. Area, Yard and Height Regulations....51
Section 406. General Regulations. (Reserved)....51
Section 407. through 449. (Reserved)....51
Section 450. EAP (Enhanced Agricultural Preservation) Zoning District....52
Section 451. Specific Intent....52
Section 452. Uses Permitted by Right....52
Section 453. Uses Permitted by Special Exception....53
Section 454. Conditional Use. (Reserved)....53
Section 455. Area, Yard, and Height Regulations for the EAP District....53
Section 456. Family Farm Support Business....54
Section 457. Subdivision and Land Development Permitted Within the EAP Zoning District....56
Section 458. Farm-Related Business....59
Section 459. General Regulations. (Reserved)....60
Section 460. through 499. (Reserved)....60
Section 500. A-P (Agricultural Preservation) Zoning District....61

Page

Section 501. Specific Intent. 61
Section 502. Uses Permitted by Right. 61
Section 503. Uses Permitted by Special Exception. 61
Section 504. Conditional Uses. (Reserved) 62
Section 505. Area, Yard, and Height Regulations for the A-P Zoning District. 62
Section 506. Family Farm Support Business. 63
Section 507. Subdivision and Land Development Permitted Within the A-P Zoning District. 64
Section 508. Farm-Related Business 67
Section 509. General Regulations. (Reserved) 69
Sections 510. through 549. (Reserved) 69
Section 550. R-1 Rural Agricultural (Low Density) Zoning District 70
Section 551. Specific Intent. 70
Section 552. Uses Permitted by Right. 70
Section 553. Uses Permitted by Special Exception. 70
Section 554. Conditional Uses. (Reserved) 70
Section 555. Area, Yard, and Height Regulations for the R-1 District. 71
Section 556. General Regulations. (Reserved) 71
Section 557. through 599. (Reserved) 71
Section 600. R-2 (Low Density Suburban Residential) Zoning District 72
Section 601. Specific Intent. 72
Section 602. Uses Permitted by Right. 72
Section 603. Uses Permitted by Special Exception. 72
Section 604. Conditional Uses. (Reserved) 72
Section 605. Area, Yard, and Height Regulations for the R-2 District. 73
Section 606. General Regulations. (Reserved) 73
Section 607. through 649. (Reserved) 73
Section 650. R-3 (Medium Density Suburban Residential) Zoning District 74
Section 651. Specific Intent. 74
Section 652. Uses Permitted by Right. 74
Section 653. Uses Permitted by Special Exception. 74
Section 654. Conditional Use. (Reserved) 75
Section 655. Area, Yard and Height Regulations for the R-3 Zoning District 75
Section 656. General Regulations. (Reserved) 75
Section 657. through 699. (Reserved) 75
Section 700. R-4 (Medium to High Density Suburban Residential/Commercial) Zoning District 76
Section 701. Specific Intent. 76
Section 702. Uses Permitted by Right. 76
Section 703. Uses Permitted by Special Exception. 77

Page

Section 704. Conditional Uses. (Reserved) 78
Section 705. Area, Yard and Height Requirements for the R-4 District. 78
Section 706. General Regulations. (Reserved) 79
Section 707. through 749. (Reserved) 79
Section 750. R-5 (High Density Urban Residential/Commercial) Zoning District 80
Section 751. Specific Intent. 80
Section 752. Uses Permitted by Right. 80
Section 753. Uses Permitted by Special Exception. 81
Section 754. Conditional Uses. (Reserved) 82
Section 755. Area, Yard and Height Requirements for the R-5 District. 82
Section 756. General Regulations. (Reserved) 84
Section 757. through 799. (Reserved) 84
Section 800. G-C (General Commercial) Zoning District 85
Section 801. Specific Intent. 85
Section 802. Uses Permitted by Right. 85
Section 803. Uses Permitted by Special Exception. 86
Section 804. Conditional Uses. (Reserved) 87
Section 805. Area, Yard and Height Regulations for the G-C Zoning District 87
Section 806. General Regulations. (Reserved) 87
Section 807. through 849. (Reserved) 87
Section 850. H-C (Highway Commercial) Zoning District 88
Section 851. Specific Intent. 88
Section 852. Uses Permitted by Right. 88
Section 853. Special Exception Uses. 89
Section 854. Conditional Use. (Reserved) 90
Section 855. Area, Yard and Height Regulations for the H-C Zoning District. 90
Section 856. General Regulations. (Reserved) 91
Section 857. through 899. (Reserved) 91
Section 900. L-I (Light Industrial) Zoning District 92
Section 901. Specific Intent. 92
Section 902. Uses Permitted by Right. 92
Section 903. Special Exception Uses. 93
Section 904. Conditional Use (Reserved) 93
Section 905. Area, Yard and Height Regulations for the L-I Zoning District. 93
Section 906. General Regulations. (Reserved) 93
Section 907. through 949. (Reserved) 93
Section 950. GI-1 – General Industrial – 1 Zoning District 94
Section 951. Specific Intent. 94

Page

Section 952. Uses Permitted by Right. 94
Section 953. Accessory Uses 95
Section 954. Special Exception Uses. 95
Section 955. Conditional Use. 96
Section 956. Area, Yard, and Height Regulations for the GI-1 Zoning District. 96
Section 957. General Regulations. (Reserved) 96
Section 958. through 999. (Reserved) 96
Section 1000. GI-2 – General Industrial – 2 Zoning District 97
Section 1001. Specific Intent. 97
Section 1002. Uses Permitted by Right 97
Section 1003. Accessory Uses. 98
Section 1004. Special Exception Uses. 98
Section 1005. Conditional Use. 99
Section 1006. Area, Yard, and Height Regulations for the GI-2 Zoning District. 100
Section 1007. Area, Yard, and Height Regulations for the GI-2 Zoning District. 100
Section 1008. General Regulations. (Reserved) 101
Section 1009. through 1499. (Reserved) 101

CHAPTER XV. GENERAL REGULATIONS 106

Section 1500. Prohibited Uses 106
Section 1501. Access to Structures 106
Section 1502. Establishment of More Than One (1) Principal Use and/or the Erection of More Than One (1) Principal Structure on a Lot. 106
Section 1503. Storage of Explosives. 106
Section 1504. Accessory Building Setback Exceptions. 106
Section 1505. Landscaping. 107
Section 1506. Lighting. 107
Section 1507. Signs. 107
Section 1508. Loading Areas. 116
Section 1509. Off-Street Parking Requirements, Access Drives, Drive-Through Facilities. 116
Section 1510. Front Yard Exceptions. 121
Section 1511. Fences. 121
Section 1512. Corner Lot Restrictions. 121
Section 1513. Slope Controls. 122
Section 1514. Conduct of Agricultural Activities in the ESRP Region. 122
Section 1515. through 1525. (Reserved) 122
Section 1526. Accessory Buildings, Structures and Uses – Residential. 122
Section 1527. Projections Into Yards – Residential Uses. 126
Section 1528. through 1550. (Reserved) 126

Page

Section 1551. Commercial, Retail and Industrial Accessory Buildings, Structures and Uses. 126
Section 1552. Highway Frontage Development in Commercial and Industrial Districts. 129
Section 1553. Environmental Performance Standards for Industrial Districts. 130
Section 1554. through 1599. (Reserved) 131
CHAPTER XVI. SPECIFIC USE REGULATIONS 132
Section 1600. (Reserved) 132
Section 1601. Home Occupations; No-Impact Home-Based Business. 132
Section 1602. Townhouses; Duplexes; Single Family Attached Dwellings. 133
Section 1603. Apartment Buildings. 135
Section 1604. Planned Residential Development 136
Section 1605. Mobile Home Park Regulations 140
Section 1606. Retirement Community and Life Care Retirement Facility. 142
Section 1607. Adaptive Reuse; Residential Conversions; Boarding Houses; Commercial Conversion 145
Section 1608. Cluster Development. 147
Section 1609. Transfer of Development Rights (TDR). 150
Section 1610. through 1614. (Reserved) 155
Section 1615. Intensive Agricultural Standards. 155
Section 1616. General Agriculture Standards for the EAP Zoning District; and General Agriculture Standards for the A-P and R-1 Zoning Districts. 158
Section 1617. Standard Animal Weights to Calculate Animal Units. 162
Section 1618. Vacation Farms. 164
Section 1619. Farm Labor Housing. 166
Section 1620. through 1624. (Reserved) 166
Section 1625. Group Home. 166
Section 1626. Adult Day-Care Facilities. 167
Section 1627. Child Day-Care Facilities. 168
Section 1628. Hospitals and Healthcare Facilities; Healthcare Services. 169
Section 1629. Treatment Center; Methadone Treatment Center. 171
Section 1630. Places of Worship, Cemeteries. 172
Section 1631. Schools 174
Section 1632. through 1639. (Reserved) 175
Section 1640. Office/Commercial Center. 175
Section 1641. Shopping Centers. 177
Section 1642. Supermarket; Grocery Store; Specialty Grocery Store; Convenience Store. 179
Section 1643. Outdoor Flea and Antique Markets; Outdoor Farmer and Produce Markets. 181
Section 1644. Car and Vehicle Washing Facility. 182
Section 1645. Automobile Service Station. 182

Page

Section 1646. Vehicular and Mobile Home Sales, Rentals and Display; Heavy Equipment Sales, Service and/or Repair Facilities. ... 184
Section 1647. Auction Houses; Automobile and Vehicle Auctions. ... 186
Section 1648. Hotel; Motel; Bed and Breakfast. ... 187
Section 1649. Restaurants. ... 190
Section 1650. Regulations for Taverns; Nightclubs; Bottle Clubs; After Hours Clubs. ... 191
Section 1651. through 1658. (Reserved) ... 194
Section 1659. Recreation Uses. ... 194
Section 1660. Hunting Lodges and Clubs, Gun Clubs and Archery Clubs; Game Preserves; Wildlife Sanctuary ... 194
Section 1661. Campground and Recreational Vehicle (RV) Parks. ... 196
Section 1662. Riding Academy; Riding Stables and Horse Boarding Facilities ... 205
Section 1663. Motor Sports Facility. ... 206
Section 1664. Game Room/Video Arcade ... 207
Section 1665. Golf Course ... 207
Section 1667. through 1674. (Reserved) ... 209
Section 1675. Kennels; Animal Hospitals/Veterinary Clinic; Animal Shelter. ... 210
Section 1676. Airports; Heliports. ... 212
Section 1677. Self-Storage Facility. ... 213
Section 1678. Telecommunications Facilities ... 214
Section 1679. Off-Track Betting Parlor ... 220
Section 1680. Adult Business and Adult Establishment. ... 220
Section 1681. Private Surface Parking Facilities; Parking Garages. ... 223
Section 1682. through 1684. (Reserved) ... 223
Section 1685. Water Extraction; Forestry. ... 223
Section 1686. Solid Waste Disposal Facilities. ... 227
Section 1687. Mineral Extraction ... 233
Section 1688. Planned Industrial Park. ... 236
Section 1689. Truck Terminal; Warehousing; Distribution Center; Truck Stop. ... 238
Section 1690. Junk Yard. ... 245
Section 1691. Commercial Slaughterhouse. ... 246
Section 1692. Commercial and Small Wind Energy Facilities. ... 247
Section 1693. Ethanol Production Facilities ... 254
Section 1694. Solar Energy. ... 255
Section 1695. Gas and Oil Development ... 257
Section 1696. Medical Marijuana Dispensary. ... 268
Section 1697. Medical Marijuana Grower/Processor ... 268
Section 1698. through 1699. (Reserved) ... 273

Page

CHAPTER VII. GOVERNMENT AND UTILITY USES 274

Section 1700. Regulations for Municipal, State, and Federal Uses. 274
Section 1701. Public Utilities Corporation Exemption Criteria: Public Utilities Regulations. 274

CHAPTER XVIII. NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS 275

Section 1800. Statement of Intent. 275
Section 1801. Non-Conforming Lots of Record. 275
Section 1802. Abandonment. 275
Section 1803. Change. 276
Section 1804. Expansion. 276
Section 1805. Repair, Movement and Replacement. 277
Section 1806. Damage or Destruction. 277

CHAPTER XIX. ADMINISTRATION AND ENFORCEMENT 278

Section 1900. Zoning Officer. 278
Section 1901. Zoning Permits. 279
Section 1902. Zoning Certificate of Use and Occupancy. 280
Section 1903. Schedule of Fees, Charges and Expenses. 282
Section 1904. Amendments. 282
Section 1905. Enforcement Notice. 285
Section 1906. Enforcement Remedies. 286
Section 1907. Procedure to Obtain Preliminary Opinion. 286
Section 1908. Appeals. 287

CHAPTER XX. ZONING HEARING BOARD 288

Section 2000. Creation; Appointment; Organization. 288
Section 2001. Hearings. 288
Section 2002. Functions of the Zoning Hearing Board. 289
Section 2003. Procedures for Application to the Zoning Hearing Board. 290
Section 2004. Conditional Use Procedures. 291
Section 2005. Stay of Proceedings. 292

CHAPTER XXI. MISCELLANEOUS 293

Section 2100. Severability. 293
Section 2101. Repeal of Conflicting Ordinances. 293
Section 2102. Effective Date. 293

CHAPTER I. TITLE, PURPOSE, INTERPRETATION AND APPLICATION

Section 100. Title.

This Ordinance shall be known as and may be cited as "The Eastern Schuylkill Regional Planning (ESRP) Joint Zoning Ordinance, 2019 Edition".

Section 101. Purpose.

This Ordinance is enacted for the purpose of promoting the public health and general welfare of the residents of the Eastern Schuylkill Regional Planning (ESRP) and to reflect the intent of the ESRP's development objectives by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population; providing for adequate areas for vehicular parking and loading; providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities; encouraging the harmonious development of land; lessening congestion on the roads and highways; preserving natural and historical values in the environment; and preserving forest, wetlands, aquifers and flood plains.

Section 102. Interpretation.

In interpreting and applying any of the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the ESRP Region. Wherever the provisions of this Ordinance may impose greater restrictions than those of any other statute, ordinance, or regulation, the provisions of this Ordinance shall be complied with. Wherever the provisions of any other Municipal statute, ordinance, or regulation may impose greater restrictions than this Ordinance, the provisions of such other Municipal statute, ordinance, or regulation shall be complied with.

Section 103. Application.

Except as hereinafter provided, no building, structure, land or parts thereof in the ESRP Region shall be used or occupied, erected, constructed, assembled, moved, enlarged, reconstructed or structurally altered unless said work is done in conformity with the provisions of this Zoning Ordinance.

CHAPTER II. DEFINITIONS

Section 200. General.

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine shall include the feminine and neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual," "profit or non-profit corporation," "organization," "partnership," "company," "unincorporated association" or other similar entities. The words "used for" include "designed for," "arranged for," "intended for," "maintained for," or "occupied for." The word "building" shall, also mean "structure" and shall further include, as appropriate, the phrase "or part thereof."

When phrases or words are not defined herein, they shall have their ordinary, accepted, meanings or such as the context may imply.

Section 201. Definitions

Accessory Building or Accessory Structure – A building or structure (such as a garage, swimming pool, storage shed, children's playhouse, or non-commercial greenhouse) which is clearly subordinate and accessory to a principal building, located upon the same lot, and which is used for purposes customarily incidental to that which is conducted within the principal building.

Accessory Use – ~~A use or structure or part thereof clearly subordinate to and located on the same lot as the principal use or building and which clearly serves a purpose customarily incidental to the primary use which is conducted upon the property regardless of whether said use is conducted within a building or structure.~~ A use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or principal structure is located or on an adjoining lot.

Adjoining Lot - A lot which is next to the principal lot, and which shares a common border, however small, with the principal lot. This definition includes a lot which would share a common border, however small, with a principal lot but for the lots being separated by a public right-of-way.

Acreage, Gross – The calculated land area contained within the deeded boundaries of a lot.

Acreage, Net – The remaining area of a lot after deducting the features defined in ***Lot Size*** from the ***Gross Acreage.***

Adult Bookstore – A use with a significant portion of the market value or total floor area occupied by (or over fifteen [15] square feet of) items for sale or rent being books, films, magazines, video tapes, coin or token operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This definition shall include, but not be limited to, materials that would be illegal to sell to persons under the age eighteen (18) under State and/or Federal law.

Adult Business – Any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any form of sexually explicit material (i.e., books, magazines, periodicals or other printed matter, or photographs or film, motion pictures, video cassettes or video

reproductions, slides, or other visual representations which are characterized by the depiction or description of sexual activities or display of human genital and/or other anatomical areas and/or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities), and/or which offers to provide, for entertainment purposes, persons who appear in a state of nudity or semi-nudity (i.e., go-go dancers, erotic and/or exotic dancers, erotic and/or exotic entertainers, etc.).

This definition is a broad overall definition which includes, but is not limited to, the following:

(A) Adult arcade

(B) Adult bookstore, adult novelty store, or adult video store

(C) Adult cabaret, adult dance hall, adult theatre, adult club, adult bar, adult tavern, adult night club, adult restaurant, or any other similar type of adult establishment

(D) Adult materials rentals and sales

(E) Adult mini motion picture theatre

(F) Adult motion picture theatre

(G) Adult motel

(H) Adult peep shows

(I) Any type of sexual encounter center

(J) Massage parlor

(K) Nude model studio

(L) Adult drive-in theatre

Adult Day-Care Facility – Any premises operated for either profit, or not for profit, in which older adult daily living services, as defined herein, are simultaneously provided for four (4) or more adults who are not relatives of the operator of said facility. The following types of adult day-care facilities are regulated through this definition and Ordinance.

A. Adult Day-Care Home – Any adult day-care facility in which services are provided to between four (4) and eight (8) adults and where the day-care areas are being primarily used as a family residence.

B. Adult Day-Care Center – Any adult day-care facility in which services are provided to eight (8) or more adults and where the day-care areas are not being primarily used as a family residence.

Adult Establishment – (***See also "Adult Business"***) Means and includes any of the following:

A. The opening or commencement of any type of sexually oriented business as a new business.

B. The conversion of an existing business, whether or not it is currently a sexually oriented business, to any type of sexually oriented business;

C. The addition of any sexually oriented business to any other existing sexually oriented business;

D. The relocation of any sexually oriented business; or

E. Adult Business – As previously defined by this Section.

Advertising Sign – (See "Sign, Off-premise")

After-Hours Club – A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for said alcoholic beverages and/or for the use of the premises.

Agricultural Buildings – Any building or structure, whether principal or accessory, the use of which is devoted in whole or in part to an agricultural use. This may include, but not be limited to, the storage of agricultural equipment, produce or products, the housing of livestock or poultry, or the processing of agricultural products. This definition also includes, but is not limited to, barns, silos, corncribs, implement sheds and other similar types of agricultural structures.

Agriculture – The cultivation of the soil and the raising and harvesting of both the products of the soil and animals typically raised on such agricultural lands including, but not limited to, nursery, horticulture, forestry, poultry farming and dairy farming, fish farming, aquaculture, and related forms of animal training and/or husbandry; excluding kennels, the keeping of animals solely as pets, and the keeping, breeding, and/or raising of any type of game animals (e.g., deer, elk, antelope etc.), and/or any type of dangerous predatory animals (e.g., wolves, lions, wolverines, etc.)

Agriculture, Intensive – Specialized agricultural activities including, but not limited to, mushroom, pig, egg and poultry production, and dry livestock production which, due to the intensity of production and/or raw material storage needs, necessitates the special control of operation, raw material storage and/or processing, animal housing, and the storage and disposal of liquid and solid wastes.

Throughout this Ordinance the terms "Agriculture, Intensive" or "Intensive Agriculture" shall be synonymous with and shall refer to either a Concentrated Animal Operation (CAO) (See 25 Pa. Code Section 83.201and 262) which is an agricultural operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre on an annualized basis, or a Concentrated Animal Feeding Operation (CAFO) (See 25 Pa. Code Section 92a.2.) which is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23

Unless stated otherwise in this Ordinance, this definition includes the following agricultural uses:

A. A swine operation in excess of one point zero (1.0) animal unit/acre.

B. The raising and ownership of horses, cattle, sheep, goats, llama, bison, poultry, rabbits or similar animals raised for agriculturally related purposes in excess of three (3.0) animal units per acre.

C. The production, processing, or cultivation of mushrooms.

D. Mink farms.

Airport/Airstrip – An area of land which is designated, used, or intended to be used for the landing and take-off of airplanes, gliders, helicopters and/or ultra-light aircraft, and any appurtenant areas which are designed to be used for airport support facilities. Airports and airstrips shall meet all applicable State and Federal Regulations.

A. Public Airport – Any airport that does not meet the definition of a private airport.

B. Private Airport – An airport which is limited to a maximum of fifteen (15) total landings and take-offs in any seven-day period, and which shall not be made available for use by the general public.

All-Weather Surface – A surface comprised of asphalt, bituminous concrete and/or cementitious concrete, or other similar materials that will not render a driveway, parking lot, or loading area unusable because of inclement weather conditions. For purposes of this Ordinance stone and/or gravel surfaces are not to be considered an “All-Weather Surface” and any and all “All-Weather Surfaces” are to be considered impervious coverage.

Alley – A private or, in some very specific instances, a public, minor right-of-way providing secondary vehicular and pedestrian access usually to the rear of properties.

Alteration – (***See "Structural Alteration"***)

American National Standards Institute (ANSI) – A national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

Amusement Device – A device, other than a jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee and shall include, but not necessarily be limited to, pinball machines, video display games, simulated sport machines, and billiard tables.

Animal Cemetery – Any area or place used for the burial of the remains of non-cremated animals other than the necessary, proper and customary burial of farm animals as an accessory use to any animal husbandry land use.

Animal Hospital/Veterinary Clinic – An establishment offering veterinary services for all types of animals which may include short term indoor and/or outdoor overnight boarding of animals related to the medical care of said animals.

Animal Husbandry – The raising and keeping of domesticated livestock or poultry for any commercial purpose. The keeping of less than three (3) units of livestock or four (4) individual poultry as farm pets or for domestic purposes and the raising of pigs or the raising of minks shall not be construed as normal animal husbandry~~, but shall be considered as intensive agriculture.~~

Animal Manure Storage Facility – A permanent structure or facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. Examples include liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under confinement buildings, permanent stacking and composting facilities, and manure treatment facilities. The term does not include the animal confinement areas or poultry houses, horse stalls, free stall barns, or bedded pack animal housing systems.

Animal Shelter – A governmental or a non-profit private organization that provides temporary homes for stray, surrendered, abandoned or abused pet animals. Animal shelters may also offer veterinary care.

Animal Unit/Acre – A mathematical figure representing the number of animal units per acre. This can be represented by a decimal (ex. 0.125 animal units/acre or 1/8 animal units/acre, which is the equivalent of 125 lbs. of animals per acre of land) or whole number and decimal (ex. 2.0 animal units/acre which is the equivalent of 2,000 pounds of animals) per acre of land. Calculations may include acre of crop land or acre of land suitable for application of animal manure and under control/management of the operator in addition to the parcel where the use is proposed to be conducted.

Animal Unit /Animal Equivalent Unit – One thousand (1,000) pounds live weight of domesticated livestock or poultry regardless of the actual number of animals comprising the unit.

Annexation Parcel – A subdivision of land which shall not be used as a separate building lot, but shall be incorporated into the legal description of the lot which is receiving said annexation parcel.

Antenna, Satellite Dish – ***(See "Satellite Dish Antenna")***

Antenna, Standard – **(See *"Standard Antennas")***

Antenna, Telecommunications – (**See *"Telecommunications Antenna")***

A-P Agricultural Annexation Parcels – A tract of land within the A-P Zoning District created by a subdivision after October 30, 2009, meeting the requirements of both the ESRP Joint SALDO and the ESRP Joint Zoning Ordinance, the sole purpose of which is to transfer land to increase the size of a lot where both

the A-P Parent Tract from which the land is taken and the lot to which the land is added will be greater than ten (10) acres in size after said subdivision has occurred.

A-P Agricultural Lot – As defined in this Ordinance, a parcel of land greater than ten (10) contiguous acres within the A-P Zoning District which was created after October 30, 2009 by an approved subdivision plan meeting the requirements of both the ESRP SALDO and the ESRP Zoning Ordinance which may be used for the production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including: mushrooms; forages and soil crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; domesticated livestock, including dairy cows, beef cattle, sheep, swine, horses, ponies, mules, or goats (including any non-aggressive any mutations or hybrids thereof) including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral,

ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Development of an A-P Agricultural Lot is regulated by both the ESRP Joint SALDO and the ESRP Joint Zoning Ordinance.

A-P Development Unit – A unit of an approved subdivision/land development which is allocated to an A-P Parent Tract, or portion thereof, and which lies within the A-P Zoning District.

A-P Parent Tract – A contiguous tracts of land deeded, either as a single tract or as one deed with multiple purports, prior to the date of Adoption of this Ordinance that are situated within the A-P Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own Parent Tract.

A-P SFD Lots (See also "A-P Development Unit") – Single Family Dwelling Lots within the A-P Zoning District created after the date of Adoption of this Ordinance by an approved subdivision plan meeting the ESRP Region SALDO and the ESRP Region Zoning Ordinance.

Apartment Building- (See "Dwelling, Multi-family")

Apartments – (See "Dwelling)

Applicant – A Record or Equitable landowner and/or the agent of either, as hereinafter defined, who has filed an application for subdivision or land development.

Approved Private Street – A legally established right-of-way which provides the primary vehicular access to a lot or lots and which has not been dedicated or deeded to the Municipality, but which the design and as-built condition of said street has been reviewed and approved by the Governing Body.

Aquaculture – A form of agriculture which is the controlled cultivation of aquatic plants, animals, and microorganisms.

Arcade, Video Arcade – (See "Game Room")

Area, Gross or Net – (See "Acreage, Gross" or ***"Acreage, Net")***

Assisted Living Facility – A type of Healthcare Facility (as defined) which is comprised of coordinated and centrally managed housing, including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle for older, adult persons. Such a facility may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen, and organized social activities for residents and their invited guests. Such a use shall primarily serve persons fifty-five (55) years of age and older, persons with physical handicaps and/or the

developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

Auction, Automobile and/or Vehicle – The public sales of autos and/or vehicles to the highest bidder.

Auction House – Establishment for the public sale of property to the highest bidder.

Auditorium – A structure involving indoor and outdoor space for exhibits, meetings, live performances or sports events.

Automobile Service Station **–** A building and/or place of business where gasoline, oil and greases, batteries, tires, and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail prices, and where the following services may be rendered:

A. Minor Repair:

1. Sale and servicing of spark plugs and batteries.
2. Tire repair and servicing, not to include tire recapping.
3. Replacement of mufflers and tailpipes, water hoses, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers, windshield wipers, grease retainers and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing, (including mechanical and/or automatic car wash facilities).
6. Installation of fuel pumps and fuel lines.
7. Minor servicing and replacement of carburetors.
8. Adjustment and installation of brakes.
9. Tuning engines, except for the machining of engine parts, cleaning of carbon from the engine or the removal of the head of engines and/or the crankcases of same.
10. Greasing and lubrication.
11. Emergency wiring repairs.
12. The sale of retail convenience items as a clearly secondary activity.
13. Any similar minor service or repair not listed below under “major repair”.

B. Major Repair:

In addition to those repairs and services listed above as “minor repair”, any general repair, rebuilding or reconditioning not listed above; collision service including body, frame or fender straightening or repair; machining of engine parts, cleaning carbon or removing the head of engines and/or crankcases; painting or paint shops; but not including any operations which require the heating or burning of rubber.

Automobile/Vehicle Dismantling Facility – A type of junk yard where the primary activity is the storage dis-assemblement, bailing, packaging and hauling of junk/inoperable automobiles and vehicles for compensation.

Awning – A roof like structure, often made of canvas, metal, or plastic, attached to a building that serves as a shelter over a storefront, window, door, deck, or patio. Awnings may or may not be equipped with a mechanism for raising and holding an awning in a retracted position against the building.

Baby-Sitting – Any of the following types of childcare activity:

A. The temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence.

B. The regular care of one, two, or three children not related to the person giving care which takes place at the home of the person giving care.

Bar or Barroom - (See" Tavern").

Basement – A portion of a building or structure that is completely or partially beneath the average elevation of the finished grade.

Bed and Breakfast – A single family detached dwelling and/or its accessory structure(s) which is/are wholly or partially used for the rental of overnight sleeping accommodations and bathroom access to temporary overnight guests, inclusive of the provision of meals to said guests, employees, and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees of the Bed and Breakfast and their immediate family members.

Billboard – ***(See "Sign, Off-premise")***

Block – A tract of land, a lot, or group of lots, bounded on one (1) side by a public or private street, and on the other three (3) sides by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, other lots and/or by any combination of the above.

Boarding House – A single-family dwelling occupied by the landowner thereof (and the landowner's family, if applicable) and in which the landowner provides, for compensation, one or more rooms for the lodging of individuals for five (5) or more consecutive days, where the maximum number of such persons residing in the building is restricted to the landowner and landowners immediate family, and no more than three (3) unrelated boarders. A boarding house may provide meals to residents, but the Boarding House shall not include the establishment of a Restaurant or Tavern as defined in this Ordinance.

Borough – Borough of Tamaqua, Schuylkill County, Pennsylvania For the purpose of this Ordinance the use of the term Borough shall also include the Townships of Schuylkill, Rush and Walker, Schuylkill County, Pennsylvania

Bottle Club – A business (not licensed by the Pennsylvania Liquor Control Board) which permits the consumption and/or storage of alcoholic beverages as provided in Title 18, Pennsylvania Consolidated Statutes. Said use shall be conducted in accordance with and shall be subject to the requirements and limitations provided in the cited act of the Pennsylvania legislature or assembly inclusive of any amendments made thereto.

Buffer Strip/Yard - A strip of land that separates one use from another use or feature. The buffer yard shall be a landscaped area free of structures (except fences and walls), manufacturing or processing activity, materials, outdoor storage or vehicular parking. It is used to provide separation between incompatible land uses to affect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be affected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof. A buffer yard may be a part of the minimum setback distance; however, land within an existing street right-of-way shall not be used to meet a buffer yard requirement. The buffer shall be maintained and kept clean of debris, rubbish, weeds and other unsightly features. A fifty-foot buffer yard shall be required along the district boundaries between any nonresidential and residential district boundary lines in the municipality or adjoining municipalities.

Each buffer yard shall include a planting screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise. Each planting screen shall be in accordance with the following requirements:

- Plant materials used in the planting screen shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least six (6') feet in height of such density as will obscure, through the full course of the year, all of the glare of automobile headlights emitted from the premises.
- The planting screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.
- The planting screen shall be so placed that at maturity it will be at least three (3') feet from any street or property line.
- The planting screen shall be broken only at points of vehicular or pedestrian access
- In circumstances where it is impractical for a planting screen to meet all the requirements of the section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements
- A clear-sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets. .
- No screen planting shall be required along street frontage
- In cases where a buffer yard would normally be located in the floodplain, the buffer yard area shall start at the one-hundred-year floodplain elevation line.
- A built-up earthen bank may be incorporated in the landscaping of buffer yards as long as the following conditions are met:
    - it may not be located in the future street right-of-way.
    - The maximum allowable slope shall be one vertical to three horizontal
    - The buffer yard landscaping shall be visible from the exterior of the property.
    - The surface of the bank shall be stabilized with grass.

Building – Any structure, including principal or accessory structures, comprised of any combination of building materials, which is erected upon the ground, upon a foundation or piers, and which may be permanently affixed thereto. This definition includes buildings which are designed, intended, or arranged for the housing, shelter, enclosure, or storage of persons, animals, goods, materials, or property of any kind.

Building Area – The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed structures (eg; sunrooms, screened porches, vestibules etc…).

Building Coverage – ***(See also "Impervious Coverage"***) The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports, breezeways, and patios) by the total area of the lot upon which the buildings are located.

Building Height – The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of a building to the highest point of the building's roof. Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating building height.

Building Permit – A permit indicating that proposed construction, alteration, or reconstruction of a structure is in accordance with the applicable provisions of any Building Code which was validly adopted by the Municipality, and which authorizes the permittee to commence with said construction, alteration, or reconstruction.

Building Setback Line – A line defining the minimum required distance within a lot from, and parallel to, a street right of way line and side and rear lot lines, which future buildings and structures may be placed or erected in proximity to said street's right of way line.

Camp – Any organized establishments which provide food or lodging accommodations of tents or cabins for groups of children or adults engaged in organized recreational or educational programs. The term "camp" shall include, but shall not be limited to, camps with special program emphasis, such as horseback riding, conservation, music and sports, as well as "retreat camps". The term "camp" shall not include manufactured home parks, migrant labor camps or recreational vehicle parks.

Campground/Recreational Vehicle Park – Any parcel or tract of land upon which two (2) or more individual recreational vehicle or camping sites are located, established, or maintained for occupancy by individual recreation vehicles or camping units as temporary living quarters for recreation or vacation purposes. This definition does not include a property upon which the owner of same may choose to camp and provide potable water and sanitary sewage facilities within the subject property's boundary lines.

Canopy – A protective roof-like covering, often of canvas mounted on a frame attached to a building over a walkway, sidewalk, or door. Canopies are also a freestanding structure that may have a roof with support but which does not have walls.

Car Wash – A tract of land containing machines or hand operated facilities primarily used for the cleaning, washing, polishing, or waxing of motor vehicles.

Carport – A structure which has a roof but is open on two (2) or more sides and which is used as an accessory structure for the storage of motor vehicles.

Cartway **–** The portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

Cemetery – A tract of land used for the purpose of the burial of deceased human beings, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and when said facilities are located entirely within the boundaries of the cemetery.

Certificate of Use and Occupancy (Zoning) – A written statement, based on an inspection signed by the Municipal Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the ESRP Region Joint Zoning Ordinance, and stating that said building, structure, sign, and/or land may now be legally used for a specific permitted purpose as provided for within this Ordinance.

Child Day-Care Facility – The following types of child day-care facilities are hereby define and regulated by this Ordinance:

A. Day-Care Center – A facility in which care is provided for seven (7) or more children, unrelated to the caregiver, at any one time, for less than twenty-four (24) hours/day where the child-care areas are not being used as a family residence.

B. Family Day-Care Home – Any premise other than the child's own home in which child care is provided, at any one time, for less than twenty-four (24) hours/day to four, five, or six children who are not relatives of the caregiver, and where the child-care areas are being primarily used as a family residence.

C. Group Day-Care Home – A facility in which care is provided for less than twenty-four (24) hours/day for more than seven, but fewer than twelve (12) children, at any one time, where the child-care areas are being used primarily as a family residence.

"Baby-Sitting," as defined in this Ordinance, is not considered to be a Child Day-Care Facility.

Church/Place of Worship – A building structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, parsonages, and church-related educational and/or day-care facilities.

Cinema- (See "Theater")

Clear Sight Triangle – An area of unobstructed vision, located at the intersection of two (2) or more streets and at the intersection of a street and a driveway, defined by lines of sight between points at a given distance from the intersections of the street and/or driveway center lines. The planting of any vegetative species which exceeds twenty-four (24) inches of height at maturity and the placement of any and all types of ornaments, fences, structures, and/or other types of landscape features which will occlude (either wholly or partially) the safe sight distance for any motor vehicle operators using any intersection which have, or should have, clear sight triangles is strictly prohibited.

Club or ***Lodge*** – An organization situate on premises or within buildings of persons and their guests associated for some common activity, (not including groups organized primarily to render a service which is customarily carried on as a business), and which may include associations registered with the applicable local, state, and federal agencies as a certified not for profit organization. Clubs and lodges are considered "Social Clubs" as defined in this Ordinance, and include, but are not limited to, service organizations, political organizations, labor unions, social and athletic clubs.

Cluster Development – A type of residential development wherein, for the purposes of this Ordinance, single family detached dwellings are permitted on lot sizes which may be reduced to smaller than what is normally required, although with little or no increase in overall density thereby preserving an area of the parent tract's land for common open space, agriculture purpose, or some other use specified by the regulations of this Ordinance.

Cocktail Lounge – ***(See "Tavern")***

Commercial Conversion – The legal conversion of the first floor of a single family detached dwelling, that existed on or prior to the adoption of this Ordinance, to a personal service or retail business use as defined in this Ordinance.

Community Center – A use that exists solely to provide primarily indoor leisure, educational activities and programs, and meeting space to members of the surrounding community, the general public, and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to elderly persons, as accessory to leisure activities. This use shall not include residential uses or any type of treatment center.

Community Sewerage System – (See "Sewage Facilities").

Community Water Supply – (See "Water Supply, Community").

Composting Facility – ***(Also see "Resource Recovery Facility")*** A facility for the composting of organic matter in a manner consistent with Local, State, and Federal Laws.

Concentrated Animal Feeding Operation **-** An agricultural operation that meets the criteria established by the Pennsylvania Department of Environmental Protection under authority of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

Concentrated Animal Operation **-** Concentrated animal operations are those agricultural operations where the animal density exceeds two animal equivalent units (AEU's) per acre on an annualized basis. Beginning October 1, 2002, the State Conservation Commission established by the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, in consultation with the Department of Agriculture of the Commonwealth, the state Nutrient Management Advisory Board created by section 510 (relating to Nutrient Management Advisory Board), the Pennsylvania Department of Environmental Protection and the Cooperative Extension Service of Pennsylvania State University shall review the criteria used to identify concentrated animal operations and make appropriate changes to the definition of concentrated animal operations by regulation.

Conditional Use – Conditional Uses are specified land uses which may either be allowed or denied by the municipalities governing body pursuant to both the public notice and public hearing and related requirements of the PAMPC and pursuant to express standards and criteria set forth in the ESRP Joint Zoning Ordinance. In allowing a conditional use, other restrictions and/or conditions may be placed upon the applicant by the municipality, as it may deem necessary to implement the purposes of the PA Municipalities Planning Code and the ESRP Joint Zoning Ordinance.

Condominium – A form of ownership of real property, including an undivided interest in common in a portion of a parcel, together with a separate interest in a space within a structure subject to the provisions of the Pennsylvania Uniform Condominium Act.

Congregate Residence – Any building or portion thereof that contains facilities for living, sleeping and sanitation, and which may include facilities for eating and cooking, for occupancy by other than a family. The definition of a congregate residence shall include a shelter, convent, monastery, dormitory, fraternity or sorority house, but shall not include jails, hospitals, nursing homes, hotels, or lodging houses.

Convalescent Home/Nursing Home –An establishment providing housing, nursing care, dietary, and other similar personal services to convalescents, invalids, or aged persons, excluding mental cases, cases of contagious or communicable disease, surgical patients, and/or other persons who are receiving treatments which are customarily provided in sanitariums, hospitals, and similar institutions. **(Also *see* *"Healthcare Facility")***

Convenience Store - A retail business housed in a building having less than 10,500 square feet of gross floor area which specializes in providing household products and foods. "Convenience Stores" may also provide any or all of the following accessory uses:

A. Retail sales or rental of books, magazines, videos, and video games provided that any and all of the uses defined in this Ordinance as an Adult Business are expressly prohibited.

B. Take-out or Fast-food Restaurants provided that rest rooms are made available to the public.

C. Amusement devices with a maximum of two (2).

D. Automatic bank teller machines.

E. Photomats and film development drop-off sites.

F. Lottery sales, which are State and/or Federally approved.

G. Propane fuel sales with no larger than twenty (20) pound tanks which must be stored outside of the building within a locked enclosure at all times.

H. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items.

I. Car washes, subject to the requirements of this Zoning Ordinance.

Corner Lot – A lot abutting two or more intersecting public or private streets, or at the point of an abrupt change of direction of a single street (an interior angle of less than one hundred thirty-five (135) degrees). Any yard adjoining a street shall be designated the front yard and must meet the front yard requirements of the applicable zoning district and any yard opposite said front yard shall meet the side yard requirements of the applicable zoning district. In the case where a building is to be placed on a corner lot such that the front of the building will not be parallel to a street line, front yards shall be provided such that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a rear lot line than the rear yard requirement of the applicable zoning district, and so that no portion of the building will be placed closer to a side lot line than the side yard requirement of the applicable district.

Crematorium – A building with a specially designed and Federally permitted furnace where corpses are cremated.

Data Center(s): A building or group of buildings used primarily for the housing, operation or colocation of computers, computer equipment, and/or telecommunications and related equipment, including but not limited to hard drives, servers, server racks and data storage devices, for the handling, storing and backing up of electronic data, or for the processing, transferring and/or storing of digital information primarily to and from offsite locations. This use does not include computers or telecommunications equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, artificial intelligence uses, blockchain transactions processing, and server farms. A Data Center may include Data Center Accessory Facilities.

Data Center Accessory Facilities: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to utilities, utility lines, electrical substations, pump stations, water towers and holding tanks, wastewater treatment facilities, mechanical equipment and environmental controls, such as air conditioning or cooling towers and fire suppression systems, redundant/backup power supplies such as generators, redundant/backup data communications connections and security systems when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

Dedication – The deliberate appropriation of land by its owner for any general public use, reserving to themselves no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density – The number of dwelling units that are allowed to be placed upon the net buildable acreage of a parcel of land.

Determination – The final action of any duly appointed Municipal Zoning Officer, Municipal Zoning Hearing Board, Municipal Planning Commission, or by the Municipal Governing Body charged with the administration of any land use ordinance or applications thereunder, within the scope of the ESRP Region's legal jurisdictional limits.

Developer – Any Record or Equitable landowner, agent of any such landowner, or tenant with the permission of any such landowner who makes or causes to be made a subdivision or land development.

Development – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Distribution Center – A type of warehouse for the short-term storage and distribution of goods and materials for a specific commercial establishment **(also see "Warehouse").** A "Distribution Center" is not a "Truck Terminal" or a "Truck Stop" as defined in this Ordinance.

Dormitory – Residential facilities that are only inhabited by members faculty and/or full-time students of an accredited college, university, or medical training facility or state-licensed teaching hospital, or of an approved care and treatment center for children (as an accessory use to such use), or of an accredited public or private primary or secondary school, and which are owned and operated by the principal use to which the dormitory serves. Other types of lawfully permitted dwelling units shall not be regulated as dormitories.

Drive-Through Facility- Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers who are seated within or are riding upon a motor vehicle during such business transactions. Examples include, but are not limited to, drive-up windows at fast-food restaurants, or drive-up tellers at financial institutions, or drive-up windows at a pharmacy, etc.

Duplex – ***(See "Dwelling")***

Dwelling – A building or portion thereof arranged, intended, designed, or used as living quarters for one or more families living independently of each other. The term "dwelling" shall not be construed to include any hotel, motel, boarding house, congregate residence, bed & breakfast inns, tourist home, hospital, nursing home, fraternity or sorority house, dormitory, automobile court, mobile home park, or any other type of group residence. "Dwellings" include:

A. Adaptive Reuse – The conversion of industrial or commercial buildings to residential or office use(s) where allowed by the ESRP Joint Zoning Ordinance.

B. Apartment – A dwelling unit contained in a building, structure or part thereof, leased to an occupant for residential purposes. Three (3) or more such dwelling units must be present in order for said building or structure to be considered as an Apartment Building.

C. Duplex – A two-family detached building having two (2) dwelling units; one above the other, being fully separated by a horizontal fire resistant floor, and where each dwelling unit has its own separate outside access. For purposes of this Ordinance, a duplex is a structure erected after the date of Adoption of this Ordinance which was expressly built as a duplex. The conversion of a single family dwelling into a duplex – like structure is a "Residential Conversion" (as defined in this Ordinance) and is further regulated in this Ordinance.

D. Residential Conversion – The conversion of a single family dwelling to a two-family dwelling with the dwelling units one above the other, fully separated by a horizontal fire resistant floor, where each dwelling unit has its own separate outside access (i.e., a "duplex-like structure").

E. Single Family Attached – A dwelling which is intended for the exclusive use of one (1) family as defined in this ordinance with no other dwelling units located directly and totally above or below it, having a vertical fire resistant party walls in common with at least two (2) other similar dwelling units, and having its own independent outside access. For purposes of this Ordinance the term "row houses" or "row homes" and "townhouses" or "town homes" are considered a type of Single Family Attached Dwelling. Those units not meeting the definition of "Townhouses" in this Ordinance are considered to be "Row homes."

F. Single Family Detached – A single building unattached to any other dwelling unit which has been arranged, designed, intended for, and occupied exclusively as a residence by one (1) family as defined in this ordinance.

G. Single Family Semi-detached – Two (2) buildings attached one to the other, yet separated by a vertical fire resistant party wall, which have been arranged, designed, intended for, and occupied exclusively as residences by two (2) families (as defined in this ordinance), living independently from each other. These dwelling units shall not have any living, sleeping, storage, cooking or sanitary facilities in common with each dwelling being separated from the other by an un-pierced solid, fire resistant, vertical party wall.

H. Townhouses - A multi-family building containing three (3) to eight (8) single-family attached dwelling units and not exceeding thirty-five (35) feet in height, with each dwelling unit being separated from another by a solid, fire resistant, party wall and with each dwelling unit having its own individual separate access from the outside.

I. Mobile home – A transportable, single-family detached dwelling intended for occupancy exclusively as a residence by one (1) family as defined in this ordinance.

J. Multi-family – A building designed for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units. Such buildings shall consist of the following types:

1. *Apartment Buildings* – A multi-family building specifically constructed and occupied as separate living quarters for more than three (3) families with direct access from the outside provided either through a common hall or by separate entrance and with each unit being in the apartment building being separated from one another by the appropriately required fire walls, and with each unit being provided with separate living, cooking, sleeping, and sanitary facilities for the exclusive use of each family. "Apartment Buildings" include:

    a. *Medium Density Apartment Buildings* – A building or group of buildings containing three (3) to twelve (12) apartments, designed as an integrated development, limited to a height of forty-eight (48) feet, and with the apartments therein leased to the occupants for a definite period of time of at least thirty (30) days.

    b. *High Density Apartment Buildings* – An apartment building or a group of buildings containing more than twelve (12) apartments, designed as an integrated development, and limited to a height of sixty-five (65) feet, and with the apartments therein leased to the occupants for a definite period of time (but no less than thirty [30] days).

Dwelling Unit – A building, or portion thereof, providing one (1) or more rooms arranged for one (1) or more individuals living together as a single family (as defined in this Ordinance), and having no cooking or sanitary facilities in common with any other dwelling unit.

EAP Agricultural Lot – As defined in this Ordinance, a parcel of land greater than twenty-five (25) contiguous acres within the ESRP's EAP Zoning District which was created after the date of Adoption of this Ordinance by an approved subdivision plan meeting both the ESRP Joint SALDO and the ESRP Joint Zoning Ordinance and which may be used for the production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including: mushrooms, forages and soil crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats of any mutations or hybrids thereof, including the breeding and grazing of an or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and

greenhouse products; or lands devoted to a soil conservation or forestry management program. Development of any EAP Agricultural Lot is regulated within this Ordinance.

EAP Development Unit – A unit of subdivision/land development which is allocated to an EAP Parent Tract, or portion thereof, which is situate in the EAP Zoning District.

EAP Parent Tract – Contiguous tracts of land deeded either as a single tract or as one deed with multiple purparts prior to the adoption date of this Ordinance that are situate within the EAP Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract shall be considered to be its own Parent Tract.

EAP SFD Lots (See also "EAP Development Unit") – Single Family Dwelling (SFD) Lots within the EAP Zoning District created after the adoption date of this Ordinance by an approved subdivision plan meeting the requirements of both the ESRP Region Joint SALDO and the ESRP Region Joint Zoning Ordinance.

Easement – A right of way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the (lessee) or owner of the property shall not erect any permanent structure, but shall have the right to make other use of the land which is not inconsistent with the rights of the grantee.

Eastern Schuylkill Regional Planning (ESRP)/Eastern Schuylkill Planning(ESP) – Municipalities in Schuylkill County which comprise the Tamaqua Area School District (TASD) and which have worked cooperatively to create the ESRP Joint Comprehensive Plan, ESRP Joint Zoning Ordinance, and ESRP Joint (SALDO). These four (4) municipalities are:

Rush Township

Schuylkill Township

Tamaqua Borough

Walker Township

Emergency Service Facilities – Facilities housing fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature. A membership club may be included if it is a permitted use in the zoning district in which the facility is located. This use may include housing for emergency personnel while they are "on-duty" and/or "on-call".

Enhanced Agricultural Preservation (EAP) Agricultural Annexation Parcels – A tract of land within the ESRP's Enhanced Agricultural Preservation (EAP) Zoning District created by a subdivision after the Adoption date of this Ordinance and meeting the requirements of the ESRP SALDO, the sole purpose of which is to transfer land to increase the size of a lot where both the EAP Parent Tract from which the land is taken and the lot to which the land is added will be greater than twenty-five (25) acres in size after said subdivision.

Entertainment, Accessory Use- Live, simulated, or recorded displays of any musical and/or theatrical performances, and any sporting event or movie showings which are clearly accessory to the primary use of the premises.

Entertainment, Primary Use- Live, simulated, or recorded displays of any musical and/or theatrical performances, and any sporting event or movie showings which are the primary function and purpose of

the premises or are offered more frequently than three (3) times in any seven (7) day period. Primary Use Entertainment shall be limited to nightclubs, theatres, and cinemas.

Ethanol Production Facility - A site on which engineering principles are utilized including, but not limited to, fermenting, milling, and distilling from feed stocks (such as, but not limited to grain, sorghum, wheat, corn, sugarcane barley, or potatoes) for the purposes of making ethanol fuel.

Extended-Care Facility – A long-term care facility licensed and/or approved by the appropriate local, state, and federal agencies as a nursing home, infirmary unit of a home for the aged, or as a governmental medical institution.

Façade – Any structure, or part of a structure, attached or otherwise mounted parallel to a wall or other vertical part of a structure and which serves a primarily aesthetic, but non-structural, purpose.

Family – A "family" consists of one (1) or more persons each related to the other by blood, marriage, adoption, and or legal foster parentage together with said relatives' respective spouses, children, or legal wards including no more than one (1) boarder, roomer or lodger who are living together in a single dwelling and are maintaining a common household and single and common cooking facilities; or a group of not more than five (5) unrelated persons who are living together in a single dwelling unit and are maintaining a common household with a single cooking facility. This term shall not include the terms club, fraternity house, sorority lodge, foster home, group home, rooming or boarding house.

Family Farm Support Business – A family-owned and operated business located upon a farm and related to agriculture purpose. The definition includes small-scale, limited site coverage, agriculturally compatible farmstead occupations conducted commercially within the context of and/or in proximity to farmstead buildings.

Farm – An area of land not less than ten (10) acres in size in the A-P Zoning District and all other zoning districts (except the EAP Zoning District where farmers must be a minimum of twenty-five (25) acres in size) which is primarily used for any of the permitted agricultural purposes as defined in this Ordinance.

Farm-Labor Housing – Separate living quarters to be used for the temporary seasonal accommodation of workers employed by the owner or operator of a farm (provided such seasonal employees perform their duties on such farm owned or rented by the farm owner or operator), and in which lodging with or without meals is supplied or intended to be supplied to such employees.

Farm-Related Business – A business substantially devoted to serving agricultural-based customers which can be conducted on a property within either the EAP or the A-P Zoning District. Said businesses must be clearly farm-related and/or clearly designed to provide goods and services to the agricultural community and must meet either the EAP or the A-P Zoning District requirements of this Ordinance.

Farm Stand – A building or structure, the sales area of which shall be limited to one thousand (1,000) square feet and the building height to twenty (20) feet, in which the display and sale of farm produced products shall be permitted wherever agricultural activity is being conducted.

Federal Communications Commission (FCC) – The Federal government agency charged with regulating the national airwaves.

Fence – A freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry, or vegetation, singly or in a combination with other materials, erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the

property so defined, or to enclose all or part of the property. A freestanding masonry wall shall be considered to be a fence.

Fill – Any earth, sand, gravel, rock, or any other suitable, structurally sufficient, non-organic material which is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface of the ground.

Fish Hatchery – An agricultural establishment which is designed, intended, and used for the incubation and/or gestation of fish which are lawfully permitted to be raised in the United States of America.

Fitness/Health Centers – Facilities providing fitness, health, and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available; as well as, but not limited to, martial arts instruction, aquatic activities, therapeutic massage and other similar physical rehabilitation therapies. This term shall not include any activities which have been defined as an Adult Entertainment Business by this Ordinance.

Flea Market – An outdoor retail sales area utilizing temporary tables, tents and/or shelters for the selling of commodities and/or goods which are not usually produced on-site and which are usually sold by multiple vendors who are usually not residents or owners of the property. The sale, preparation, and consumption of food and beverages sold on the site is considered to be incidental to the flea market use unless said food operations exist even when the flea market is not in operation. In that instance, any such food operation requires a separate application, approval, and permit as a second primary use within the flea market.

Floodplain – The area (identified by the United States Department of Housing and Urban Development and National Flood Insurance Administration) along a natural watercourse which is periodically inundated by flood waters.

Floodway – The channel of a watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the base flood elevation more then one (1) foot. For the purposes of this chapter, the term shall include all floodway areas identified in the Flood Insurance Study prepared for a Municipality by the Federal Flood Insurance Administration as well as any such additional areas which have been identified in any other federal, state, or other acceptable studies, regulations, or other sources of information (ex. the so-called "PA DEP Fifty Foot Rule").

Floor Area – **(See "*Gross Floor Area*"** and **"*Net Floor Area*")**

Forestry – The management of forests and timberlands when practiced in accordance with accepted silviculture principles through developing, cultivating, harvesting, transporting, and selling of trees for commercial purposes. This term does not include the retail sale of living plants which occurs in either a nursery or greenhouse and does not include the routine thinning or pruning of trees.

Frontage – The width of a lot or parcel abutting a public, or private, road right-of-way as measured at the front property line of any such lot.

Funeral Home/Mortuary – An establishment in which the deceased are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services, rooms specifically designed or intended for funeral services and the gathering of mourners, and/or the display of funeral accoutrements (e.g.; caskets, urns, etc.).

Game Preserve – An area of land set aside for the protection and propagation of animals not traditionally domesticated. Game Preserve does not include any type commercial hunting operations whereby fees are charged for persons to enter lands for the purpose of hunting game animals.

Game Room/Video Arcade – A type of leisure-time activity on a premises where more than two (2) amusement devices (as defined in this ordinance) are provided as the principal use of the building or structure. This term shall not include any activities defined as an Adult Business by this Ordinance.

Garage – A building, the primary use of which is for the storage of vehicles. As defined in this Ordinance, if any garage is deemed to be an accessory residential use, then this term does not include commercial vehicle repair or maintenance services, the rental of space, or the sale of gasoline or other petroleum products. Garages associate with Commercial Business/Services, Retail Businesses, or Professional Services shall only be used for vehicles associated with said enterprise.

Gas Station – ***(See "Automobile Service Station")***

Golf Course – A tract of land laid out, landscaped, and used primarily for the playing of the sport known as golf, however, this term may additionally include swimming pools, tennis courts, and other facilities for outdoor recreation normally associated with country club/golf courses. The term shall include buildings and structures located on a golf course tract which are incidental to outdoor recreation, such as rain shelters, maintenance and storage sheds, swimming pools, shower and dressing rooms and also clubhouses and/or other buildings having facilities for the sale, rental, and storage of sports equipment; General Restaurants (as defined in this Ordinance); and accommodations (including lodging) for members of private golf clubs and their guests, which buildings and structures are normally associated with tournament-type eighteen-hole golf courses, provided that only eighteen (18) hole golf courses shall have lodging and no single eighteen-hole courses shall have more than twenty (20) units of lodging; and provided, further, that any commercial activity permitted by this sentence shall terminate if the golf course served by it shall cease to operate as a golf course as defined in the preceding sentence. Public commercial hotels, motels, restaurants, stores, snack bars and beverage service bars, and taverns are not permitted.

Golf Driving Range – A specified area, which may or may not be located upon a golf course, on which golfers do not walk, but onto which they drive golf balls from a central tee.

Governing Body – Shall mean the Supervisors of Schuylkill, Rush and Walker Townships and Tamaqua Borough Council.

Government Facility (other than Municipally Owned) – A use owned by a state or federal government, government agency, or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by a municipality within the ESRP Region. This term shall not include uses listed in Zoning District Regulations of this Ordinance, such as publicly owned recreation. This term shall also not include any type of prison, halfway house, juvenile detention facility, mental health institution and/or institutions housing the criminally insane.

Grade – The level of the ground, whether it is adjacent to the exterior walls of a building or structure or not, after said ground has been graded by man-made means or machinery (as opposed to the terms "natural grade" or "natural gradient").

Greenhouse – An enclosed structure, whose roof and sides are made largely of transparent or translucent material, used for the growing, raising, and/or distribution of plants and vegetables.

Grocery Store – A retail business housed in a building having less than 10,500 square feet of gross floor area, which has as its primary purpose to sell fresh and prepackaged food and groceries, housewares, and toiletries. Grocery stores shall not include the dispensing of gasoline or other fuels (***Also See "Supermarket"***).

Gross Floor Area – The sum of the gross horizontal areas of the floor, or floors of a building measured from the exterior face of the exterior walls, or from the center line of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than seven (7) feet.

Group Home – A dwelling operated by a responsible individual, family, or organization, with a program to provide a supportive living arrangement for individuals in a setting in which the total number of persons in the living arrangement may total more and is, in substantive ways, different than the definition of "Family" found in this Ordinance. This home, which is required to be licensed by the state, must be staffed by qualified persons who provide training, care, supervision, treatment, and/or rehabilitation to the aged, physically challenged/disabled, or mentally challenged/retarded who require personal assistance and supervision on a continuing around-the-clock basis. Group Home does not include child day care centers, adult day care facilities, foster homes, schools, hospitals, jails, prisons, treatment centers, detention centers, or methadone treatment centers. Group Homes shall be subject to the same limitations and regulations set by this Ordinance for single-family dwellings.

Healthcare Facility – A facility or institution, whether publicly or privately owned, principally engaged in providing services for health maintenance or the diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, physical rehabilitation center, assisted living facility, extended-care facility, skilled-care facility, nursing care facility, nursing home, convalescent home, long-term care facility, intermediate-care facility, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, or personal-care facility.

Healthcare Services – Those services primarily related to the furnishing of medical, surgical, or other services to individuals, including the offices of physicians, radiological centers, dentists and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and the businesses which provide the various types of medical supplies and services to the healthcare professionals and their patients.

Heliport – An area used for helicopters to land and take off, including all auxiliary, service and maintenance facilities related thereto, whether or not said heliport is located upon the ground or upon the roof of a building or structure. This definition does not include the term "Helistop".

Helistop – An area on a roof or on the ground to accommodate touchdown and lift-off of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo. Such area shall have sufficient space to accommodate all required safety controls and comply in all respects with Federal Aviation Administration (FAA) requirements, but in no case shall such area provide the service facilities associated with a "Heliport".

Highway Frontage – The lot dimension measured along the right-of-way line of a street or highway abutting a lot. Highway Frontage shall be a continuous dimension and not the sum of two (2) or more separate dimensions. In addition, Highway Frontage shall be the shortest straight line distance; it shall not be measured on an arc.

Home Occupation – An accessory use for commercial gain which is clearly and customarily incidental or secondary to the residential use of any dwelling unit and which is customarily carried on within a dwelling unit, and the existence of which does not alter the residential character of the subject home itself

and/or the residential area thereof, or have any exterior evidence of such secondary use, except for those signs or parking facilities which may be allowed by this Ordinance.

Hospital – An institution designed for the diagnosis, treatment, and care of human illness or infirmity including, but not limited to, the provision of surgical treatments, chemotherapy, radiation therapy, etc., and which provides said human health services, primarily for inpatients and including as related facilities, laboratories, outpatient departments, training facilities, and staff offices. ***(Also See "Healthcare Facility")***

Hotel – For purposes of this Ordinance, an establishment providing overnight accommodations for transient visitors, containing a minimum of six (6) rental rooms and having the following requirements:

A. Access to rooms shall be provided through a lobby and internal hallways.

B. A private bath shall be provided for each rental room.

C. Buildings contain at least two (2) (or more) stories with a maximum building height of sixty-five (65) feet.

D. The hotel may, at its option, provide meeting rooms, banquet facilities, fitness centers for guests and ancillary commercial shops within the building with internal hallway access.

E. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under any type of legal constraint (other than sequestered jurors or witnesses for the prosecution).

Impervious Coverage – Coverage of the site by materials which cannot be usually and/or easily penetrated by water. Included in this definition are:

A. All principal and accessory buildings.

B. Any roof, parking or driveway areas, and any new streets and sidewalks. Any areas covered by well-compacted gravel or crushed stone shall also be assumed to be impervious.

C. The percentage of a lot covered by impervious surfaces.

D. All-Weather Surfaces shall be included in the definition of Impervious Coverage.

Improved Private Road – A road having a cartway, which is improved with a paved surface which may be constructed to the standards for public streets under the applicable regulations of the ESRP Joint SALDO, which provides access to a lot or lots. If parking shall be permitted along an "improved private road," the minimum cartway width shall be increased by eight feet for each side of the "improved private road" where "on-street parking" is permitted.

Improvement – Any type of man-made structure erected upon a lot.

Improvement Setback Line – A line parallel to and set back from a road's right of way line. No improvements are permitted between the road's right of way line and the improvement setback line.

Incinerator – A facility specifically designed and federally permitted to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Industrial Park – A tract of land developed according to an approved Land Development Plan and/or Subdivision Plan which provides either fee simple lots or leased parcels that are configured in such a manner as to be suitable for either light industrial or general industrial users dependent upon the underlying zoning classification of the developed tract of land.

Industry, General – Any industrial activities which do not meet the definition of Light Industry.

Industry, Light – Industrial activities which are carried on entirely within an enclosed building and include no outdoor processes and/or outdoor storage of materials and involve mainly the assembly, packaging, and shipping of products which were not produced "on-site" via a foundry, sawmill, or similar means.

Intermediate Care Facility – A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skill-nursing facility is designed to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities such as these.

Junk – Any discarded materials, articles, or any pieces or portions thereof, is considered to be junk. This definition shall include, but not be limited to, scrap metal; scrapped, discarded or inoperable, un-repairable, unlicensed, unregistered or otherwise non-road worthy motor vehicles; machinery discarded, obsolete, or otherwise non-useable; and equipment, paper products, glass, plastic or metal containers, structures, and any other items which are not ordinarily and customarily disposed of as rubbish, refuse, garbage or organic household waste.

Junk Vehicle – Includes any vehicle (as defined in this ordinance) that meets any of the following conditions:

A. Does not display a license plate with a current registration sticker (if one is required) and does not have a valid state safety inspection sticker (if one is required and except for licensed antique cars not required to have an inspection sticker). Licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this subsection.

B. Has been demolished beyond repair.

C. Has been separated from its axles, body or chassis.

D. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

E. Is otherwise non-road worthy, un-repairable, inoperable and/or generally deteriorated to a state of disrepair.

Junk Yard – Any lot, parcel of land, or portion thereof inclusive of any buildings or structures where junk, waste, scrap materials, discarded or salvage materials, inoperable vehicles are bought, sold, exchanged, stored, baled, packed, disassembled or handled. This definition shall include automobile/vehicle dismantling facilities and automobile salvage yards, but shall not include any buildings or structures used for the storage of used furniture and household appliances or any lot or building where used cars in operable condition, with current motor vehicle registrations, are stored.

Kennel – Any property and/or establishment wherein domesticated pets (and not working animals or livestock as defined in this Ordinance) are kept, transported to, transported from, or seen by appointment for the purposes of breeding, boarding, grooming, obedience training, sale, or show purposes. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered "breeding"; and the keeping of more than five (5) dogs or more than five (5) cats on any non-farm real property located within the ESRP Region shall be considered to be a "Kennel" operation.

Land Development – Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving commercial or industrial uses.

B. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure.

C. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

D. A subdivision of land.

E. The following shall not be considered land development:

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

2. The addition of an accessory building of less than 1,000 square feet of gross floor area, exclusive of any farm buildings, on a lot or lots subordinate to an existing principal building.

Landfill – ***(See "Solid Waste Landfill")***

Landowner – A legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.

Laundry, Self Service – A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Leisure-Time Activity - Those activities performed by individuals during non-working periods and other times of rest or relaxation.

Library - A building containing books, magazines, and other reading related materials which is open to the public or connected with a permitted educational use and is generally not conducted as a private business for profit or financial gain. This term shall not include any use defined as an Adult Business by this Ordinance.

Life Care Retirement Facility – A residential development generally consisting of a regulated mixture of single family detached dwellings, semi-detached dwellings, and townhouse dwellings as well as Apartment Buildings along with personal-care services and skilled nursing-care facilities in an environment which usually cannot be achieved through the use of a conventional residential development scenario. Such facilities serve persons and or their spouse and companion who are a minimum of fifty-five (55) years old and who may be handicapped to an extent which requires personal or skilled nursing care. Housing, Healthcare Facilities, and Healthcare Services are provided to each resident of a "Life Care Retirement Facility" pursuant to an agreement between the resident(s) and the owners/operators of said facility(ies). Services provided in such facilities may include, but are not limited to, health care, intermediate and skilled nursing care, medical facilities, physical therapy, board, lodging, support services, and accessory uses.

Livestock – Equine animals, bovine animals, sheep, goats, swine, and poultry commonly raised upon farms in Schuylkill County, Pennsylvania. The definition of "Livestock" does not include non-working

dogs, cats, or any type of animals or birds which are normally considered to be either "domesticated pets," wild or exotic animals, and/or game animals

Living Accommodation Unit For Caretakers – A dwelling for no more than two (2) persons located upon the premises of a business which employs at least one (1) of said two (2) persons for security or maintenance purposes.

Lodge – ***(See "Club")***

Lodging House – ***(See "Boarding House")***

Long-Term Care Facility – An institution, or a distinct part of an institution, which is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients. The term "long-term care facility" is inclusive of either an extended-care facility or an intermediate-care facility.

Lot – A tract or parcel of land which has road frontage, regardless of size, held in single and/or joint ownership, not necessarily being a tract or parcel of land shown on a duly recorded subdivision plan or surveyor's map, which is occupied, or is capable of being occupied, by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required, and having frontage on either a public street or a private street. The term "lot" shall also mean parcel, plot, site, or any other similar term, when such term is used in the proper context.

Lot Area – The area contained within the lot lines, excluding any land area contained within any existing public or private road rights-of-way.

Lot, Corner – ***(See "Corner Lot")***

Lot Depth – The mean average horizontal distance between the front and the rear lot lines.

Lot Frontage – That portion of a lot which is immediately adjacent to a private or public street.

Lot Line – A line forming the front, rear, or side boundary of a lot.

Lot of Record – Land which constitutes a separate lot or parcel as recorded in office of the Recorder of Deeds of Schuylkill County, Pennsylvania.

Lot Size – The remaining area of a lot after deducting the following features from the ***Gross Acreage***:

A. Areas within a public or private street or other exclusive use type right-of-way.

B. Areas containing any stormwater management improvements (e.g., basins, swales, ditches, etc.) but not including stormwater management improvements that are intended to serve individual lots.

C. In Zoning Districts that require a minimum lot size of two (2) acres:

   1. That portion or portions of the lot in which the following features individually or cumulatively represent fifty percent (50%) of the gross lot area; areas within the 100 year flood plain, areas of slope in excess of twenty-five percent (25%), and all areas delineated as Wetlands.

D. In Zoning Districts that require a minimum lot size of one (1) acres:

   1. That portion or portions of the lot in which the following features individually or cumulatively represent twenty-five percent (25%) of the gross lot area; areas within the

100 year flood plain, areas of slope in excess of twenty-five percent (25%), and all areas delineated as wetlands.

Lot Width – The distance between side lot lines, determined by establishing the shortest straight-line distance at both the building setback line and the street line. The lot width shall be a continuous dimension and not the sum of two (2) or more separate dimensions. Also, lot width shall be the shortest straight-line distance, it shall not be measured on an arc.

Low-Level Radioactive Waste Facility - A site which must be permitted by local, state, and federal authorities and upon which engineering principles are utilized for the disposal of low-level radioactive waste as defined by the United States Environmental Protection Agency (US EPA) and by the Pennsylvania Department of Environmental Protection (PA DEP).

Maintenance Guarantee – A written, executed, document which provides to a Municipality a guarantee (which is acceptable to the Municipality, including corporate bonds, escrow agreements, and other similar collateral or surety agreements) by the developer or subdivider that, the improvements depicted on said plan shall be constructed and maintained by the developer or subdivider for a period of at least eighteen (18) months after completion of construction and installation of such improvements.

Manufactured Home – A prefabricated house, consisting of one or more modular units, which is usually designed to be placed upon a permanent perimeter foundation.

Massage Parlor – An establishment that meets all of the following criteria:

A. Massages are conducted involving one person using their hands and/or feet and/or a mechanical device on another person above or below his/her waist, in return for monetary compensation, and which does not involve persons who are related to each other.

B. The use does not involve a person licensed or certified by the state as a health care professional or a massage therapist certified by a recognized professional organization that requires substantial professional training. Massage therapy by any such certified professional, unless said persons are the owners, or employees, of an Adult business where they perform massages, shall be considered "personal service."

C. Massages as defined herein shall not be conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.

D. The massages are conducted within private or semi-private rooms.

For purposes of this Ordinance a "Massage Parlor" as defined above shall be considered to be an "Adult Business" and is regulated as such.

Massage Therapist – A person licensed or certified by the state as a health care professional and/or one certified by a recognized professional organization that requires substantial professional training.

Medical Marijuana – Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.*

Medical Marijuana Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the PA Department of Health to dispense medical marijuana pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.*

Medical Marijuana Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the PA Department of Health pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.* to grow and process medical marijuana.

Methadone Treatment Center – As used in this Ordinance, the term "methadone treatment facility" shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons. "Methadone Treatment Center" is further regulated by this Ordinance and by PA Act 247 The Pennsylvania Municipalities Planning Code.

Mineral Extraction – The extraction and/or processing of minerals from the earth, from stockpiles of materials previously extracted from the earth, or from pits or banks by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, coal mining by both deep and surface mining methods, strip, drift, auger, and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting and activities related thereto. The term "minerals" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay, and other mineral resources. The terms "mineral extraction" and "surface mining" shall have the same meaning. The foregoing shall be conducted in conformity with applicable Pennsylvania and Federal laws and regulations, including those laws and regulations enforced and administered by the Pennsylvania Department of Environmental Protection ("PA DEP") and the Mine Safety and Health Administration ("MSHA").

Mini-Warehouse – **(Also See "*Self-Storage Facilities*")**

Mink Farm – A facility designed, intended, and used for the raising and/or harvesting of mink for retail or wholesale trade.

Mobile Home – A type of manufactured housing that can be connected to utilities and can be parked in one place and used as a dwelling. A mobile home is a transportable unit (or units designed to be joined together and yet are still capable of again being separated for repeated towing) that is generally towed behind a large truck when it is being moved from one site to another.

Mobile Home Lot – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances required for the placement thereon of a single mobile home. This parcel of land shall not be considered to be a "fee simple lot" but rather is a specified parcel of land within the overall mobile home park which is leased by the record owner of the mobile home park to the occupants of the mobile home placed upon said mobile home lot.

Mobile Home Park – A parcel of land at least ten (10) acres in size, under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use and which consists of at least two (2) or more mobile homes and with a maximum density of eight (8) mobile homes to the acre.

Modular Home – A single-family detached dwelling intended for permanent occupancy, made by assembling one or more factory-produced three dimensional sections into an integral living unit whose construction materials and specifications conform to those of conventionally built single family detached dwelling units.

Mortuary – (See "Funeral Home")

Motel – For purposes of this Ordinance, an establishment providing transient accommodations, containing a minimum of six (6) rental rooms, and having the following requirements:

A. Access to rooms is from directly outside the rooms themselves.

B. A private bath shall be provided for each rental room.

C. Building height is a minimum of one (1) story with a maximum two (2) stories or thirty five (35) feet.

~~***Motor Sports Facility*** – Any facility for the competitive operation of either "on-road" or "off-road" automobiles, trucks, motorcycles and any other motorized vehicles or machinery for recreational or commercial purpose where fees are usually charged for the use of said facilities, to spectators of events, and for snacks and/or beverages, including uses such as, but not limited to, racing, "racing events" as defined in this Ordinance, practicing, training, instruction, research and development and testing.~~

Motor Sports Facility - Any facility or parcel(s) of land dedicated to the operation of on-road or off-road automobiles, trucks, motorcycles, all-terrain vehicles, utility vehicles, side-by-side vehicles or any other motorized vehicles or machinery and used in any of the following ways: recreational purposes where fees are charged for a membership or use of the facility or parcel(s); for recreational use for riding by non-owners of the parcel(s); where fees are charged to spectators of events; where fees are charged for food or beverages on-site; to stage competitive events; or to contain racing events, including practicing, training or instruction therefor.

Movie Theater – **(See *"Theater")***

Municipal Governing Body – The local Supervisors and Council and the officials elected to serve as Supervisors or Council members of each of the Eastern Schuylkill Regional Planning Municipalities.

Municipal Solid Waste – The un-separated and/or unprocessed combination of residential and commercial solid waste materials generated by residences and businesses located within a municipality.

Municipal Use – A land use owned and maintained by a municipality or a municipal authority including, but not limited to, such uses as a library, park, playground, administrative offices, and equipment storage building. This includes sites for sewage treatment, solid waste and refuse disposal, and other public facilities owned and operated for the good and well-being of the municipality and activities regularly conducted by the municipality at such sites and/or facilities.

Municipality – Shall refer to the four (4) sovereign municipalities which comprise the Eastern Schuylkill Regional Planning (Rush Township, Schuylkill Township, Walker Township, and the Borough of Tamaqua).

Museum – A building or structure which houses collections of antiquities, art, vehicles, and other items of historical or sociological importance and which is open to the public or connected with a permitted educational use and which is not usually operated as a private gainful business. This term shall not include any activities, artwork, movies, videos, or other types of displays which have been defined as Adult business related activities or items by this Ordinance.

Net Buildable Area – A calculated area upon which the density and the requirements for the various zoning districts are computed. "Net buildable area" is the area of a lot remaining after subtracting all of the public and private road rights-of-way, noncontiguous lands, and utility rights-of-way from the site's gross area.

Net Floor Area – That portion of a building's gross floor area which is designed for human occupancy and/or commercial use, not to include elevator shafts, stairways, stairwells, or equipment rooms ***(See "Gross Floor Area").***

Nightclub – A facility where entertainment is the primary use ***("Primary Use Entertainment"*** as defined in this Ordinance). A nightclub may serve food as well as beer, wine, and liquor and there is space set aside for floorshows (e.g., live music performances etc.) and/or a dance floor. This term shall not include any activities, artwork, movies, videos, or other types of displays which have been defined as Adult business related activities or items by this Ordinance.

No-Impact Home Based Business – A business or commercial activity administered or conducted as an accessory use in a residence and which is clearly secondary to the use of the home as a residential dwelling and which involves neither customer, client, nor patient traffic, whether vehicular or pedestrian, nor pickup, delivery or removal functions to or from the premises, in excess of those types of activities normally associated with residential use. The business or commercial activity shall satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the subject property and any and all surrounding residential properties.

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

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

D. There shall be no outside appearance of a business use including, but not limited to, off-street parking (beyond that parking which is required by Ordinance for a residential use) signs, or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including any interference with radio, television, or telephone reception in the residential neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, beyond that which is normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the existing residential dwelling unit and shall not occupy more than 25% of the habitable floor area.

H. The business shall not involve any illegal activity.

The permitting of any No-impact Home Based Business by any municipality shall not supersede any deed restriction, covenant or agreement restricting the use of land, or any master deed, by law, or other document applicable to a common interest ownership community.

Non-Conforming Lot – A lot, the area or dimension of which was lawful prior to the adoption of this Ordinance or is legally established through the granting of a variance by one of the four (4) ESRP Region municipality's Zoning Hearing Board, which fails to conform to the dimensional and/or lot area requirements of the zoning district in which it is located by reason of such Ordinance adoption or amendment made thereto.

Non-Conforming Structure – A structure which does not conform to the regulations of the zoning district in which it is located, either at the time of enactment of this Ordinance, or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Ordinance. Non-conforming structures can include, but are not limited to, non-conforming signs, non-conforming buildings, and additions legally made to either.

Non-Conforming Use – Any use, whether conducted within a structure or upon a tract of land, which does not conform to the applicable regulations of the zoning district in which said use is located and which use was legally in existence at the time of enactment of this Ordinance or was, or is, legally established by one of the five (5) ESRP Region municipality's Zoning Hearing Board through the granting of a variance.

Nursery – A type of agriculture use utilizing land or greenhouses to cultivate flowers, plants, shrubs, trees, and similar vegetation.

Nursing Home – **(See "*Convalescent Home*")**

Office – A building or structure, or a particular space within a building, in which the affairs of a for-profit or non-profit business, professional person, or government agency are conducted. The primary function of any office building or office space shall not include wholesale or retail sales activities unless said activities are approved by one of the four (4) ESRP Region municipality's Zoning Hearing Boards through the approval of a variance.

Office/Commercial Center**-** A planned development of office and related uses with some accessory commercial uses intended primarily to serve employees of the offices.

On-Lot Sewage System (Individual) – A sewage disposal system located upon a lot which collects, treats, and disposes of sewage (or holds sewage) generated by the occupants of only one (1) dwelling, or one (1) business, and/or one (1) principal use located upon said lot.

On-Lot Water Supply System – A water supply system which transmits water from a source on a lot to only one (1) dwelling, or one (1) business, and/or one (1) principal use located upon said lot.

Open Space – The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but inclusive of areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

PA DEP – Pennsylvania Department of Environmental Protection

Parking Space – A space within a building or upon a lot, used for the parking of a legally registered and inspected, fully functional motor vehicle.

Party Wall – A fire resistant common wall, floor, or ceiling separating two (2) or more dwelling units.

Patio – An unroofed structure which is usually immediately adjacent to the side or rear wall of a dwelling unit, or other type of building and which is usually not more than two steps above ground level.

Pawn Shop – A business where loans are made using personal property as security/collateral.

Pennsylvania Nutrient Management Act **-** Pennsylvania's current nutrient management law, commonly known as "Act 38" signed into law on July 6, 2005 as part of the Agriculture, Communities, and Rural Environment (ACRE) policy initiative.

Pennsylvania Nutrient Management Act Regulations **-** The regulations for Act 38, Pennsylvania's nutrient management law.

Person – Means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Personal Care Services – Supervision and assistance services which may include assistance with dressing, bathing, diet or medication prescribed for self-administration.

Personal Services – A business which provides a service oriented to personal needs and which does not usually involve retail businesses, the retail sales of goods, professional services, or commercial/business services. Such uses can include, but are not limited to, a barber, beauty salon, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair, or similar personal service providers.

Pet Cemetery – **(See *"Animal Cemetery"***)

Pets, Keeping Of – The keeping of domesticated animals of types that are normally considered to be kept by the residents of a dwelling for the pleasures of the resident family. These types of animals can include, but are not necessarily limited to, dogs, cats, small birds, gerbils, rabbits and other animals commonly sold by pet shops, however, no more than five (5) dogs, cats, small birds, gerbils, rabbits and other animals commonly sold by pet shops may be kept upon any property, unless said property is a lawfully established "kennel" under the terms of this Ordinance.

Piggery – For purposes of this Ordinance, any property which contains 1.0 animal units per acre and above, of swine. Piggeries shall be considered an Intensive Agricultural activity and are only permitted within the EAP and AP Zoning District on lots that are, at least, twenty-five (25) acres or more in size.

Plan (Preliminary) – A tentative subdivision or land development plan (including all required supplementary data), generally prepared in lesser detail than a Final Plan, depicting approximate locations of proposed streets and lot layout and/or site development in the case of land development, as a basis for formal consideration of same by prior to the submission of a Final Plan. Preliminary Plans shall be prepared by a Registered Engineer, Surveyor, or Landscape Architect. Preliminary Plans shall constitute a Formal, Official Submission of a subdivision or land development to the municipality.

Plan (Final) – A complete and exact subdivision or land development plan (including all required supplementary data), prepared for formal consideration by the municipality and for official recording as required by statute, to define property rights and proposed street and other improvements provided said Final Plan is approved and endorsed by the municipality. Final Land Development Plans shall be prepared by and shall bear the signature and seal of a Registered Engineer, Surveyor, or Landscape Architect. Final Subdivision Plans shall be prepared by and shall bear the signature and seal of a Registered Professional Land Surveyor.

Plan (Sketch Plan For Record and/or Sketch Plan of Record) – A type of Final Plan that may be submitted for a Minor Subdivision (a subdivision which will create no more than two (2) residential lots). Such plans shall meet all of the applicable Final Plan design and submittal requirements established by the ESRP Joint Zoning Ordinance and the ESRP Joint SALDO.

Planned Residential Development (PRD) – A unique type of land development conducted upon a particular parcel of land, which is controlled by a single entity, which is intended to be developed as a single community with a site specific number of dwelling units per acre, or a combination of residential and non-residential uses, the development plan for which does not necessarily correspond in terms of lot size, bulk or type of dwellings, dwelling density, lot coverage and/or required open space, to the regulations established in any of the residential zoning districts created, from time to time, under the provisions of the Eastern Schuylkill Regional Planning (ESRP) Joint Zoning Ordinance.

Planning Commission/Municipal Planning Commission – Shall mean the local Planning Commission of the Townships of Schuylkill, Rush and Walker Township and the Borough of Tamaqua.

Plans (Sketch) **–** An informal plan, not necessarily drawn to an exact scale, indicating salient existing features of the tract and its surroundings and depicting approximate street and lot layout of the development as a basis for an informal, non-binding, discussion with the municipality, prior to the submittal of a Preliminary Plan. Sketch Plans shall not be required by either, the ESRP Joint Zoning Ordinance or, the ESRP Joint SALDO, but rather maybe informally presented to the municipality.

Porch – A three sided roofed structure projecting from the front, side, or rear wall of a building without any enclosing features more than 38 inches above the floor thereof, save the necessary columns to support the roof and any necessary railings. A porch shall be located behind the respective building setback lines for the subject lot.

Premises – A descriptive word to include all improvements, buildings, structures, and land upon and within a lot's boundaries.

Principal Permitted Building – A building or structure, the main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which said building may be occupied or maintained under the terms of Ordinance.

Principal Permitted Use – The primary building, use, or structure permitted and intended for a given lot or parcel.

Private Surface Parking Facility **–** A privately owned and operated parking facility constructed upon the surface of a lot with spaces available for short-term and long-term lease.

Professional – A doctor, surgeon, dentist, architect, accountant, insurance agent, real estate broker, web site designer, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, or any other type of licensed, certified and/or degreed professional.

Professional Service – The term includes any establishments primarily engaged in providing a wide variety of services for individual, business and government establishments, and other organizations. The term includes establishments providing business, health, legal, engineering, and other professional services. Specifically excluded from this definition are any and all types of Adult-Business Establishments.

Pub – **(See *"Tavern")***

Public Hearing – A formal meeting held pursuant to the advertisement of public notice by either the Municipal Governing Body or the Municipal Zoning Hearing Board intended to inform and obtain public comment prior to either entity taking formal action on an ordinance, application, plan, request for relief, variance, appeal, or conditional or special exception use which has been filed in accordance with this Ordinance.

Public Meeting – A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84) known as the "Sunshine Act".

Public Notice – A notice published in the manner and duration prescribed by law in a newspaper of general circulation within the Municipality. Such notice shall state the time, date, and place of the public hearing and public meeting and the particular nature of matters to be considered at the public hearing or public meeting.

Public Road – A public thoroughfare including a street, road, lane, alley, court or other similar terms, which has been dedicated or deeded to the Municipality and subsequently accepted for dedication to the public's use by the Governing Body.

Public Sewerage Systems – (See "Sewage Facilities").

Public Utilities – A use, or an extension thereof, which is operated, owned, or maintained by a municipality or municipal authority, or which is privately owned and requires a "Certificate of Convenience" issued by the Pennsylvania Public Utility Commission (PUC) for the purpose of providing public sewage disposal and/or treatment; public potable water distribution and treatment; and/or for the purpose of providing the transmission of energy, telephone, internet, and/or television service to individual customers.

Public Water Supply– (***See "Water Supply, Public"***).

Quarry – (***See "Mineral Extraction")***

Racing Event – Any time, speed, or distance competition using motor vehicles of any type, whether or not conducted under the auspices of a recognized sanctioning body including, but not limited to, events on the surface of land and water. "Racing Events" shall be deemed to include any practice sessions, time trials, qualification rounds, or any other similar activity.

Rear Lot Line – The lot line which is opposite from the front lot line. The rear line of any triangularly or irregularly shaped lot shall be at least ten (10) feet long.

Recreation – The offering of a type of leisure-time activity to the general public. This term shall not include the terms "Adult Business", "Adult Establishment", or "Game Room/Video Arcade". For the purposes of this Ordinance recreation facilities shall be considered "indoor" or "outdoor" recreation:

A. Indoor Recreation - A type of recreation use that does not meet the definition of "outdoor recreation" and is conducted principally for active or passive recreation including, but not limited to, such uses as a bowling alley, roller skating rink, ice skating rink, indoor soccer or lacrosse fields, and/or similar uses.

B. Outdoor Recreation - A type of recreation use that has a total building coverage of less than fifteen (15) percent of the lot area upon which the use is being conducted and is primarily conducted for active or passive recreation including, but not limited to, such uses as golf driving range, miniature golf course, sports playing fields, and/or similar uses.

"Indoor Recreation" and "Outdoor Recreation" are part of the definition of "Recreation Use".

Recreation, Active—Any recreation activity not considered to be "Passive".

Recreation, Passive—Includes picnic pavilions; hiking, biking, and fitness trails; park benches; picnicking; bird watching; and other similar uses, and any recreation activity not considered to be "Active".

Recreation Use

A. Commercial – Recreational facilities, which are owned and operated by a private entity as a commercial business and are open to the general public for a fee.

B. Public – Recreational facilities operated as a not for profit enterprise by a municipality or other governmental entity and which are open to the general public.

C. Private-- Facilities which are only open to members of the private entity which owns said facility.

Commercial, Public, and Private Recreation Uses are part of the definition of "Indoor" or "Outdoor" Recreation. For purposes of this ordinance "Recreation Use" where listed as a permitted use may be further regulated as specified in this Ordinance.

No recreation activity which, in the opinion of the Municipal Governing Body, constitutes a threat to the health, safety, and welfare of the general public or results in the degradation of the existing environment shall be permitted.

Recreational Area

A. Private – Recreational facilities, which are either owned and operated by a private entity as a commercial business and are open to the general public for a fee or which are facilities which are only open to members of the private entity which owns said facility.

B. Public – Recreational facilities operated as a not for profit enterprise by a municipality or other governmental entity and which are open to the general public.

Public and Private recreational facilities may include, but not be limited to, land buildings and structures used for leisure time activities including amusements, theatre, arcades, athletic events, amphitheatres, clubs, country clubs, dancing or music halls, studios, swimming clubs, skating clubs, horse and bicycle riding trails, hiking trails, playgrounds, boating, and hunting and fishing clubs.

No recreation area which, in the opinion of the Municipal Governing Body, constitutes a threat to the health, safety, and welfare of the general public or results in the degradation of the existing environment shall be permitted.

Recreational areas, both Public and Private, shall never include any types of "Adult Businesses" as defined by this Ordinance.

Recreational Vehicle (RV) — A vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide indoor accommodations for persons who wish to go "camping". An RV may either have its own mode of power or is mounted on or towed by another vehicle. The various RV units include camping trailers, fifth-wheel trailers, motor homes, park trailers, travel trailers, and truck campers as described below.

A. Camping Trailer — A recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that folds when the trailer is being towed by another vehicle and unfold for use (e.g., a "pop-up camper").

B. Fifth-Wheel Trailer — A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

C. Motor Home — A recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

D. Park Trailer — A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.

2. Certified by the manufacturer as complying with ANSI A119.5.

E. Travel Trailer — A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is usually mounted behind the tow vehicle's bumper.

F. Truck Camper - A recreational vehicle designed to be securely placed within the bed of a pick-up truck.

Recreational Vehicle Park - (**See "Campground/Recreational Vehicle Park**")

Recycling Facility – A business that accumulates non-hazardous materials such as paper, glass, aluminum and/or plastic or other non- hazardous material, or any containers that held any hazardous material, and providing that said non-hazardous materials are no longer useful for their intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product. ***(Also see "Resource Recovery Facility").***

Renewable/Alternative Energy Source – Any method, process or substance whose supply is rejuvenated through natural and/or unconventional processes, and, with respect to such supplies generated through processes, remains relatively constant, including, but not limited to, biomass conversion, methane, ethanol, geothermal, solar, wind, and hydroelectric energy.

Renewable/Alternative Energy Source Facility – Any building, structure or facility used in the collection, development, processing, production, conversion, refinement, transfer and/or storage of a renewable/alternative energy source.

Resource Recovery Facility – A facility that is used for any one or a combination of the following similar uses: composting, incineration, material separation, recycling, or trash transfer.

Restaurant - A retail food (the term "food" includes non-alcoholic beverages) service establishment, conducted with or without the sale of beer, wine, or liquor. For purposes of this Ordinance restaurants shall be classified as follows:

A. Restaurant, Fast Food – An establishment that sells food already prepared for consumption, on or off the premises which is usually packaged in paper, Styrofoam, or similar materials. Such uses may include drive-in, drive-through, or drive-up facilities for ordering.

B. Restaurant, General –An establishment that sells food for consumption primarily on the premises and which may include the sale of beer, wine, or liquor. All food and beverages may be served by waiters or waitresses and are primarily consumed inside the building while patrons are seated at counters or tables. Food sales shall account for at least fifty-five percent (55%) of the gross income.

C. Restaurant, Take-out – An establishment that sells food only for consumption off the premises and which may include drive-in, drive-through, or drive-up facilities for ordering or pick-up and which may include take-out beer as part of its operation.

Retail Business – Includes establishments engaged in selling merchandise directly to the consumer and rendering services incidental to the sale of the goods. The establishment is usually a place of business which is engaged in the sale of items that the general public will usually buy. Processing of items in a manner that is incidental or subordinate to the retail sales of said items is often conducted at retail businesses. Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from Personal Services, Professional Services, Commercial Businesses/Services, or Agriculture and Extractive Industries. Specifically excluded from this definition are Adult Business Establishments as defined by this Ordinance.

Retirement Community —– A planned residential community consisting of single-family detached, single family semi-detached, and townhouses for persons of fifty-five (55) years of age or older and their spouses or companions and usually including communal dining, recreation areas, open space, parking, and related facilities, and which may include Healthcare Facilities (as defined in this Ordinance).

Retreat Camp – A type of "camp" which provides food and/or lodging for persons wishing to commune with nature while they contemplate various moral, ethical, and/or ecumenical issues or problems along with accessory offices, dwellings, and administration uses devoted solely to operating the retreat camp, all located in a predominately natural setting.

Riding Academy/Riding Stables/Horse Boarding Facilities – An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered; and/or where the general public may, for a fee, hire horses for riding.

Right-of-Way – The total width of any land reserved or dedicated as a street, sidewalk, alley, or for other public or semi-public purposes (e.g., water or sewer lines etc.).

Rooming House – ***(See Boarding House***).

SALDO – ESRP Region Joint Subdivision And Land Development Ordinance.

Saloon – ***(See "Tavern")***

Salvage Yard – (See "Junk Yard")

Satellite Dish Antenna — A device incorporating a reflective surface which can be solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, or horn. This term is inclusive of the pedestal and other attachments which the device needs to be functional. Such devices shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbit based transmitters. This definition is meant to include, but not be limited to, what are commonly referred to as "satellite earth stations," "television receivers only" (or "TVRO's"), and "satellite microwave antennas."

Satellite Use – A commercial establishment in a shopping center or planned commercial center, located in a freestanding building independent of other buildings, and frequently near the road frontage of the center. Satellite uses are often, but not always, characterized by the following:

A. A need for nearby parking.

B. Rapid customer turnover.

C. Vehicular service bays or drive-through services.

School – A principal use in which supervised education or instruction is offered including, but not limited to, the following:

A. Public School – An elementary or secondary school supported by public funds and providing free education for children located within a public school district.

B. Private School – An elementary or secondary school run and primarily supported by private individuals or a corporation.

C. Parochial School – An elementary or secondary school primarily supported by a religious organization.

D. Day School – A private school for pupils living at home.

E. Boarding School – A private school where pupils are provided with meals and lodging.

F. Business, Trade, or Vocational School – A secondary school that offers instruction in jobs relating to either office settings or in skilled trades.

G. Technical School – A post-secondary school teaching mechanical and industrial arts and the applied sciences.

H. Commercial School – Schools which are owned and operated privately for profit and that offer a very specific vocational curriculum (e.g., beauty school, modeling school, art school, or truck driving school). Commercial Schools are classified as:

1. Indoor – All instruction, practice, demonstration, and other related activities are conducted within a building(s), including automobile driving schools where all practice and demonstration is conducted on public and/or private roads.

2. Outdoor – All or part of the instructions, demonstrations, practice, and other related activities are conducted outdoors; including, but not limited to, instruction in the operation of vehicles and other heavy equipment.

I. Junior College – An educational institution with residential facilities offering a two-year course that is generally the equivalent of the first two years of a four-year undergraduate course.

J. Community College – A Junior College, usually without residential facilities, that is often funded by the government.

K. College

1. An institution of higher learning, which usually provides students with living quarters and meals, and that grants a bachelor's degree in liberal arts or science, or both.

2. An undergraduate division or school of a university.

3. A school, sometimes but not always a university, offering special instruction in professional or technical subjects.

L. University – An institution for higher learning, which usually provides students with living quarters and meals, with teaching and research facilities, having graduate and professional schools that award masters and doctorate degrees, and usually an undergraduate division or school that awards bachelor's degrees.

M. Hobby School/Hobby Studio – A for-profit facility that is primarily intended for the learning of, or skill improvements of, a hobby and does not provide state-required education to persons under sixteen (16) years of age. Examples include dancing school, martial arts school, and studios for activities such as art, ceramics, and music.

Screen – Vegetative material, fencing, and/or other materials which have been planted or constructed to screen the buildings, structures, and uses on the lot on which the screen is located from the view of persons located on adjoining properties.

Self Storage Facilities – A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for storage and no processing, manufacturing, sales, research and development, testing, service and repair, or other non-storage activities shall be permitted. Only non-hazardous, non-explosive, or inherently-safe, materials may be stored at such facilities.

Services Business – A business which provides services not included in the definition of "Personal Service", "Professional Service," or "Retail Business." Examples include, but are not limited to, the businesses of contractors and tradesmen; commercial trade, and businesses which provide services to other business (eg; cleaning services, cafeteria services, temporary staffing, etc.).

Sewage – Those (usually organic, water soluble solid or liquid) waste products and wastewater generated by residential, industrial, commercial, institutional, or other establishments.

Sewage Facilities – A system of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage or other similar waste into waters of this Commonwealth and which otherwise provides for the safe and sanitary treatment and disposal of sewage or other similar waste. The term includes:

A. *Sewage System, Individual* – A system of piping, tanks, or other facilities located upon and serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or, in the case of a holding tank, by means of conveyance to another site for final disposal. The term includes:

1. Individual on-lot sewage system – An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

2. Individual sewerage system – A system which uses a method of sewage collection, conveyance, treatment, and disposal, other than renovation in a soil absorption area or retention in a retaining tank.

B. *Sewage System, Community* A privately owned sewage facility for the collection of sewage from two (2) or more lots or two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

1. Community on-lot sewage system – A system of piping, tanks, or other facilities serving two (2) or more lots and collecting, treating, and disposing of sewage into a soil absorption area or retaining tank located on one (1) or more of the lots or at another site.

2. Community sewerage system – A privately owned community sewage facility that uses a method other than renovation in an on-lot absorption area or retention in a retaining tank.

C. *Sewage System, Public* – (Public Sewerage System) – A sewage facility that is owned and/or operated by a municipality and/or a municipal authority.

Sewerage –

A. All effluent carried by sewers, whether it is sanitary sewage, residential, commercial or industrial wastes, or stormwater runoff.

B. The entire system of sewage collection, conveyance, treatment, and disposal.

Sexually Oriented Business (***See Also Adult Business*** and ***Adult Establishment***)– An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theatre, escort agency, nude model studio, or sexual encounter center.

Shopping Center – A group of stores, two (2) or more in number, with or without satellite uses, planned and designed as an integrated unit, with off-street parking provided for both customers and employees on the developed property as an integral part of the unit, with provisions for delivery of goods separated from the off-street parking areas and from customer access. The term "Shopping center" shall also mean a single store or a single building with several stores within same where the total gross floor area of the store or building exceeds twenty thousand (20,000) square feet.

Short Term Rental Unit: The lease or rental of a Dwelling or Dwelling Unit or a portion thereof by the owner(s) or person in control of said Dwelling or Dwelling Unit to a person or group of people, whether related or not, who lease or rent the Dwelling or Dwelling Unit for a period of time not to exceed 30 consecutive days. A Short Term Rental is synonymous with the common understanding of an Airbnb or VRBO.

Sight Distance – The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above centerline of the road surface to a point six inches (6") above the centerline of the road surface. Sight distance is measured wherever two (2) roadways intersect, a driveway intersects with a roadway, and/or through a vertical curve on a roadway.

Sign – Any structure, device, display or part thereof, or device attached thereto, or painted or represented thereon, which shall be used for the purpose of bringing the subject thereof to the attention of the public or which displays or includes any letter, word, motto, banner, pennant, flag, insignia, device or representation which is in the nature of an advertisement, announcement, direction or attraction, but not including the flag, emblem, or insignia of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision thereof.

A. Definitions and types of Signs:

Abandoned – A sign located on a property which is vacant and/or unoccupied for a period of ninety (90) days; a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days; a sign which contains an outdated message for a period exceeding thirty (30) days.

Advertising – (See "Sign, Off-Premise" in this subsection)

A-frame – (See "Portable" in this subsection)

Area of – The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface of a structure, the area of the sign shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols. In computing the permitted sign area of any sign with two (2) sides, the permitted total sign area shall be based upon the sign area of only one (1) side (the larger of the two if they differ). Unless otherwise specified, all square footages stated in this Ordinance in regards to signs shall be considered as maximum sizes.

Awning – A sign, having its advertisement material written, lettered, painted etc., upon a surface made of any non-rigid material such as fabric or flexible plastic, that is supported by or stretched over a frame and in turn is attached to an exterior wall of a building or other structure. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

Banner – A temporary sign with its advertisement written on non-rigid material such as cloth, plastic, fabric, or paper with no supporting framework.

Bench – A sign located on the seat or back of a bench placed on or adjacent to a public right of way.

Bulletin Board – A particular type of changeable copy sign that displays advertisements, or news-worthy items in a casement made of glass, Plexiglas, or other materials.

Business – (See "On-Premise Business")

Canopy – A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.

Center – A sign located on the premises identifying a shopping center or the commercial, business, or industrial complex (e.g., "plaza", "park", "commons") housing individual commercial businesses or industrial businesses. A Center Sign does not include Business Signs as part of its structure.

Changeable – A sign that is designed so that its characters, letters, illustrations, or other content can be changed, altered, or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

Contractor – A temporary sign which depicts the name and relevant contact information about a contractor, mechanic, artisan, or architect who is involved in construction work occurring on the

premises on which the sign is located. Such signs maybe placed temporarily upon properties, but only for the duration of the work which the contractor is doing at said property.

Development – An identification sign at the entrance to a residential, commercial, industrial, or institutional development.

Directional – A sign containing directional information locating public places owned or operated by federal, state or local governments, or their agencies publicly owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural and scenic beauty or which are naturally suited for outdoor recreation.

Flashing – Any sign which has intermittent or changing lighting or illumination of a duration less than thirty (30) seconds shall be deemed a flashing sign.

Free-Standing – An independently supported sign permanently affixed to the ground with a foundation and which is not attached to any building or structure.

Garage/Yard Sale – A temporary sign which directs attention to the sale of personal goods on the premises of a residential property on which the sign is located.

Identification – Signs for public and private schools, churches, lodges, or similar institutions identifying the subject use.

Illegal Sign – A sign which does not meet the requirements of this Ordinance or which is not a legally nonconforming sign. This specifically includes a sign that remains standing when the time limits set by the permit are exceeded and any sign not removed after notification from the municipalities Zoning Officer to remove the sign.

Illuminated – A sign illuminated in any manner by an artificial light source, whether internally or externally lit; including, but not limited to, neon signs and any sign which has characters, letters, figures, designs, or outlines illuminated by artificial lighting.

Incidental – An informational sign, no more than two square feet in size and not including any commercial message or logo, which carries a message such as “enter”, “telephone”, “rest rooms”, “no parking”, and on-site direction or anything similar. It does not include Security and Warning Signs.

Informational Sign - An On-Premise or Off-Premise Sign giving directions; such signs may contain logo/insignia of an establishment, but no advertising copy.

Marquee – Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Monument – A freestanding sign with a base affixed to the ground where the length of the base is at least two-thirds the horizontal length of the monument.

Nonconforming – A sign that met all legal requirements when constructed, but is not in compliance with current sign regulations. A registered nonconforming sign is not an illegal sign.

Nonprofit Organization – An off-premises sign displaying information about a church, service club, or other nonprofit organization.

Off-Premise – A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called “billboards” and “advertising signs”.

On-Premise Business – A sign which directs attention to a business, profession, or industry conducted on the premise or to products sold, manufactured, or assembled upon the same premises upon which it is displayed.

Personal Expression – A sign which displays an individual's political, religious, or personal belief.

Plaza – A one or two-sided structure displaying smaller signs, each of equal size.

Political – A temporary sign identifying, either single or combined, a political candidate, slate of candidates, ballot issue, or party. These signs are used or intended to be used for the display of any announcement, advertisement, or notice of any individual candidate or slate of candidates for any public office or similar political purposes and shall be non-illuminated. These signs shall be limited to a display no longer than sixty (60) days prior to a primary or general election and shall be removed within five (5) days after said election.

Portable – A freestanding sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flat-bed truck and that is not permanently attached to a building or the ground.

Private Drive – On premises private drive signs are limited to one (1) per driveway entrance, shall not exceed two (2) square feet in area, and with language limited to the words "private drive" and the addresses of any residences using the private driveway.

Public Use, Official, Governmental – Safety signs, signs indicating points of interest, historical plaques, public parks or recreation facilities, utilities, and signs identifying official governmental buildings or facilities.

Real Estate - A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental, open house, or property available for, or in the process of, development.

Residential Identification – A sign, bearing only the property number, street address, and/or names of the occupants of the residence or the name of the dwelling.

Roof – A sign which is erected, constructed, and maintained on or above the roof of a building. For purposes of this Ordinance, Roof Signs are considered On-Premise Business Signs and are regulated as such.

Sandwich – A movable sign not secured or attached to the ground.

Security and Warning – On-premises signs regulating the use of the premises, such as "no trespassing", "no hunting", and "no soliciting" signs, as well as signs provided by home security firms, and shall not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional "no trespassing," signs in accordance with state law.

Sidewalk – (see "Sandwich")

Special Event – A temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal, or fundraising event.

Street – Official highway sign, streets name, directional, or other traffic sign erected in accordance with the Pennsylvania Motor Vehicle Code.

Temporary – A sign which advertises community or civic projects, political events/candidates, real estate for sale/lease, contractor signs, or other special events on a temporary basis and which are intended and/or required to be removed after the temporary purpose has been served.

Vehicular – A vehicle to which a sign is affixed or painted and which is used or parked in such manner that the display of such sign becomes the vehicle's primary purpose.

Wall – A sign primarily painted on a wall of a building or a sign supported on a wall and which is either mounted parallel with the wall or perpendicular to the wall.

1. Parallel Wall Sign – A sign mounted parallel to a wall or other vertical building surface, but not extending beyond the edge of the wall, roof lines, or other surface to which it is

mounted and not projecting more than twelve (12) inches from the surface to which it is mounted.

2. Projecting Wall Sign – Any sign mounted perpendicular to a wall or other vertical surface.

Wheeled – (See **"**Portable**"**)

Window – A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window, transparent door, or that can be read through a window or transparent door.

Skilled Nursing Facility – A facility which serves two (2) or more individuals for more than a twenty-four hour period who require continuous intermediate or long-term skilled nursing care.

Slaughterhouse, Commercial – A principal use which involves the purchasing, slaughtering, butchering, processing, rendering, and packaging of animal food products and by-products for commercial purposes. This definition does not include custom butcher shops which are licensed by the state.

Social Club (PLCB Licensed) – A club or lodge or any organization not conducted for profit, which has a membership defined by its charter bylaws, and is a licensee of the Pennsylvania Liquor Control Board.

Social Club or Association (Non-PLCB Licensed) – A club or lodge or any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is not a licensee of the Pennsylvania Liquor Control Board. No alcoholic beverages are to be sold, stored or consumed on premises.

Solid Waste Disposal Facility – A properly sited and legally permitted facility where garbage, trash, or junk is disposed of or is processed or recycled for disposal or reuse. This term shall not include facilities where the disposal or processing of hazardous waste or highly radioactive materials takes place. A Solid Waste Disposal Facility includes Solid Waste Landfill, Resource Recovery Facilities, and Low Level Radioactive Waste Facilities.

Solid Waste Landfill – A properly sited and legally permitted facility where engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

Special Antenna – Private residence ground mounted television or amateur radio equipment including ham or citizen band radio antennas.

Special Exception Use – A type of land use which, if it is permitted by one of the four (4) ESRP Region municipalities' Zoning Hearing Boards, would allow the use and occupancy of land and/or a building for specific purposes in accordance with terms of this Ordinance whenever such use is not permitted by right.

Specialty Grocery Store – A retail business housed in a building having less than 10,500 square feet of gross floor area which has the primary purpose of selling fresh and prepackaged foods and groceries. A gourmet food store is an example of a specialty grocery store. There shall not be any dispensing of gasoline or other motor fuels as part of the operation of a specialty grocery store.

Standard Antenna – Private residence roof-mounted television or amateur radio equipment including ham or citizen band radio antennas.

Street – A strip of land, including the entire right-of-way, (i.e., not limited to the cartway), either public or private, intended for use as a means of vehicular and pedestrian circulation, and which provides a means of access to abutting property. The word "street" includes the terms; thoroughfare, avenue, boulevard,

court, drive, expressway, road, highway, freeway, parkway, lane, alley, viaduct, and any other similar terms.

A. Arterial Road – Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds and which generally do not provide access to land which would interfere with the primary traffic moving functions of such a street.

B. Collector Road – Streets designed to carry a moderate volume of traffic between Local streets and Arterial streets at moderate speeds and which provide only limited vehicular access to abutting properties.

C. Local Road – Streets designed to provide direct access from abutting properties to any Collector and/or Arterial Streets.

D. Service Road – Streets (often called "alleys") designed to provide vehicular access to the rear or side of properties which abut a Local or Collector Road.

Structural Alteration – Any changes made to the structural members of any structure (such as to load bearing walls, columns, beams, girders, floors, roofs, or ceilings or to any addition to any structure), or the moving of a structure from one location to another. The term "Structural Alteration" shall not include work associated with normal maintenance, minor repairs, or interior alterations which do not involve any load-bearing walls, columns, beams, girders, floors, rooves, or ceilings.

Structure – Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include, but not be limited to, the following: buildings, houses, signs, fences, walls, towers, swimming pools, porches, garages, sheds, gazebos, pavilions, and any other similar structures. "Structure" shall be interpreted as including the words "or part thereof".

Subdivider – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development. Unless otherwise specified in this Ordinance, the term subdivider shall also be deemed to refer to a developer.

Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, or parcels or other divisions of land including or, for the purpose of annexation, changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs and devisees, transfer of ownership of building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted. The term subdivision shall refer to, as appropriate in this Ordinance, to the process of subdividing land or to the land proposed to be subdivided.

Supermarket – A store occupying in excess of 10,500 square feet of gross floor area which has the primary purpose of selling fresh and prepackaged food, groceries, house wares, and toiletries, but not clothing except as incidental items, and is designed to provide sustenance for households. A supermarket may provide for the dispensing of gasoline or other motor fuels if the appropriate approvals have been obtained from the local, state, or federal regulatory agencies having jurisdiction over such matters.

Surface Mining – **(See "*Mineral Extraction*")**

Swimming Pool – A facility used for swimming or bathing which has a depth in any part of twenty-four (24) inches or more. These facilities can be built either above the ground or in the ground.

A. Household or Private – A man-made area with walls of man-made materials intended to enclose water for bathing or swimming and that is intended to serve the residents of only one dwelling

unit and their occasional guests.

B. Non-household – A man-made area with walls of man-made materials intended to enclose water for bathing or swimming and that does not meet the definition of a household swimming pool.

Taproom – **(See *"Tavern"*)**

Target Range – A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania. Any, and all target ranges shall be safely and appropriately sited upon the land, shall include a backstop of either earthen materials or other impact absorbing materials, and shall not constitute a threat to any person or personal property located within the ESRP Region.

Tavern - A Pennsylvania Liquor Control Board (PLCB) licensed establishment primarily engaged in the retail sale and the on-site consumption of alcoholic beverages and where food sales account for less than fifty-five percent (55%) of the gross income. This definition includes, but is not limited to, beer gardens, bars, barroom, pubs, cocktail lounges, saloons, and taprooms. "Restaurants" (as defined in this Ordinance) that serve alcoholic beverages, but are primarily engaged in the retail sale of prepared food, are not included in this definition. This term shall not include any type of Adult Business activity as defined in this Ordinance.

Telecommunications Antenna – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless telecommunications signals; including, without limitation, omni-directional or whip antennas and directional or panel antennas owned or operated by any person or entity licensed by the FCC to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including; without limitation, ham or citizen band radio antennas.

Telecommunications Facility - A tract or parcel of land that contains, as the principal use, a telecommunication antenna its support structure, accessory building(s), equipment cabinet, and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing upon said tract.

Theater – An enclosed building used for the presentation of live performances or motion pictures where entertainment is the primary use (See ***"Primary Use Entertainment"***). Included in this definition are cinemas, other venues for the projection of film, dinner theaters, and theaters with stages for live theatrical or musical performances as well as circuses and ceremonies such as graduation and awards. "Theater" does not include outdoor drive-in theater or Adult Business.

Topsoil – Surface soils and subsurface soils which presumably are fertile soils and are ordinarily rich in organic matter or humus debris. Topsoil is usually found in the upper most soil layer often called the "A horizon".

Township – Townships of Schuylkill, Rush and Walker, Schuylkill County, Pennsylvania For the purpose of this Ordinance the use of the term Township shall also include the Borough of Tamaqua, Schuylkill County, Pennsylvania

Transfer Station – A properly sited and legally permitted facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

Travel Trailer – **(See "Recreational Vehicle")**

Travel Trailer Park – **(See Campground/Recreation Vehicle Park")**

Treatment Center – A properly sited and legally permitted facility (other than a prison or hospital) providing housing for persons who need specialized housing, treatment, and/or counseling because of:

A. Criminal rehabilitation such as a halfway house.

B. Current addiction to alcohol or a controlled substance that was used in an illegal manner.

C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety to others.

"Treatment Centers" are further regulated within this Ordinance.

A "Methadone Treatment Facility" is as defined in this Ordinance and is further regulated by both this Ordinance and PA Act 247 The PA MPC.

Truck And Heavy Equipment Sales, Rental And Service Establishment – Any use of land whereon the primary occupation is the sale, rental, or service of trucks, buses, and heavy equipment in operating condition, including earth-moving, well-drilling, and construction equipment and cranes. For the purpose of this chapter, truck and heavy equipment sales, rental, and service establishments shall not include "vehicular or mobile home sales, rental, and service," but may include "farm equipment, sales, rental, and service," as defined herein, the service of vehicles and equipment shall not be interpreted to include "Automobile Service Stations" or "Truck Stops", but may include diagnostic centers, truck and heavy equipment parts and accessories shops where installation of parts is a distinct feature of the business and body paint when ancillary to sales, rental and repair.

Truck Stop – A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by various companies. Such use may also include retail sales of food, beverages, and items usually found in convenience stores; the use of rest facilities (less than twelve (12) hours), and shower facilities and sanitation facilities for truck drivers; and emergency repair services and routine maintenance activities. Parking is limited to those vehicles patronizing the Truck Stop and the transfer of freight and materials is strictly prohibited.

Truck Terminal – The building plus contiguous space to which freight is brought for transfer, assembly, and sorting for shipment by one (1) or more motor-freight carriers. This term shall also include any areas or buildings used for truck parking and /or servicing, but shall not include the term "Truck Stop". The long-term storage of freight is not the primary use of such premises ***(See "Warehousing")***.

Use – The specific purpose for which a tract of land, a sign, structure, building, or group of buildings is designed, arranged, and/or intended for, and which may be occupied or maintained, or any activity, occupation, business or operation may be conducted upon, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any type of non-conforming use.

Utility Building – An accessory use which does not include the storage of vehicle, but which does include the storage of goods and materials associated with the principal permitted use of the lot.

Vacation Farm – A farm, still engaged primarily in agricultural production, whether principally or incidentally thereto, which provides accommodations and services consisting of, but not limited to, sleeping quarters, eating and recreation facilities, and general social activities on the premises used or intended to be used for temporary or seasonal occupancy by vacationers interested in experiencing "the farm life style".

Variance – The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code.

Vehicle –

A. A self-propelled conveyance that runs on tires or wheels; a motor vehicle including, but not limited to, trucks, light trucks, cars, motorcycles, etc.

B. A device or structure not necessarily self propelled for transporting persons or things, including the term "trailer" which is a transport vehicle designed to be hauled by a truck or other motor vehicle and the term "boat" which is a vessel propelled by oars, paddles, sail, or motorized device.

Veterinary Clinic – ***(See "Animal Hospital/Veterinary Clinic")***

Video Arcade - ***(See "Game Room")***

Warehouse – ***A*** building or group of buildings primarily used for the indoor storage of goods and materials either on a short-term or long-term basis as well as the transfer and distribution of products and materials, but not including "Retail Business Sales" or a "Truck Terminal". If the short-term storage facilities are for a specific commercial establishment, this establishment is then considered a **"Distribution Center"**.

Warehousing – The indoor storage as well as the transfer and distribution of products and materials where it is the primary use and activity of the lot. The servicing of trucks is not a primary use or an accessory use of Warehousing ***(See "Truck Terminal")***.

Water Extraction – The permanent removal of surface or ground water as a commodity from a lot or parcel of land for any purpose.

Water Supply, Community – A privately owned system for supplying and distributing water from a common source to two (2) or more dwellings and/or structures.

Water Supply, Individual On-Lot– A system which supplies and distributes water to a single dwelling or other building from a source located on the same lot.

Water Supply, Public – A system for providing potable water to various homes and businesses which is owned and/or operated by a municipality or a municipal authority.

Wetlands – An area of ground exhibiting certain natural conditions which cause same to be identified as wetlands as defined in applicable State and Federal laws and regulations setting forth criteria for the identification of wetlands and for the establishment of wetlands limits.

Wholesale Business Establishment – An establishment that is primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers. Such an establishment may also act as agents or brokers or buy merchandise for, or sell merchandise to, such businesses.

Wildlife Sanctuary – Includes nature center, outdoor education laboratory or research facility, woodland preserve, arboretum, or a place of refuge for native animals indigenous to Pennsylvania.

Wind Energy Facility - An electric generating facility whose main purpose is to supply electricity and which consists of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Yard – An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or group of buildings, where open space lies between the principal and/or accessory buildings or group of buildings and the nearest lot line. This area of open space is unoccupied and unobstructed from the ground upward.

Yard, Front – An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

Yard, Rear – An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

Yard, Side – An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

Zoning District – A portion of the territory of the Eastern Schuylkill Regional Planning (ESRP) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the ESRP Joint Zoning Ordinance.

CHAPTER III. ZONING DISTRICTS

Section 300. Types of Zoning Districts.

In order to carry out the objectives of this Zoning Ordinance, the ESRP Region has been divided into the following Zoning Districts:

W-P – Woodland Preservation

EAP – Enhanced Agricultural Preservation

A-P – Agricultural Preservation

R-1 – Residential, Low Density Rural

R-2 – Residential, Low Density Suburban

R-3 – Residential, Medium Density Suburban

R-4 – Residential/Commercial, Medium to High Density Suburban

R-5 – Residential/Commercial, High Density Urban

H-C – Highway Commercial

G-C – General Commercial

L-I – Light Industrial

GI-1 – General Industrial – 1

GI-2 – General Industrial – 2

Section 301. Official Zoning Map.

A. The boundaries of the Zoning Districts shall be as shown on the Official Zoning Map of the ESRP Region. The Official Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.

B. The Official Zoning Map shall be so labeled and identified by the signatures of the Chairmen of the Boards of Supervisors or Council President, attested by the Secretaries of the Boards of Supervisors and the Secretary of the Council, and bear the seals of the Townships and the Borough under the following words:

"This is to certify that this is the Official Zoning Map of the Eastern Schuylkill Regional Planning adopted __/__/____."

C. If an amendment is made to the Official Zoning Map, an entry indicating the change made and the date of any change shall be made on the map and the entry shall include the signatures of the Chairmen and Secretaries of the Boards of Supervisors and the President and Secretary of the Borough Council.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Boards of Supervisors and Borough Council may by resolution adopt a new Official Zoning Map which will supersede such prior map. The new Official Zoning may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of

amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Chairmen of the Boards of Supervisors and Borough Council President, attested by the Secretaries of said Board and Council, and bear the seals of the Townships and Council under the following words:

"This is to certify that this is the Official Zoning Map of the Eastern Schuylkill Regional Planning adopted __/__/____."

E. Where district regulations specify a minimum lot width at the building setback line, the minimum lot widths shall be contiguous along one (1) building setback line. It is prohibited, when calculating the width of a lot, to add widths along two (2) building setback lines (See "Lot Width in Section 201).

Section 302 . District Boundaries – Rules for Interpretation.

Where uncertainty exists as to the boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, or alleys, such centerlines shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries.

C. Where district boundaries are indicated as being approximately parallel to the centerline of or to the right-of-way lines of streets or highways, such districts boundaries shall be construed as being parallel to the centerline of or to the right-of-way lines and at such distance from the centerline of or to the right-of-way lines as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by using the scale of the map.

D. Where district boundaries are indicated as being approximately perpendicular to the centerlines of or to the right-of-way lines of streets or highways such district boundaries shall be construed as being perpendicular to the centerlines of, or the right-of-way lines.

E. Boundaries indicated as approximately following ESRP Region limits shall be construed as following such limits.

F. Boundaries indicated as parallel to or extensions of features indicated in Subsections (A) through (E) above shall be so construed.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by Subsections (A) through (F) above, the Zoning Officer shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the property owner the regulations of either zoning district may be extended a distance of not more than one hundred (100') feet beyond the district boundary line into the remaining portion of the lot.

Section 303. Application of District Regulations.

A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, or structurally altered without the issuance of a Zoning Permit and/or Certificate of Use and Occupancy.

B. No part of a yard, other open space, or off-street parking or loading space required in connection with one (1) structure, building, or use of land shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure, building, or use of the land except as permitted or required by this Ordinance or other Municipal ordinance regulations.

C. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance, which does not meet the minimum requirements of this Ordinance, shall not be further reduced below the minimum requirements of this Ordinance.

D. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be contiguous along one (1) street line. It is prohibited, when calculating the width of a lot, to add widths along two (2) street lines (See "Lot Width" in Section 201).

E. Where district regulations specify a minimum lot width at the building setback line, the minimum lot widths shall be contiguous along one (1) building setback line. It is prohibited, when calculating the width of a lot, to add widths along two (2) building setback lines (See "Lot Width" in Section 201).

CHAPTERS IV, V, VI, VII, VIII, IX.

ZONING DISTRICT REGULATIONS

Section 400. W-P (Woodland Preservation) Zoning District

Section 401. Specific Intent.

It is the purpose of the W-P Zoning District to discourage intensive development in areas which present severe limitations to development because of such factors as steep slope, shallow depth to bedrock, and stoniness, which are generally classified as having severe limitations for on-site sewage disposal, are not proposed to be sewered, and which are not served by a road network. It is also the intent of the W-P Zoning District to encourage the preservation of ecologically critical factors such as the headwaters of streams and the surrounding watersheds, wetlands, wildlife habitats, and extensive wooded areas. The wooded areas have even increased importance because they are located on steep slopes and in the watersheds surrounding the headwaters of streams. By preserving these factors, wildlife populations within the ESRP Region can be maintained, stream quality can be protected, the adverse effects of increased stormwater run-off, erosion and sedimentation can be minimized, and the recreation potential of the area maintained.

Section 402. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the W-P Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Hunting Lodges, Gun Clubs, Archery Clubs and other similar organizations, subject to Section 1660.

B. Single Family Detached Dwelling.

C. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

D. Municipal Use, subject to Section 1700.

E. Accessory uses and structures to any of the above permitted uses when on the same lot as the permitted use.

F. No-impact Home-based Business, subject to Section 1601.

G. Forestry, subject to Section 1685.

H. The Sending (Transfer) of Transferable Development Rights (TOR), subject to Section 1609.

I. Solar Energy, subject to Section 1694.D.

Section 403. Uses Permitted by Special Exception.

The following uses are permitted in the W-P Zoning District when special exceptions are granted by the Municipal Zoning Hearing Board. Standards to be used in determining whether a special exception

should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.C.

B. Campground, subject to Section 1661.

C. Bed and Breakfast, subject to Section 1648.

D. Game Preserve, subject to Section 1660.

E. Wildlife Sanctuary, subject to Section 1660.

F. Home Occupation, subject to Section 1601.

G. Small Wind Energy System, subject to Section 1692.2.

H. Solar Energy, subject to Section 1694.

I. Short Term Rental Units, subject to Section 1632.

Section 404. Conditional Use. (Reserved)

Section 405. Area, Yard and Height Regulations.

A. On-Lot Sewage Disposal and On-Lot Water Supply

Maximum Permitted

Building Height	35 Feet
Impervious Coverage	10 Percent

~~Maximum~~ Minimum Permitted

Lot Size	10 ~~Acres~~ Feet
Lot Width	
At Street Line	500 Acres
At Building Setback Line	500 Feet
Building Setback Line	100 Feet
Side Yard	
One Side	100 Feet
Total	200 Feet
Rear Yard	100 Feet

Section 406. General Regulations. (Reserved)

Section 407. through 449. (Reserved)

Section 450. EAP (Enhanced Agricultural Preservation) Zoning District

Section 451. Specific Intent.

The purposes of the EAP Zoning District are:

A. To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.

B. To protect and stabilize agriculture as an on-going economic activity by generally permitting only these land uses and activities which are either agricultural in nature or act in direct support thereof.

C. To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses, and to maintain large contiguous agriculture parcels.

D. To separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.

E. The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which is a legitimate zoning objective under the State Planning Statutes.

Section 452. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the EAP Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. General Agriculture, subject to Section 1616.

B. ~~Intensive Agriculture, subject to Section 1615.~~

C. Single Family Detached Dwelling

D. Nursery/Greenhouse, subject to Sections 1616.

E. Family Farm Support Business, subject to Section 456.

F. Mushroom House, subject to Section 1615.

G. Farm Stands, subject to Section 1616.

H. Municipal Use, subject to Section 1700.

I. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

J. Animal Hospital/Veterinary Clinic, subject to Section 1675.

K. Cluster Development, subject to Section 1608.

L. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

M. The Sending (Transfer) of Transferable Development Rights (TDR) subject to Section 1609.

N. No-impact Home-based Business, subject to Section 1601.

O. Forestry, subject to Section 1685.

P. Wind Energy, subject to Section 1692.

Q. Solar Energy, subject to Section 1694.D.

Section 453. Uses Permitted by Special Exception.

The following uses are permitted in the EAP Zoning District when special exceptions are granted by the Municipal Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Farm-related Businesses, subject to Section 458.

B. Vacation Farms, subject to Section 1618.

C. Bed and Breakfast, subject to Section 1648.

D. Golf Course, subject to Section 1665.

E. Water Extraction, subject to Section 1685.

F. New Telecommunication Towers with or without Telecommunication Antennas, subject to Section 1678.D.

G. Riding Academy's, riding Stables, Horse Boarding Facilities, subject to Section 1662.

H. Farm Labor housing, subject to Section 1619.

I. Home Occupation, subject to Section 1601.

J. Ethanol Facilities, subject to Section 1693.

K. Solar Energy, subject to Section 1694.

L. Intensive Agriculture, subject to Section 1615.

Section 454. Conditional Use. (Reserved)

Section 455. Area, Yard, and Height Regulations for the EAP District.

Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the EAP Zoning District, except as specifically provided for in this Ordinance.

Individual on-Lot Sewage Disposal and Individual On-Lot Water Supply

	EAP Agricultural Lot	*Single Family Dwelling Lots* ("SFD Lots")
MAXIMUM PERMITTED		
Lot Size*	Unlimited	2 Acres
Building Height *	35 Feet	35 Feet

	EAP Agricultural Lot	*Single Family Dwelling Lots* ("SFD Lots")
(Except barns, silos, and grain elevators)		
Impervious Coverage*	25 Percent	35 Percent
MINIMUM REQUIREMENTS		
Lot Size*	25 Acres	~~1 ½ Acre~~ 1 Acre
Lot Width* At Street Line	~~200 Feet~~ 100 Feet	~~200 Feet~~ 100 Feet
Building Setback Line*	100Feet	30 Feet
Rear Yard*	100 Feet	20 Feet
Side Yard* Total One Side	~~200 Feet~~ 40 Feet ~~100 Feet~~ 20 Feet	40 Feet 20 Feet

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

	EAP Parent Tract	*Farm-Related Business*	*All Other Uses*
MAXIMUM PERMITTED			
Lot Size*	Unlimited	3 Acres	2 Acres
Building Height (except barns, silos, and grain elevators)*	35 Feet	35 Feet	35 Feet
Impervious Coverage*	25 Percent	40 Percent	40 Percent
MINIMUM REQUIREMENTS			
Lot Size*	5 Acres	1 Acre	1 Acre
Lot Width* At Street Line	200 Feet	200 Feet	200 Feet
Building Setback Line	30 Feet	50 Feet	50 Feet
Rear Yard*	30 Feet	50 Feet	50 Feet
Side Yard* Total One Side	40 Feet 20 Feet	100 Feet 50 Feet	100 Feet 50 Feet

* Intensive Agricultural Uses and Family-farm Support Business have their own area, yard, and height requirements as specified in this Ordinance (See other note below).

Note: Any intensive agricultural uses not actually established and in operation prior to the date of adoption of this ordinance must be located at least three hundred (300) feet from the boundary of any residential zoning district.

Section 456. Family Farm Support Business.

A. The Eastern Schuylkill Regional Planning (ESRP) recognizes the need to establish regulations pertaining to farm-based occupations as a result of the increased need for the diversity of income

for farmers to help offset the rising cost of living. Such regulations must be developed in a manner which protects adjacent agricultural uses from adverse effects. Since farm-based occupations in sparsely populated areas do not typically represent a significant threat to adjacent property owners, the ESRP Region has created regulations for Family Farm Support Businesses in order to promote and preserve family farms within the municipalities. Within the EAP Zoning District, a Family Farm Support Business is permitted as a Use by Right, subject to the following standards:

1. For the purposes of this Ordinance, Family Farm Support Business may involve any one of a wide range of uses, so long as the use is compatible with the primary agricultural use of the land. The applicant must demonstrate that the Family Farm Support Business is compatible with the existing rural setting of the municipality and will not create nuisances for nearby residences.

2. The Family Farm Support Business must be owned and operated by a person in residence of the property.

3. Examples of Family Farm Support Businesses shall include the following: agricultural equipment repair, welding, small machine repair, painting service, fencing service, sharpening service, livestock grooming, shearing or trimming services, fiber processing, agricultural consulting services, specialized small agricultural equipment and/or parts manufacturing, small-scale feed or fertilizer franchise, butcher shops, blacksmith shops, carriage shop or harness shop, riding academies, riding stables, horse boarding facility, woodworking.

4. No more than the equivalent of three (3) full time non-resident employees shall be employed by the Family Farm Support Business.

5. The Family Farm Support Business shall occupy an area no greater than a maximum of four thousand (4,000) square feet of gross floor area of any structure that is used for said business.

6. The maximum acreage devoted to a Family Farm Support Business (including the structure, parking, storage, and driveway; if separate) shall be no more than five (5) contiguous acres.

7. Where practical, Family Farm Support Business shall be conducted within an existing farm building; however, any new building constructed for use by the farm occupation shall:

    a. Be located at least one hundred (100) feet from rear and side property lines.

    b. Meet, or exceed, the current EAP District front yard setback requirements, as established in Section 455 of this Ordinance.

    c. Be located within one hundred (100) feet of existing farm buildings.

    d. Not devote more than four thousand (4,000) square feet of the gross floor area of said new structure to said business.

8. It must be shown to the Zoning Officer's satisfaction that adequate space for employee parking, customer parking, and turn-around areas for deliveries can be provided for use with existing buildings and conditions. If new areas for parking and turn-around are to be created, they must meet the requirements of Section 1509 of this Ordinance.

9. No outdoor storage of supplies, materials, or products shall be located within fifty (50) feet from property lines. Such outdoor storage shall also be screened from adjoining roads and properties per ESRP SALDO.

10. One (1) freestanding sign shall be permitted for a Family Farm Support Business. Such signs shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Ordinance

11. No construction or other improvements required to support a Family Farm Support Business other than those in existing farm buildings shall be permitted except pursuant to an approved Land Development Plan.

12. The Zoning Officer shall review the application for compliance with this section, visit the property, and approve or deny the application for the Family Farm Support Business Zoning Permit.

Section 457. Subdivision and Land Development Permitted Within the EAP Zoning District.

Subdivision and land development shall be permitted in the EAP Zoning District, subject to the development limitations and controls specified within this section of the Ordinance. Subdivision and land development is limited to those "EAP Parent Tracts" as defined in subsection 457.A or to parcels which were allocated EAP Development Units from said "EAP Parent Tracts" after the date of adoption of this ordinance.

A. Definition of "EAP Parent Tract". EAP Parent Tracts are contiguous tracts or land deeded either as a single tract or as one deed with multiple purparts existing as of the date of adoption of this ordinance that are situate within the EAP Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own EAP Parent Tract.

B. Subdivision and land development within the EAP District is allowed for the creation of the types of subdivision/land development listed in this subsection below:

1. "EAP SFD Lots" as defined within Section 201 of this Ordinance and which meet the requirements of Section 455 of this Ordinance.

2. "EAP Agricultural Lots" as defined within Section 201 of this Ordinance.

3. "Annexation Parcels" as defined within Section 201 of this Ordinance and as regulated by subsection 457.F of this Ordinance.

4. "EAP Agricultural Annexation Parcels" as defined within Section 201 of this Ordinance and as regulated by subsection 457.G of this Ordinance.

5. "Farm-related Businesses" as defined within Section 201 and regulated in Section 458 of this Ordinance.

6. "Cluster Development" as defined in Section 201 of this Ordinance and as regulated by Section 1608 of this Ordinance.

7. "The Sending (Transfer) of Transferable Development Rights (TDR)", subject to Section 1607 of this Ordinance.

C. Subdivision and land development described in subsection 457.B above, is allowed in only one (1) of three (3) ways:

1. The utilization of EAP Development Units for those types of subdivision/land development in subsection 457.B.1, 2, 3, 4, and 5.

2. "Cluster Development."

3. "The Sending (Transfer) of Transferable Development Rights" (TDR).

D. The owner of land who has the right to subdivision/land development may only choose one (1) method as listed below:

1. The utilization of EAP Development Units. If a landowner chooses this option, "Cluster Development" and "TDR" cannot be utilized. The following are to be considered EAP Development Units and are to be deducted from the allocation assigned to the EAP Parent Tract in subsection 457.D:

   a. All lots approved prior to the adoption of this ordinance, as well as any single family dwelling in existence prior to the date of adoption of this ordinance on an "EAP Parent Tract", is/are not to be considered an "EAP Development Unit". However, if said dwelling is placed on its own "EAP SFD Lot" after the date of adoption of this ordinance and meets the requirements of Section 455 and all other sections of this Ordinance and the ESRP SALDO, an EAP Development Unit will be deducted from the allocation assigned to the EAP Parent Tract.

   b. Additional Single Family Dwellings erected on any existing "EAP Parent Tract" which already has any existing Single Family Dwelling(s) erected upon it, shall meet the requirements as described in Section 1502 of the Zoning Ordinance.

   c. An "EAP Agricultural Lot" as defined in Section 201 of this Ordinance. Upon creation of an "EAP Agricultural Lot", one EAP Development Unit will be deducted from the allocation of the EAP Parent Tract and one (1) EAP Development Unit shall be assigned to the EAP Agricultural Lot; the "EAP Agricultural Lot's" EAP Development Unit can only be utilized for erecting a single family dwelling on it which meets the requirements of Section 455 of this Ordinance and all other provisions of this Ordinance. The EAP Development Unit may not be used for any other purpose than the placement of a Single Family Dwelling upon the EAP Agricultural Lot; however "Agricultural Buildings" as defined in Section 201 which meet the requirements of this Ordinance may be erected on an "EAP Agricultural Lot".

   d. The creation of "EAP SFD Lots" from an EAP Parent Tract under Subsection 458.B.1 of this Ordinance.

   e. "Annexation Parcels" as regulated in subsection 457.E of this Ordinance.

   f. "EAP Agricultural Annexation Parcels" as regulated in subsection 458.F of this Ordinance.

   g. Any single-family dwelling allowed to be erected by actions of the Zoning Hearing Board.

2. "Cluster Development"

   a. If an eligible landowner chooses this option, the utilization of EAP Development Units and TDR cannot be a method of subdivision/land development.

   b. Cluster Development shall meet the regulations of Section 1608.

3. TDR – The Sending (Transfer) of Transferable Development Rights

   a. If an eligible landowner chooses this option, the utilization of EAP Development Units and Cluster Development cannot be a method of subdivision/land development.

   b. TDR shall meet the regulations of Section 1609.

E. EAP Development Units Allocation Chart

Size of original EAP Parent Tract within the EAP Zoning District (As defined)	Maximum number of "EAP Development Units" Allocated to the EAP Parent Tract's portion within the EAP Zoning District
≥ 5 to < 25 acres	1
≥ 26 to < 50 acres	2
≥ 51 to < 75 acres	3
≥ 76 to < 100 acres	4
≥ 101 to < 125 acres	5
≥ 126 to < 150 acres	6
≥ 151 to < 175 acres	7
≥ 176 to < 200 acres	8
≥ 201 to < 225 acres	9
≥ 226 acres or more	10

F. A subdivision, creating an "Annexation Parcels" as defined in this Ordinance, for the sole purpose of transferring land is subject to:

1. The Annexation Parcel has no minimum or maximum size.
2. The Annexation Parcel created from the EAP Parent Tract under this subsection will be deducted from the EAP Development Units allocated to the EAP Parent Tract under subsection 457.E.
3. The Annexation Parcel annexed to an EAP Parent Tract shall not increase the EAP Development Units allocated to the receiving EAP Parent Tract under subsection 457.E.

G. A subdivision, creating "EAP Agricultural Annexation Parcels", the sole purpose of which is to transfer land to increase the size of a lot being used for agricultural purposes, where both the EAP Parent Tract from which the land is taken and the lot to which the land is added will be greater than twenty-five (25) acres in size after such subdivision, shall not be deducted from the EAP Development Units allocated to the EAP Parent Tract as set forth in subsection 457.E. of this Ordinance. This type of annexation shall not result in an increase in the allocation of the EAP Development Units permitted by subsection 457.E. of this Ordinance to the EAP Parent Tract which is increased in size by the annexation, nor will the "EAP Agricultural Annexation Parcel" be assigned EAP Development Units.

H. Any subdivision to create a lot which will be transferred to a municipality or a municipal authority created by the Municipal Governing Body shall not be deducted from the EAP Development Units allocated to the EAP Parent Tract as set forth in subsection 457.E of this Ordinance.

I. Any subdivision plan hereafter filed with a municipality shall specify which lot or lots shall carry with it a right of further subdivision and/or erection of single-family dwellings if any such right remains from the EAP Development Units allocated to the EAP Parent Tract. The right of further subdivision or erection of single-family dwellings and/or an indication that no further subdivision or erection of single-family dwellings, if any, is permissible shall also be included in the legal description of the deed of the newly created lot or lots as well as in the legal description of the deed of the EAP Parent Tract from which the subdivision was created.

J. In no event shall any tract of land which is divided or re-divided after the same becomes subject to the provisions of Section 457, nor any of the lots which are created by such division or re-

division, result in an increase in the allocation of EAP Development Units permitted by subsection 457.E of this Ordinance.

K. Single-family dwelling development shall make a reasonable effort to follow these guidelines:

1. Any "EAP SFD Lot" or a single-family dwelling located on an "EAP Agricultural Lot" should be located on the least productive area(s) of the EAP Parent Tract or EAP Agriculture Lot.

2. Any proposed "EAP SFD Lots" should be clustered or grouped in such a manner as to preserve the greatest extent of productive and valuable farm land as possible on the EAP Parent Tract or any EAP Agricultural Lots.

L. General Agricultural and Intensive Agricultural land development activity shall be permitted within the Effective Agricultural Preservation (EAP) Zoning District subject to the limitations and controls specified under Section 457 and Sections 1615 and 1616 of this Ordinance. Unless otherwise specified within this Ordinance, no other land use or activity shall be permitted within the EAP Zoning District.

M. A property owner submitting a subdivision plan will be required to specify on their plan the EAP Development Units not allocated to the EAP Parent Tract or to those lots created from said EAP Parent Tract. Any subdivision plans filed with a Municipality shall include a conspicuous "Agricultural Use Notification" as follows: "All lands within the EAP Zoning District of the ESRP Region are located in an area where land is, or may be, used for agricultural production. Owners, residents, and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations; including, but not limited to noise, odors, dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure, and the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants, and users of this property should be prepared to accept such conditions and inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Pennsylvania Right-to-Farm Law (PA Act 133 of 1982) may bar them from obtaining a legal judgment against persons, farms, or corporations which are performing such normal agricultural operations."

Section 458. Farm-Related Business.

Within the EAP Zoning District, Farm-related Businesses may be permitted by Special Exception. All activities and services should be directed at meeting the needs of those engaged in local farming. "Local farming" is considered to include customers whose primary farming activity is conducted within twenty-five (25) miles of the location of the proposed farm-related business. The proposed Farm-related Business should be directed at providing materials and services necessary to local farming and the processing and distribution of goods produced on said farms; therefore, the applicant must provide evidence to the Municipal Zoning Hearing Board that the proposed farm-related business is important to local farming and is specifically sized to serve primarily local users. Additionally, Farm-related Businesses are subject to the following standards:

A. For the purposes of this Zoning Ordinance, Farm-related Businesses may only involve the following types of uses:

1. Facilities for the manufacturing, warehousing, sales, or repair and service of agricultural equipment, vehicles (including carriages and buggies), or supplies

2. Blacksmith shops, farrier, harness making;

3. Butcher shops;

4. Grain mills;

5. Facilities devoted to the processing of locally produced agricultural products;

6. Feed supply, fuel and fertilizer distributors;

7. Other uses similar in character to those listed above.

B. The Farm-related Business shall occupy no more than five (5) acres. The applicant shall justify to the Municipal Zoning Hearing Board that the size of the site is the minimum needed to conduct the farm-related business.

C. Any access drive which serves the farm-related business shall be of a sufficient length to accommodate stacking of delivery and customer vehicles.

D. Farm-related Businesses shall not be permitted within fifty (50) feet of any property line.

E. Composting and other waste storage facilities shall not be permitted within two hundred (200) feet of any property line. Additionally, any use permitted under subsection 458.A may require setbacks of a greater width as may be determined by the Municipal Zoning Hearing Board.

F. Vegetative screening per the ESRP Subdivision and Land Development Ordinance must be provided when a farm-related business abuts any property used principally for residential purposes. Certain pieces of apparatus used for farm-related businesses which create noxious dust, odor, light, or noise, may require setbacks and vegetative screening of a greater width or density as may be determined by the Municipal Zoning Hearing Board.

G. Off-street parking, loading areas, and driveways shall be designated in accordance with Sections 1508 and 1509 of this Ordinance.

H. Any outdoor storage of supplies, materials, and products shall be screened from adjoining roads and properties per the ESRP Subdivision and Land Development Ordinance. The display of mechanized farm equipment for sale shall be excluded from this screening provision.

I. One (1) free-standing sign shall be permitted for a Farm-related Business. Such sign shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Ordinance.

J. If, in the opinion of the Municipal Zoning Hearing Board, a proposed Farm-related Business presents a fire hazard, emits smoke, dust or other air pollutants, noise, light or glare, or creates a nuisance as a result of the hours of operation, the Municipal Zoning Hearing Board may attach reasonable conditions as it deems appropriate to adequately control and/or mitigate the potentially detrimental effects that any such Farm-related Business may have on the surrounding area.

K. No construction or other improvements greater than four thousand (4,000) square feet required to support a Farm-related Business shall be permitted except pursuant to an approved Land Development Plan.

Section 459. General Regulations. (Reserved)

Section 460. through 499. (Reserved)

Section 500. A-P (Agricultural Preservation) Zoning District

Section 501. Specific Intent.

It is the intent of the A-P District to encourage the preservation of productive farmland within the ESRP Region. The A-P District has also been created to preserve the agricultural sector of the economy of the ESRP Region and to retain the value of agricultural land that remains in the ESRP Region by limiting adverse effects resulting from the encroachment of development on agricultural uses. However, the presence of residential dwellings already located within the A-P District is noted, therefore, it is also the intent of the A-P District to be less restrictive than the EAP District in respect to the issue of future residential development.

Section 502. Uses Permitted by Right.

The following, as principal use, their accessory uses and no other, are permitted in the A-P Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. General Agriculture, subject to Section 1616.

B. Nurseries and Greenhouses, subject to Sections 1616.

C. Family Farm Support Business, subject to Section 506.

D. Farm Stands, subject to Section 1524.D.

E. Municipal Use, subject to Section 1700.

F. Animal Hospital/Veterinary Clinic, subject to Section 1675.

G. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

H. Single Family Detached Dwelling

I. Cluster Development, subject to Section 1608.

J. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

K. The Sending (Transfer) of Transferable Development Rights (TDR), subject to Section 1609.

L. No-impact Home-based Business, subject to Section 1601.

M. Forestry, subject to Section 1685.

N. Wind Energy, subject to Section 1692.

O. Solar Energy, subject to Section 1694.D.

Section 503. Uses Permitted by Special Exception.

The following uses are permitted in the A-P Zoning District when special exceptions are granted by the Municipal Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Intensive Agriculture, subject to Section 1615.

B. Farm-related Business, as subject to Section 508.

C. Campground, subject to Section 1661.

D. Bed and Breakfast, subject to Section 1648.

E. Places of Worship, subject to Section 1630.

F. Cemeteries, subject to Section 1630.

G. Kennel, subject to Section 1675.

H. Golf course, subject to Section 1665.

I. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

J. Water Extraction, subject to Section 1685.

K. Riding Academy, Riding Stables, Horse Boarding Facilities, subject to Section 1662.

L. Farm Labor Housing, subject to Section 1619.

M. Home Occupation, subject to Section 1601.

N. Ethanol Facilities subject to Section 1693.

O. Solar Energy, subject to Section 1694.

Q. Short Term Rental Units, subject to Section 1632.

Section 504. Conditional Uses. (Reserved)

Section 505. Area, Yard, and Height Regulations for the A-P Zoning District.

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

	A-P Agricultural Lot	*Single Family Dwelling Lots* ("SFD Lots")
MAXIMUM PERMITTED		
Lot Size*	Unlimited	2 Acres
Building Height* (Except barns, silos, and grain elevators)	35 Feet	35 Feet
Impervious Coverage*	25 Percent	35 Percent
MINIMUM REQUIREMENTS		
Lot Size*	10 Acres	1 ½ Acre
Lot Width* At Street Line	200 Feet	200 Feet
Building Setback Line*	100Feet	30 Feet
Rear Yard*	100 Feet	30 Feet

	A-P Agricultural Lot	*Single Family Dwelling Lots* ("SFD Lots")
Side Yard*		
Total	200 Feet	40 Feet
One Side	100 Feet	20 Feet

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

	A-P Parent Tract	*Farm-Related Business*	*All Other Uses*
MAXIMUM PERMITTED			
Lot Size*	None	3 Acres	2 Acres
Building Height (except Barns, silos, and grain Elevators)*	35 Feet	35 Feet	35 Feet
Impervious Coverage*	25 Percent	40 Percent	40 Percent
MINIMUM REQUIREMENTS			
Lot Size*	3 Acres	1 Acre	1 Acre
Lot Width*			
At Street Line	200 Feet	200 Feet	200 Feet
Building Setback Line	30 Feet	50 Feet	50 Feet
Rear Yard*	30 Feet	50 Feet	50 Feet
Side Yard*			
Total	40 Feet	100 Feet	100 Feet
One Side	20 Feet	50 Feet	50 Feet

* Intensive Agricultural Uses and Family-Farm Support Business have their own area, yard, and height requirements as specified in this Ordinance (See other note below).

Note: Any intensive agricultural uses not actually established and in operation prior to the date of adoption of this ordinance must be located at least three hundred (300) feet from the boundary of any residential zoning district.

Section 506. Family Farm Support Business.

A. The Eastern Schuylkill Regional Planning (ESRP) recognizes the need to establish regulations pertaining to farm-based occupations as a result of the increased need for the diversity of income for farmers to help offset the rising cost of living. Such regulations must be developed in a manner which protects adjacent agricultural uses from adverse effects. Since farm-based occupations in sparsely populated areas do not typically represent a significant threat to adjacent property owners, the ESRP has created regulations for Family Farm Support Businesses in order to promote and preserve family farms within the Municipalities. Within the A-P Zoning District, a Family Farm Support Business is permitted as a Use by Right, subject to the following standards:

1. For the purposes of this Ordinance, Family Farm Support Business may involve any one of a wide range of uses, so long as the use is compatible with the primary agricultural use of the land. The applicant must demonstrate that the Family Farm Support Business is compatible with the existing rural setting of the Municipality and will not create nuisances for nearby residences.

2. The Family Farm Support Business must be owned and operated by a person in residence of the property.

3. Examples of Family Farm Support Businesses shall include the following: agricultural equipment repair, welding, small machine repair, painting service, fencing service, sharpening service, livestock grooming; shearing or trimming services; fiber processing; agricultural consulting services; specialized small agricultural equipment and/or parts manufacturing, small-scale feed or fertilizer franchise, butcher shops, production of household items (soaps, baskets, woven rugs, etc., blacksmith shops, carriage shop or harness shop, riding academies, riding stables, horse boarding facility, woodworking.

4. No more than the equivalent of three (3) full time non-resident employees shall be employed by the Family Farm Support Business.

5. The Family Farm Support Business shall occupy an area no greater than a maximum of four thousand (4,000) square feet of gross floor area of any structure that is used for said business.

6. The maximum acreage devoted to a Family Farm Support Business (including the structure, parking, storage, and driveway; if separate) shall be no more than five (5) contiguous acres.

7. Where practical, Family Farm Support Business shall be conducted within an existing farm building; however, any new building constructed for use by the farm occupation shall:

   a. Be located at least one hundred (100) feet from rear and side property lines.

   b. Meet, or exceed, the current A-P District front yard setback requirements, as established in Section 505 of this Ordinance.

   c. Be located within one hundred (100) feet of existing farm buildings.

   d. Not devote more than four thousand (4,000) square feet of the gross floor area of said new structure to said business.

8. It must be shown to the Zoning Officer's satisfaction that adequate space for employee parking, customer parking, and turn-around areas for deliveries can be provided for use with existing buildings and conditions. If new areas for parking and turn-around are to be created, they must meet the requirements of Section 1509 of this Ordinance.

9. No outdoor storage of supplies, materials, or products shall be located within fifty (50) feet from property lines. Such outdoor storage shall also be screened from adjoining roads and properties per the ESRP Subdivision and Land Development Ordinance.

10. One (1) freestanding sign shall be permitted for a Family Farm Support Business. Such signs shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Ordinance

11. No construction or other improvements required to support a Family Farm Support Business other than those in existing farm buildings shall be permitted except pursuant to an approved Land Development Plan.

12. The Zoning Officer shall review the application for compliance with this Section, visit the property, and approve or deny the application for the Family Farm Support Business Zoning Permit.

Section 507. Subdivision and Land Development Permitted Within the A-P Zoning District.

Subdivision and land development shall be permitted in the Agricultural Preservation District (A-P), subject to the development limitations and controls specified within this section of the Ordinance. Subdivision and land development is limited to those "A-P Parent Tracts" as defined in Section 507.A or to parcels which were allocated A-P Development Units from said "A-P Parent Tracts" after the date of adoption of this ordinance.

A. Definition of "A-P Parent Tract". A-P Parent Tracts are contiguous tracts or land deeded either as a single tract or as one deed with multiple purports existing as of the date of adoption of this ordinance that are situate within the A-P Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own A-P Parent Tract.

B. Subdivision and land development within the A-P District is allowed for the creation of the types of subdivision/land development listed in this subsection below.

1. "A-P SFD Lots" as defined within Section 201 of this Ordinance and which meet the requirements of Section 505 of this Ordinance.
2. "A-P Agricultural Lots" as defined within Section 201 of this Ordinance.
3. "Annexation Parcels" as defined within Section 201 of this Ordinance and as regulated by subsection 507.I of this Ordinance.
4. "A-P Agricultural Annexation Parcels" as defined within Section 201 of this Ordinance and as regulated by subsection 507.J of this Ordinance.
5. "Farm-related Businesses" as defined within Section 201and as regulated in Section 508 of this Ordinance.
6. "Cluster Development" as defined in Section 201 of this Ordinance and as regulated by Section 1608 of this Ordinance.
7. "The Sending (Transfer) of Transferable Development rights (TDR), subject to Section 1609 of this Ordinance.

C. Subdivision and land development described in subsection 507.B, above is allowed in only one (1) of the three ways:

1. The utilization of EAP Development Units for those types of subdivision/land development in subsection 507.B.1, 2, 3, 4, and 5.
2. "Cluster Development"
3. The Sending (Transfer) of Transferable Development Rights" (TDR)

D. The Utilization of A-P Development Units. If a landowner chooses this option, "Cluster Development" and "TDR" cannot be a method of subdivision/land development. The following are to be considered A-P Development Units and are to be deducted from the allocation assigned to the A-P Parent Tract in Section 507.G:

1. All lots approved prior to the adoption of the Ordinance as well as any single family dwelling in existence prior to the date of adoption of this ordinance on a "A-P Parent Tract" is not to be considered a "A-P Development Unit". However, if said dwelling is placed on its own "A-P SFD Lot" after the date of adoption of this ordinance and said lot meets the requirements of Section 505 and all other sections of this Ordinance and the ESRP SALDO, an A-P Development Unit will be deducted from the allocation assigned to the A-P Parent Tract.
2. Additional Single Family Dwellings erected on any existing "A-P Parent Tract" which already has any existing Single Family Dwelling(s) erected upon it, shall meet the requirements as described in Section 1502 of the Zoning Ordinance.

3. Any "A-P Agricultural Lot" as defined in Section 201 of this Ordinance. Upon creation of an "A-P Agricultural Lot", one A-P Development Unit will be deducted from the allocation of the A-P Parent Tract and one (1) A-P Development Unit shall be assigned to the A-P Agricultural Lot; the "A-P Agricultural Lot's" A-P Development Unit can only be utilized for erecting a single family dwelling on it which meets the requirements of Section 505 of this Ordinance and all other provisions of this Ordinance. The A-P Development Unit may not be used for any other purpose than the placement of a Single Family Dwelling upon the A-P Agricultural Lot; however "Agricultural Buildings" as described in Section 201 which meet the requirements of this Ordinance may be erected on an "A-P Agricultural Lot".

4. The creation of "A-P SFD Lots" from an A-P Parent Tract under Subsection 507.B.1 of this Ordinance.

5. "Annexation Parcels" as regulated in subsection 507.E of this Ordinance.

6. "A-P Agricultural Annexation Parcels" as regulated in Subsection 507.G of this Ordinance.

7. Any single-family dwelling allowed to be erected by actions of the Zoning Hearing Board.

Any combination of subdivision/land development in this subsection is allowed as long as it does not exceed the A-P Development Units assigned to the A-P Parent Tract.

E. "Cluster Development"

1. If an eligible landowner chooses this option, the utilization of A-P Development Units and TDR cannot be a method of subdivision/land development.

2. Cluster Development shall meet the regulations of Section 1608.

F. TDR – The Sending (Transfer) of Transferable Development Rights

1. If an eligible landowner chooses this option, the utilization of A-P Development Units and Cluster Development cannot be a method of subdivision/land development.

2. TDR shall meet the regulations of Section 1609.

G. A-P Development Units Chart

Size of original A-P Parent Tract within the A-P Zoning District (As defined)	Maximum number of "A-P Development Units" Allocated to the A-P Parent Tract's portion within the A-P Zoning District
≥ 3 to < 10 acres	1
≥ 11 to < 15 acres	2
≥ 16 to < 20 acres	3
≥ 21 to < 25 acres	4
≥ 26 to < 30 acres	5
≥ 31 to < 40 acres	6
≥ 41 to < 50 acres	7
≥ 51 to < 60 acres	8
≥ 61 to < 70 acres	9
≥ 71 acres or more	10

H. A subdivision, creating an "Annexation Parcels", as defined for the sole purpose of transferring land are subject to:

1. The Annexation Parcel has no minimum or maximum size.

2. The Annexation Parcel created from the A-P Parent Tract under this subsection will be deducted from the A-P Development Units allocated to the A-P Parent Tract under section 507.G.

3. The Annexation Parcel annexed to an A-P Parent Tract shall not increase the AP Development Units allocated to the A-P Parent Tract under section 507.G.

I. A subdivision, creating "A-P Agricultural Annexation Parcels", the sole purpose of which is to transfer land to increase the size of a lot being used for agricultural purposes, where both the A-P Parent Tract from which the land is taken and the lot to which the land is added will be greater than twenty-five (25) acres in size after such subdivision, shall not be deducted from the A-P Development Units allocated to the A-P Parent Tract as set forth in subsection 507.G of this Ordinance. This type of annexation shall not result in an increase in the allocation of the A-P Development Units permitted by subsection 507.G of this Ordinance to the A-P Parent Tract which is increased in size by the annexation, nor will the "A-P Agricultural Annexation Parcel" be assigned A-P Development Units.

J. Any subdivision to create a lot which will be transferred to a municipality or a municipal authority created by the Municipal Governing Body shall not be deducted from the A-P Development Units allocated to the A-P Parent Tract as set forth in subsection 507.G of this Ordinance.

K. Any subdivision plan hereafter filed with a municipality shall specify which lot or lots shall carry with it a right of further subdivision and/or erection of single-family dwellings if any such right remains from the A-P Development Units allocated to the A-P Parent Tract. The right of further subdivision or erection of single-family dwellings and/or an indication that no further subdivision or erection of single-family dwellings, if any, is permissible shall also be included in the legal description of the deed of the newly created lot or lots as well as in the legal description of the deed of the A-P Parent Tract from which the subdivision was created.

L. In no event shall any tract of land which is divided or re-divided after the same becomes subject to the provisions of Section 507, nor any of the lots which are created by such division or re-division, result in an increase in the allocation of A-P Development Units permitted by subsection 507.G of this Ordinance.

M. Single-family dwelling development shall make a reasonable effort to follow these guidelines:

1. Any "A-P SFD Lot" or a single-family dwelling located on an "A-P Agricultural Lot" should be located on the least productive area(s) of the A-P Parent Tract or A-P Agriculture Lot.

2. Any proposed "A-P SFD Lots" should be clustered or grouped in such a manner as to preserve the greatest extent of productive and valuable farm land as possible on the A-P Parent Tract or any A-P Agricultural Lots.

N. General Agricultural and Intensive Agricultural land development activity shall be permitted within the Agricultural Preservation (A-P) Zoning District, subject to the limitations and controls specified under Section 507 and Sections 1615 and 1616 of the Ordinance. Unless otherwise specified within this Ordinance, no other land use or activity shall be permitted within the A-P Zoning District.

O. A property owner submitting a subdivision plan will be required to specify on their plan the A-P Development Units not allocated to the A-P Parent Tract or to those lots created from said A-P Parent Tract. Any subdivision plans filed with a Municipality shall include a conspicuous "Agricultural Use Notification" as follows: "All lands within the A-P Zoning District of the ESRP Region are located in an area where land is, or may be, used for agricultural production. Owners, residents, and other users of this property or neighboring property owners may be

subjected to occasional inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations; including, but not limited to noise, odors, dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure, and the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants, and users of this property should be prepared to accept such conditions and inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Pennsylvania Right-to-Farm Law (PA Act 133 of 1982) may bar them from obtaining a legal judgment against persons, farms, or corporations which are performing such normal agricultural operations."

Section 508. Farm-Related Business.

Within the A-P Zoning District, Farm-related Businesses may be permitted by Special Exception. All activities and services should be directed at meeting the needs of those engaged in local farming. "Local farming" is considered to include customers whose primary farming activity is conducted within twenty-five (25) miles of the location of the proposed farm-related business. The proposed Farm-related Business should be directed at providing materials and services necessary to local farming and the processing and distribution of goods produced on said farms; therefore, the applicant must provide evidence to the Municipal Zoning Hearing Board that the proposed Farm-related Business is important to local farming and is specifically sized to serve primarily local users. Additionally, Farm-related Businesses are subject to the following standards:

A. For the purposes of this Zoning Ordinance, farm-related businesses may only involve the following types of uses:

   1. Facilities for the manufacturing, warehousing, sales, or repair and service of agricultural equipment, vehicles (including carriages and buggies), or supplies
   2. Blacksmith shops, farrier, harness making;
   3. Butcher shops;
   4. Grain mills;
   5. Facilities devoted to the processing of locally produced agricultural products;
   6. Feed supply, fuel and fertilizer distributors;
   7. Other uses similar in character to those listed above.

B. The Farm-related Business shall occupy no more than five (5) acres. The applicant shall justify to the Municipal Zoning Hearing Board that the size of the site is the minimum needed to conduct the farm-related business.

C. By access drive which serves the Farm-related Business shall be of a sufficient length to accommodate stacking of delivery and customer vehicles.

D. Farm-related Businesses shall not be permitted within fifty (50) feet of any property line.

E. Composting and other waste storage facilities shall not be permitted within two hundred (200) feet of any property line. Additionally, any use permitted under subsection 508.A may require setbacks of a greater width as may be determined by the Municipal Zoning Hearing Board.

F. Vegetative screening must be provided when a Farm-related Business abuts any property used principally for residential purposes. Certain pieces of apparatus used for Farm-related Businesses which create noxious dust, odor, light, or noise, may require setbacks and vegetative screening per the ESRP Subdivision and Land Development Ordinance of a greater width or density as may be determined by the Municipal Zoning Hearing Board.

G. Off-street parking, loading areas, and driveways shall be designated in accordance with Sections 1508 and 1509 of this Ordinance.

H. Any outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of mechanized farm equipment for sale shall be excluded from this screening provision.

I. One (1) free-standing sign shall be permitted for a Farm-related Business. Such sign shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Ordinance.

J. If, in the opinion of the Municipal Zoning Hearing Board, a proposed Farm-related Business presents a fire hazard, emits smoke, dust or other air pollutants, noise, light or glare, or creates a nuisance as a result of the hours of operation, the Municipal Zoning Hearing Board may attach reasonable conditions, as it deems appropriate to adequately control and/or mitigate the potentially detrimental effects that any such Farm-related Business may have on the surrounding area.

K. No construction or other improvements required to support a Farm-related Business shall be permitted except pursuant to an approved Land Development Plan.

Section 509. General Regulations. (Reserved)

Sections 510. through 549. (Reserved)

Section 550. R-1 Rural Agricultural (Low Density) Zoning District

Section 551. Specific Intent.

It is the purpose of the R-1 Zoning District to maintain the rural character of sparsely developed areas which contain a mixture of farmland and woodland by providing for rural, low density, residential development and certain other relatively compatible non-residential activities.

Section 552. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the R-1 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. General Agriculture, subject to Section 1616.

B. Single family detached dwellings

C. Municipal Use, subject to Section 1700.

D. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

E. Accessory uses and structures to any of the above permitted uses when on the same lot as the permitted use.

F. No-impact Home-based Business, subject to Section 1601.

G. Forestry, subject to Section 1685.

H. Solar Energy, subject to Section 1694.D.

Section 553. Uses Permitted by Special Exception.

The following uses are permitted in the R-1 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Place of Worship, subject to Section 1630.

B. Cemeteries, subject to Section 1630.

C. Public Utility, subject to Section 1901.

D. Home Occupation, subject to Section 1601.

E. Small Wind Energy System, subject to Section 1692.2.

F. Short Term Rental Units, subject to Section 1632.

Section 554. Conditional Uses. (Reserved)

Section 555. Area, Yard, and Height Regulations for the R-1 District.

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

MAXIMUM PERMITTED

Building Height		
Silos & Other Ag. Buildings	None	
All Other Buildings	35 Feet	
Impervious Coverage	15 Percent	
MINIMUM REQUIREMENTS		
Lot Size	1½ Acres	
Lot Width		
At Street Line	200 Feet	
At Building Setback Line	200 Feet	
Building Setback Line	75 Feet	
Rear Yard	75 Feet	
Side Yard		
One Side	~~50 Feet~~	25 Feet
Total	~~100 Feet~~	50 Feet

Section 556. General Regulations. (Reserved)

Section 557. through 599. (Reserved)

Section 600. R-2 (Low Density Suburban Residential) Zoning District

Section 601. Specific Intent.

It is the purpose of the R-2 Zoning District to maintain the rural character of sparsely developed areas which contain a mixture of farmland and woodland by providing for low density residential development and certain other relatively compatible nonresidential activities.

Section 602. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the R-2 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Single family detached dwellings

B. Municipal Use, subject to Section 1700.

C. Telecommunications Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

E. No-impact Home-based Business, subject to Section 1601.

F. Forestry, subject to Section 1685.

G. Solar Energy, subject to Section 1694.D.

Section 603. Uses Permitted by Special Exception.

The following uses are permitted in the R-2 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Place of Worship, subject to Section 1630.

B. Cemeteries, subject to Section 1630.

C. Schools, subject to Section 1631.

D. Public Utility, subject to Section 1701.

E. Home Occupation, subject to Section 1601.

F. Small Wind Energy System, subject to Section 1692.2.

G. Short Term Rental Units, subject to Section 1632.

Section 604. Conditional Uses. (Reserved)

Section 605. Area, Yard, and Height Regulations for the R-2 District.

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

MAXIMUM PERMITTED

Building Height	
Silos and Other Ag. Buildings	None
All Other Buildings	35 Feet
Impervious Coverage	25 Percent

MINIMUM REQUIREMENTS

Lot Size	1 Acre
Lot Width	
At Street Line	100 Feet
At Building Setback Line	100 Feet
Building Setback Line	50 Feet
Rear Yard	50 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet

Section 606. General Regulations. (Reserved)

Section 607. through 649. (Reserved)

Section 650. R-3 (Medium Density Suburban Residential) Zoning District

Section 651. Specific Intent.

It is the purpose of the R-3 Zoning District to provide an area for residential development at medium densities. It is also the purpose of the R-3 Zoning District to provide an area for commercial facilities for local residents which provide goods and services for the daily needs of the surrounding neighborhood. Lot sizes may be decreased when public or community sewerage systems and public or community water facilities are utilized.

Section 652. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the R-3 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Single-family detached dwelling.

B. Municipal Use, subject to Section 1700.

C. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures subject to Section 1678.C.

D. Accessory uses and structures to any of the above permitted uses when on the same lot as the permitted use.

E. No-impact Home-based Business, subject to Section 1601.

F. Solar Energy, subject to Section 1694.D.

Section 653. Uses Permitted by Special Exception.

The following uses are permitted in the R-3 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Place of Worship, subject to Section 1630.

B. Cemeteries, subject to Section 1630.

C. Child Day-Care Facility, subject to Section 1627.

D. Adult Day Care Facility, subject to Section 1626.

E. Hospitals and Healthcare Facilities, subject to Section 1628.

F. Healthcare Services, subject to Section 1628.

G. Planned Residential Development, subject to Section 1604.

H. Schools, subject to Section 1631.

I. Public Utility, subject to Section 1701.

J. Utilization of Transferable Development Rights (TDR), subject to Section 1609.

K. Home Occupation, subject to Section 1601.

L. Small Wind Energy System, subject to Section 1692.2.

M. Short Term Rental Units, subject to Section 1632.

Section 654. Conditional Use. (Reserved)

Section 655. Area, Yard and Height Regulations for the R-3 Zoning District.

	Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply		*Public or Community Sewerage System and Public or Community Water Supply*	
	Single Family Detached	Other uses*	Single Family Detached	Other Uses*
MAXIMUM PERMITTED				
Building Height	35 Feet	35 feet	35 Feet	35 feet
Impervious Coverage	20%	40%	30%	40%
MINIMUM REQUIREMENTS				
Lot Size	1 Acre	5 Acres	½ Acre	3 Acres
Lot Width At Street Line	100 Feet	250 Feet	80 Feet	150 Feet
Lot Width At Building Setback Line	100 Feet	250 Feet	80 Feet	150 Feet
Building Setback Line	50 Feet	100 Feet	40 Feet	75 Feet
Rear Yard	50 Feet	100 Feet	40 Feet	75 Feet
Side Yard Total One Side	 50 Feet 25 Feet	 100 Feet 50 Feet	 20 Feet 10 Feet	 50 Feet 25 Feet

*__Please Note__ = Other uses may have specific dimensional requirements as specified elsewhere in this Ordinance.

Section 656. General Regulations. (Reserved)

Section 657. through 699. (Reserved)

Section 700. R-4 (Medium to High Density Suburban Residential/Commercial) Zoning District

Section 701. Specific Intent.

It is the purpose of the R-4 Zoning District to provide an area for residential development at medium to high densities. It is also the purpose of the R-4 District to provide an area for commercial facilities which provide goods and services to the surrounding neighborhood. Lot sizes may be decreased when public or community sewerage systems and public or community water facilities are utilized.

Section 702. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the R-4 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Automobile accessory store (retail).

B. Banks or other financial establishment (all with or without drive-through facilities)

C. Barber and Beauty shop

D. Beverage Distributor

E. Office Commercial Center.

F. Dry goods and variety shops

G. Flower, card and gift shops

H. Grocery Stores and Specialty Grocery Stores (both subject to Section 1642); meat, fish, poultry markets; and produce and farmers markets (all indoor sales and limited to 10,500 sq. ft. of net floor area)

I. Hardware, plumbing, and electrical supplies (retail)

J. Liquor stores

K. Medium-Density Apartments, subject to Section 1603.

L. Municipal use, subject to Section 1700.

M. Restaurants (General, Take-out, and Fast food with or without drive-through facilities), subject to Section 1649.

N. Self-service Laundromat, dry cleaners, and tailors (limited to 2,000 sq. ft. of service production area)

O. Single-family detached dwelling

P. Single-family semi-detached dwelling

Q. Small appliance sales, repair, and service shops

R. Sporting goods shops

S. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

T. Townhouses, subject to Section 1602.

U. Accessory uses and structures to any of the above permitted uses when on the same lot as the permitted use.

V. Utilization of Transferable Development Rights (TDR), subject to Section 1609.

W. No impact Home-based Business, subject to Section 1601.

X. Forestry, subject to Section 1685.

Y. Retail Business.

Z. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f.

Section 703. Uses Permitted by Special Exception.

The following uses are permitted in the R-4 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance:

A. Place of Worship, subject to Section 1630.

B. Cemeteries, subject to Section 1630.

C. Child Day-Care facility, subject to Section 1627.

D. Adult Day Care Facility, subject to Section 1626.

E. Hospitals and Healthcare Facility, subject to Section 1628.

F. Healthcare Services, subject to Section 1628.

G. Schools, subject to Section 1631.

H. Adaptive Re-use, subject to Section 1607.

I. Boardinghouse, subject to Section 1607.

J. Residential Conversion, subject to Section 1607.

K. Mobile Home Park, subject to Section 1605.

L. Planned Residential Development, subject to Section 1604.

M. Public Utility, subject to Section 1701.

N. Game Room/Video Arcade, subject to Section 1664.

O. Home Occupation, subject to Section 1601.

P. Convenience store with or without fuel sales, subject to section 1642.

Q. Automobile Service Station without fuel sales, Minor Repair, subject to Section 1645.

R. Small Wind Energy System, subject to Section 1692.2.

~~S. Solar Energy, subject to Section 1694.D.~~ Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g.

T. Short Term Rental Units, subject to Section 1632.

Section 704. Conditional Uses. (Reserved)

Section 705. Area, Yard and Height Requirements for the R-4 District.

	Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply		*Public or Community Sewerage System Public or Community Water Supply*		
	Single Family Detached	Other uses	Single Family Detached	Single-Family Semi-Detached	Other Uses
MAXIMUM PERMITTED					
Building Height	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet
Impervious Coverage	25%	45%	35%	35%	50%
MINIMUM PERMITTED					
Lot Size	1 Acre	2 Acre	5,000 sq. ft.	2,500 sq. ft.	1 Acre
Lot Width At Street Line	100 Feet	150 Feet	55 Feet	60 Feet	100 Feet
Lot Width At Building Setback Line	150 Feet	250 Feet	70 Feet	60 Feet	150 Feet
Rear Yard	30 Feet	50 Feet	25 Feet	25 Feet	40 Feet
Building Setback Line	30 Feet	50 Feet	25 Feet	25 Feet	40 Feet
Side Yard Total One Side	 40 Feet 20 Feet	 50 Feet 25 Feet	 20 Feet 10 Feet	 10 Feet 5 Feet	 40 Feet 20 Feet

Public or Community Sewerage System and Public or Community Water Supply				
	Townhouses	Single Family Attached	Duplex	
MAXIMUM PERMITTED				
Building Height	35 Feet	35 Feet	35 Feet	
Impervious Coverage	25%	25%		
MINIMUM REQUIREMENTS				
Lot Size	2,000 sq. ft.	2,000 sq. ft.	2,000 sq. ft.	
Lot Width At Street Line	 25 Feet	 25 Feet	 25 Feet	
At Building Setback Line	25 Feet	25 Feet	25 Feet	
Building Setback Line	15 Feet	15 Feet	15 Feet	

Rear Yard	10 Feet	10 Feet	10 Feet	
Side Yard Each Total	N/A	N/A	N/A	

Section 706. General Regulations. (Reserved)

Section 707. through 749. (Reserved)

Section 750. R-5 (High Density Urban Residential/Commercial) Zoning District

Section 751. Specific Intent.

It is the specific intent of the R-5 Zoning District to provide an area for residential and commercial development at medium to high densities. Lot sizes may be decreased when public or community sewerage systems and public or community water systems are utilized. It is the purpose of the R-5 Zoning District to provide for single and multi-family dwellings as well as offices, business services, consumer services, and smaller retail stores that relate to the downtown area to serve the daily needs of nearby residents.

Section 752. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the R-5 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Single-family detached dwelling

B. Single-family semi-detached dwelling

C. Townhouses, subject to Section 1602.

D. Duplexes, subject to Section 1602.

E. Single-family attached dwelling, subject to Section 1602.

F. Medium-Density Apartments, subject to Section 1603.

G. High-Density Apartments, subject to Section 1603.

H. Automotive accessory store (retail)

I. Bakeries and retail baked goods (limited to 750 sq. ft. production floor area)

J. Banks or other financial establishment (all with or without drive-through)

K. Barber and beauty shop; Nail Salon

L. Camera Shop/Photo Finishing

M. Confectionary stores

N. Convenience stores without fuel sales, subject to Section 1642.

O. Drug stores and pharmacies

P. Self-service Laundromat, dry cleaners, and tailors (limited to 1,000 sq. ft. of service production area)

Q. Dry goods and variety stores

R. Flower, card, and gift shops

S. Furniture and household supply stores (retail)

T. Grocery stores and Specialty Grocery Stores (both subject to Section 1642); meat, fish, poultry markets; and produce and farmers markets (all indoor sales and limited to 10,500 sq. ft. of net floor area)

U. Haberdashery, apparel, shoe, and jewelry stores

V. Hardware, plumbing, and electrical supplies (retail)

W. Liquor stores

X. Beverage Distributors

Y. Theaters

Z. Municipal Use

AA. Office and stationery supplies (retail)

BB. Parking Garage, subject to Section 1681.

CC. Copy centers and job printers

DD. Private surface parking facility subject to Section 1681.

EE. Fitness/Health Center

FF. Radio & television stations

GG. Restaurants (General, Take-out, and Fast food) with and without drive through, subject to Section 1649.

HH. Shoe repair shops

II. Small appliance sales, repair, and service shops

JJ. Special merchandise stores such as newsstands, book, music and video stores, and tobacco shops

KK. Sporting goods stores

LL. Toy and hobby shops

MM. Studios and shops of artists and artisans (not to exceed 3,000 sq. ft. of gross floor area)

NN. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

OO. Accessory uses to any of the above permitted uses.

PP. No-impact Home-based Business, subject to Section 1601.

QQ. Forestry, subject to Section 1685.

RR. Office/Commercial Center

SS. Retail Business

TT. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f.

Section 753. Uses Permitted by Special Exception.

The following uses are permitted in the R-5 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Adaptive Re-use, subject to Section 1607.

B. Boarding house, subject to Section 1607.

C. Residential Conversion, subject to Section 1607.

D. Game Room/Video Arcade, subject to Section 1607.

E. Hospital and Healthcare Facility, subject to Section 1628.

F. Healthcare Services, subject to Section 1628.

G. Public Utilities, subject to Section 1701.

H. Child Day Care Facility, subject to Section 1627.

I. Schools, subject to Section 1631.

J. Game Room/Video Arcade, subject to Section 1664.

K. Home Occupation, subject to Section 1601.

L. Convenience store with fuel sales, subject to section 1642.

M. Automobile Service Station without fuel sales, Minor Repair, subject to Section 1645.

N. Small Wind Energy System, subject to Section 1692.2.

~~O. Solar Energy, subject to Section 1694.D.~~ Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g.

Section 754. Conditional Uses. (Reserved)

Section 755. Area, Yard and Height Requirements for the R-5 District.

Public Sewerage System and Public Water Supply

Permitted Uses:	Min. Lot Size Sq. Ft.	Maximum Impervious Coverage	Max. Height	Min. Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback ea.
Single-family detached	2,500	50	40’	25’	15’	15’	10’
Single family semi-detached	2,000	50	35’	20’	10’	10’	5’
Single-family attached	1,500	75	40’	18’	10’	10’	N/a
Mid-rise apartments	1 Acre	80	40’	100’	30’	30’	15’
High-rise apartments	2 Acres	80	65’	200’	50’	50’	25’
Automotive accessory store (retail only)	20,000	80	40’	80’	25’	25’	10’
Bakeries (limited to 750 sq. ft. production floor area) & retail baked goods	10,000	80	40’	70’	20’	20’	10’
Barber & beauty shops	2,000	80	40’	20’	10’	10’	5’
Business & professional offices *	2,000	80	40’	20’	10’	10’	5’

Permitted Uses:	Min. Lot Size Sq. Ft.	Maximum Impervious Coverage	Max. Height	Min. Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback ea.
Business, professional, technical/vocational, and/or fine arts schools (no heavy machinery or heavy equipment), for day students	10,000	80	40’	70’	20’	20’	10’
Confectionery stores	2,000	80	40’	20’	10’	10’	5’
Convenience stores without fuel sales	20,000	80	40’	80’	25’	25’	10’
Drug stores and pharmacies	20,000	80	40’	80’	25’	25’	10’
Dry cleaners; self-service laundries (limited to 2,000 sq. ft. of service/production area) & tailors	20,000	80	40’	80’	25’	25’	10’
Dry goods & variety shops	20,000	80	40’	80’	25’	25’	10’
Flower, card, and gift shops	10,000	80	40’	70’	20’	20’	10’
Furniture and household supply store	1 Acre	80	40’	100’	30’	30’	15’
Grocery stores, meat, fish, poultry, & produce markets; farmers markets	1 Acre	80	40’	100’	30’	30’	15’
Haberdashery, Apparel, shoe, and jewelry stores	10,000	80	40’	70’	20’	20’	10’
Hardware, plumbing, & electrical supplies (retail only)	20,000	80	40’	80’	25’	25’	10’
Liquor stores	10,000	80	40’	70’	20’	20’	10’
Medical & dental offices, clinics, & laboratories	20,000	80	40’	80’	25’	25’	10’
Movie theatres/Performing arts facilities	1 Acre	80	40’	100’	50’	50’	25’
Office & stationary supplies	10,000	80	40’	70’	20’	20’	10’
Private surface parking facility	1 Acre	80	0	70’	10’	10’	5’
Public parking garages & lots	12,000	80	60’	100’	25’	25’	25’
Public office buildings & facilities	10,000	80	40’	70’	20’	20’	10’
Radio & television stations	10,000	80	40’	70’	20’	20’	10’
Recreational facilities, athletic clubs & fitness centers, public & private	20,000	80	40’	80’	25’	25’	10’
Restaurants (eat in & take out) & delicatessens, without entertainment	10,000	80	40’	70’	20’	20’	10’
Shoe repair shops	2,000	80	40’	20’	10’	10’	5’

Permitted Uses:	Min. Lot Size Sq. Ft.	Maximum Impervious Coverage	Max. Height	Min. Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback ea.
Small appliance sales, repair, & service shops	4,000	80	40’	20’	10’	10’	5’
Special merchandise stores such as newsstands, book, music & video stores, tobacco shops	2,000	80	40’	20’	10’	10’	5’
Sporting goods & toy and hobby shops	10,000	80	40’	70’	20’	20’	10’
Special Exception Uses:							
Boarding houses	2,500	50	40’	25’	15’	15’	10’
Group care facilities	2,500	50	40’	25’	15’	15’	10’
Public utilities	2,000	50	40’	25’	15’	15’	10’
Taverns, bars, pubs	10,000	80	40’	70’	20’	20’	10’
Adaptive reuse	2,500	50	40’	25’	15’	15’	10’
Day care facilities	2,500	50	40’	25’	15’	15’	10’
Educational facilities: college or university	1 Acre	80	65’	100’	30’	30’	15’
Schools	1 Acre	80	65’	100’	30’	30’	15’
Hospitals	2 Acre	80	65’	200’	50’	50’	25’
Places of worship	20,000	80	40’	80’	25’	25’	10’

Section 756. General Regulations. (Reserved)

Section 757. through 799. (Reserved)

Section 800. G-C (General Commercial) Zoning District

Section 801. Specific Intent.

It is the purpose of the G-C Zoning District to provide an area where a wide range of commercial activities may locate and to recognize areas where a nucleus of such a mix of uses now exists.

Section 802. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the G-C Zoning District, provided that the use, type, dimensional and all other applicable requirements of this Ordinance are satisfied.

A. Automobile Accessory Store (retail)

B. Automobile Service Station, Minor Repair, subject to Section 1645.

C. Club and Lodge provided that all activities shall be conducted within buildings or structures

D. Bakeries and retail baked goods (limited to 1,000 sq. ft. production floor area).

E. Farmers Market (outdoor), subject to Section 1643.

F. Banks or other financial establishment with or without drive-through facilities

G. Funeral Home

H. Self-service Laundromats, dry cleaners and tailors (limited to 2,000 sq. ft. of service/production area)

I. Fitness/Health center

J. Confectionary store

K. Hotel or motel, subject to Section 1648.

L. Convenience stores with or without fuel sales, subject to Section 1642.

M. Indoor places of amusement

N. Drug stores and pharmacies

O. Lumber and building materials supply establishment (retail)

P. Dry goods and Variety Stores

Q. Vehicular and Mobile Home Sales, Rental, and Display, subject to Section 1646.

R. Flower, card, and gift shops

S. Public and Non-public Recreational Areas

T. Furniture and household appliance store (retail)

U. Toy and hobby shops

V. Theaters

W. Car and Vehicle Washing Facility, subject to Section 1644.

X. Grocery Stores and Specialty Grocery Stores (both subject to Section 1642); meat, fish, poultry markets; and produce and farmers markets (all indoors).

Y. Haberdashery, apparel, shoe, and jewelry stores

Z. Wholesale business establishment

AA. Hardware, plumbing and electrical supplies (retail)

BB. Liquor Stores

CC. Beverage Distributors

DD. Municipal Use, subject to Section 1700.

EE. Office and Stationery supplies (retail)

FF. Restaurants (General, Takeout, Fast-food) with or without drive through, subject to Section 1649.

GG. Shoe repair shop

HH. Small appliance sales, repair, and service shops

II. Special merchandise stores such as newsstands, book, music and video stores, and tobacco shops

JJ. Sporting goods store.

KK. Studios and shops of artists and artisans

LL. Barber and beauty shop; Nail salon

MM. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

NN. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

OO. No-impact Home-based Business, subject to Section 1601.

PP. Forestry, subject to Section 1685.

QQ. Office/Commercial Center

RR. Retail Business

SS. Healthcare Services, subject to Section 1628.

TT. Child Day Care Facility, subject to Section 1627.

UU. Adult Day Care Facility, subject to Section 1626.

Section 803. Uses Permitted by Special Exception.

The following uses are permitted in the G-C Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. The storage of fireworks and explosives shall be permitted in accordance with Pennsylvania Code, Title 34, Labor and Industry, Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter “C”, Fireworks and Subchapter “D”, Explosives.

B. New Telecommunication Towers with or without Telecommunication Antennas, subject to Section 1678.D.

C. Taverns, subject to Section 1650.

D. Nightclubs, subject to Section 1650.

E. Adult Business and Adult Establishment, subject to Section 1680.

F. Commercial Conversion, subject to Section 1607.

G. Home occupation, subject to Section 1601.

H. Single and multi family residences, apartments, condominiums when within and existing structure.

I. Solar Energy, subject to Section 1694.

J. Small Wind Energy System, subject to Section 1692.2.

K. Short Term Rental Units, subject to Section 1632.

Section 804. Conditional Uses. (Reserved)

Section 805. Area, Yard and Height Regulations for the G-C Zoning District.

Individual On-Lot Sewage Disposal and Individual On-Lot Water Supply

MAXIMUM PERMITTED	
Building Height	35 Feet
Impervious Coverage	70 Percent
MINIMUM REQUIREMENTS	
Lot Size	2 Acres
Lot Width	
At Street Line	150 Feet
At Building Setback Line	150 Feet
Building Setback Line	40 Feet
Rear Yard	40 Feet
Side Yard	
One Side	20 Feet
Total	40 Feet
Distance Between Highway Access Points	75 Feet
Improvements Setback Line	10 Feet

Section 806. General Regulations. (Reserved)

Section 807. through 849. (Reserved)

Section 850. H-C (Highway Commercial) Zoning District

Section 851. Specific Intent.

The specific intent of the Highway Commercial District is to provide for a variety of commercial and residential uses at acceptable and convenient locations along major highways and to promote well planned and designed commercial areas, as well as limited residential development.

Section 852. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the H-C Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Vehicular and Mobile Home Sales, Rentals and Display, subject to Section 1646.

B. Automobile Service Station – Minor and Major Repair, subject to Section 1645.

C. Bakeries (limited to 1,000 sq. ft. production floor area) and retail baked goods

D. Bank or other financial establishment with or without drive-through facilities

E. Barber and Beauty Shops; Nail Salons

F. Beverage Distributor

G. Camera shop and photo finishing services

H. Club or Lodge provided that all activities shall be conducted within buildings or structures

I. Confectionary Store

J. Convenience store with or without fuel sales, subject to Section 1642.

K. Drug stores and pharmacies

L. Dry goods and variety stores

M. Flower, card, and gift shops

N. Furniture and household supply stores (retail)

O. Funeral Home

P. Grocery Store and Specialty Grocery Store (both subject to Section 1642); meat, fish, poultry market; and produce and farmers market (all indoors)

Q. Greenhouse/Nursery/Garden Supply (retail)

R. Fitness/Health Center

S. Haberdashery, apparel, shoe, and jewelry stores

T. Hotel or Motel, subject to Section 1648.

U. Hardware, plumbing, and electrical supplies (retail)

V. Indoor places of amusement

W. Liquor store

X. Lumber and building materials supply establishment (retail)

Y. Self-storage Facilities, subject to section 1677.

Z. Municipal Use, subject to Section 1700.

AA. Non-public Recreational Area

BB. Office and stationery supply (retail)

CC. Copy centers and job printers

DD. Restaurant (General, Take-out, Fast-food), with or without drive through service, subject to Section 1649.

EE. Self-service Laundromats, dry cleaners, tailors

FF. Small appliance sales, repair, and service shop

GG. Shoe repair shop

HH. Shopping Center, subject to Section 1641.

II. Sporting goods store

JJ. Supermarket, subject to Section 1642.

KK. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

LL. Toy and Hobby Shop

MM. Theaters

NN. Car and Vehicle Washing Facility, subject to Section 1644.

OO. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

PP. No-impact Home-based Business, subject to Section 1601.

QQ. Forestry, subject to Section 1685.

RR. Office/Commercial Center

SS. Retail Business

TT. Healthcare Services, subject to Section 1628.

UU. Child Care Facility, subject to Section 1627.

VV. Adult Day Care Facility, subject to Section 1626.

Section 853. Special Exception Uses.

The following uses are permitted in the H-C Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Adult Business or Adult Establishment, subject to Section 1680.

B. Animal Hospital/Veterinarian Clinic, subject to Section 1675.

C. Business, Vocational, or Trade School, subject to Section 1631.

D. Child Day Care Facility, subject to Section 1627.

E. Farmers Market (outdoors), subject to Section 1643.

F. Flea Market (outdoors), subject to Section 1643.

G. Game Room/Video Arcade, subject to Section 1664.

H. Nightclub, subject to Section 1650.

I. Public Utility, subject to Section 1701.

J. Storage of fireworks and explosives, in accordance with Pennsylvania Code, Title 34, Labor and Industry, Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter "C", Fireworks and Subchapter "D", Explosives.

K. New Telecommunication Towers with or without Telecommunication Antennas, subject to Section 1678.D.

L. Commercial Conversion, subject to Section 1607.

M. Home Occupation, subject to Section 1601.

N. Solar Energy, subject to Section 1694.

O. Small Wind Energy System, subject to Section 1692.2.

P. Short Term Rental Units, subject to Section 1632.

Section 854. Conditional Use. (Reserved)

Section 855. Area, Yard and Height Regulations for the H-C Zoning District.

A. Except for Special Exception Uses in Section 853 the following shall apply:

For Individual On-Lot Sewage Disposal and Water Supply

1. Lot Area - The minimum lot area shall be 2 acres.
2. Minimum Lot Width at the Street Line - two hundred (200) feet.
3. Maximum Impervious Surface Coverage - eighty (80) percent.
4. Minimum Depth of Front Yard - fifty (50) feet.
5. Minimum Depth of Rear Yard - fifty (50) feet.
6. Minimum Aggregate Width of Side Yards - one hundred (100) feet.
7. Minimum Width of Each Individual Side Yard - fifty (50) feet.

For Individual On-Lot Sewage Disposal and Public or Community Water Supply or For Individual Water and Public or Community Sewer

1. Lot Area - The minimum lot area shall be 1 acre.
2. Minimum Lot Width at the Street Line - two hundred (200) feet.
3. Maximum Impervious Surface Coverage - eighty (80) percent.
4. Minimum Depth of Front Yard - forty (40) feet.
5. Minimum Depth of Rear Yard - thirty (30) feet.

6. Minimum Aggregate Width of Side Yards - fifty (50) feet.

7. Minimum Width of Each Individual Side Yard - twenty five (25) feet.

For Public/Community Sewerage Disposal and Water Supply

1. Lot Area - The minimum lot area shall be 25,000 Square Feet.

2. Minimum Lot Width at the Street Line - two hundred (100) feet.

3. Maximum Impervious Surface Coverage - eighty (80) percent.

4. Minimum Depth of Front Yard - thirty (30) feet.

5. Minimum Depth of Rear Yard - twenty (20) feet.

6. Minimum Aggregate Width of Side Yards - thirty (30) feet.

7. Minimum Width of Each Individual Side Yard - twenty five (15) feet.

B. Area and Bulk Regulations for Special Exception Uses listed in Section 853.

Bulk use requirements to be determined by the Zoning Hearing Board during the public hearing for each use as provided for in Section 853

Section 856. General Regulations. (Reserved)

Section 857. through 899. (Reserved)

Section 900. L-I (Light Industrial) Zoning District

Section 901. Specific Intent.

It is the specific intent of the L-I District to provide an area for light industrial uses such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment; including research activities which can be conducted entirely within an enclosed structure; with no outside storage, serviced by a modest volume of trucks or vans, and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust, or pollutants.

Section 902. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the L-I Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and packaging establishments

B. Bakeries

C. Bulk photo processing

D. Food processing, excluding slaughterhouse, meat and fish packing, sauerkraut, vinegar, yeast, and the rendering of fats and oils

E. Furniture manufacturing

F. Metal fabrication

G. Millwork and other wood products

H. Municipal Use, subject to Section 1700.

I. Printing and publishing establishments

J. Research, engineering, or testing laboratories

K. Sawmill/Planing mill

L. Scientific/Electronic/Medical instruments

M. Self Storage Facility, subject to Section 1677.

N. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

O. Textile/Garment manufacturing.

P. Business, Vocational, or Trade school

~~Q. Warehousing, subject to Section 1689.~~

R. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

S. No-impact Home-based Business, subject to Section 1601.

T. Forestry, subject to Section 1685.

Section 903. Special Exception Uses.

The following uses are permitted in the L-I Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter "C". Fireworks and Subchapter "D". Explosives or any current superseding codes or regulations.

B. Telecommunication Towers with or without Telecommunication Antennas, subject to Section 1678.D.

C. Solar Energy, subject to Section 1694.

D. Small Wind Energy System, subject to Section 1692.2.

Section 904. Conditional Use (Reserved)

Section 905. Area, Yard and Height Regulations for the L-I Zoning District.

MAXIMUM PERMITTED	
Building Height	50 Feet
Impervious Coverage	80 Percent
MINIMUM REQUIREMENTS	
Lot Size	2 Acres
Lot Width	150 Feet
Distance between Highway Access Points	75 Feet
Improvements Setback Line	10 Feet
Building Setback Line	50 Feet
Rear Yard	50 Feet
Side Yard	
One Side	25 Feet
Total	50 Feet

Section 906. General Regulations. (Reserved)

Section 907. through 949. (Reserved)

Section 950. GI-1 – General Industrial – 1 Zoning District

Section 951. Specific Intent.

The purpose of the GI-1 Zoning District is to provide an area for heavy industry such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties; and serviced by a modest volume of trucks or other vehicles, and to provide areas which may be suitable for extractive industry.

Section 952. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the GI-1 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and Packaging Establishment

B. Automobile Service Station – Minor and Major repairs, subject to Section 1645.

C. Bakeries

D. Bottling

E. Pottery and ceramics (using only previously pulverized clay and kilns fired only by gas or electricity)

F. Bulk photo processing

G. Commercial/Industrial machinery sales/service

H. Construction or building trades company

I. Fuel oil company, subject to applicable federal, state and local fire protection standards.

J. Furniture manufacturing

K. Metal fabrication/processing

L. Millwork or other wood product manufacturing

M. Self-Storage Facility, subject to Section 1677.

N. Municipal use, subject to Section 1700.

O. Truck Terminal, subject to Section 1689.

P. Plastics/Rubber products industry

Q. Printing, publishing, binding establishments

R. Research, engineering, or testing laboratories

S. Scientific/electronic instruments manufacturing

T. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter “C”. Fireworks. and Subchapter “D”. Explosives.

U. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

V. Textile/garment manufacturing

W. Textile bleaching

X. Car and Vehicle Washing Facility, subject to Section 1664.

~~Y. Warehousing, subject to Section 1689.~~

Z. No-impact Home-based Business subject to Section 1601.

AA. Forestry, subject to Section 1685.

Section 953. Accessory Uses.

A. Off street parking

B. Installation of Solar Panels or Collectors, subject to Section 1694.D.

C. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use and customarily appurtenant to a principal permitted use

Section 954. Special Exception Uses.

The following uses are permitted in the GI-1 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Asphalt manufacturers

B. Automobile Dismantling Facilities, subject to Section 1690.

C. Breweries

D. Cement plants

E. Chemical products industry

F. Fertilizer manufacturing

G. Flour mills

H. Food processing

I. Airport/Heliport, subject to Section 1676.

J. Paint manufacturing

K. Paper/Pulp mill

L. Slaughter house (commercial), subject to Section 1691.

M. Soap manufacturing

N. Mineral extraction, subject to Section 1687.

O. Solid Waste Disposal Facility, subject to Section 1686.

P. Tank farm.

Q. Tanning, curing or storage of leather and skins

R. Junkyards, subject to 1690.

S. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

T. Solar Energy, subject to Section 1694.

U. Wind Energy Facility, subject to Section 1692

V. Motorsport Facility, or Motor Sports Facility, subject to Section 1663.

Section 955. Conditional Use.

The following uses are permitted in the GI-1 Zoning District when a Conditional Use is granted by the Governing Body. Standards to be used in determining whether a Conditional Use should be granted are found in the sections of the Ordinance indicated below as well as Section 2004 of this Ordinance.

A. Gas and Oil Development, subject to Section 1695.

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 956. Area, Yard, and Height Regulations for the GI-1 Zoning District.

MAXIMUM PERMITTED		
Building Height	50 Feet	
Impervious Coverage	~~80 Percent~~	70 Percent
MINIMUM REQUIREMENTS		
Lot Size	2 Acres	
Lot Width	200 Feet	
Building Setback Line	50 Feet	
Rear Yard	50 Feet	
Side Yard		
One Side	50 Feet	
Total	100 Feet	
Improvements Setback Line	25 Feet	
Distance between Highway Access Points	75 Feet	

Section 957. General Regulations. (Reserved)

Section 958. through 999. (Reserved)

Section 1000. GI-2 – General Industrial – 2 Zoning District

Section 1001. Specific Intent.

The purpose of the GI-2 Zoning District is to provide an area for heavy industry such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties; and serviced by a modest volume of trucks or other vehicles, and to provide areas which are suitable for extractive industry.

Section 1002. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the GI-2 Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and Packaging Establishment

B. Automobile Service Station – Minor and Major repairs, subject to Section 1645.

C. Bakeries

D. Bottling

E. Pottery and ceramics (using only previously pulverized clay and kilns fired only by gas or electricity)

F. Bulk photo processing

G. Commercial/Industrial machinery sales/service

H. Construction or building trades company

I. Fuel oil company, subject to applicable federal, state and local fire protection standards.

J. Furniture manufacturing

K. Metal fabrication/processing

L. Millwork or other wood product manufacturing

M. Self-Storage Facility, subject to Section 1677.

N. Municipal use, subject to Section 1700.

O. Truck Terminal, subject to Section 1689.

P. Plastics/Rubber products industry

Q. Printing, publishing, binding establishments

R. Research, engineering, or testing laboratories

S. Scientific/electronic instruments manufacturing

T. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter “C”. Fireworks. and Subchapter “D”. Explosives.

U. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

V. Textile/garment manufacturing

W. Textile bleaching

X. Car and Vehicle Washing Facility, subject to Section 1664.

~~Y. Warehousing, subject to Section 1689.~~

Z. No-impact Home-based Business subject to Section 1601.

AA. Forestry, subject to Section 1685.

BB. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

CC. Mineral extraction (Not subject to Specific Use Regulation Section 1687).

DD. Mine reclamation.

EE. Preparation Plant/Breakers.

FF. On site and open air storage of coal products and byproducts.

GG. Prepared coal storage and staging.

HH. The placement and removal of refuse (culm) banks.

II. The following uses shall be considered permitted uses in conjunction with permitted principal uses CC. through HH. on the same parcel or individually provided however that the uses are contiguous to lands under ownership and used for principal uses CC. through HH.

1. Administrative and business offices
2. Structures for the maintenance, repair, and storage of equipment and motor vehicles
3. Rail sidings
4. Scales, scalehouses
5. Equipment and truck wash facilities

Section 1003. Accessory Uses.

A. Heliport pads, Subject to Section 1676

B. Mine water treatment and discharge

C. Soil sedimentation and erosion control

D. Off street parking

E. Installation of Solar Panels or Collectors, subject to Section 1694.D.

F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use (Excepting provisions of Section 1002 II.) and customarily appurtenant to a principal permitted use

Section 1004. Special Exception Uses.

The following uses are permitted in the GI-2 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be

granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Asphalt manufacturers

B. Automobile Dismantling Facilities, subject to Section 1690.

C. Breweries

D. Cement plants

E. Chemical products industry

F. Fertilizer manufacturing

G. Flour mills

H. Food processing

I. Airport/Heliport, subject to Section 1676.

J. Paint manufacturing

K. Paper/Pulp mill

L. Slaughter house (commercial), subject to Section 1691.

M. Soap manufacturing

N. Solid Waste Disposal Facility, subject to Section 1686.

O. Tank farm.

P. Tanning, curing or storage of leather and skins

Q. Junkyards, subject to 1690.

R. Campgrounds and recreational vehicle parks, subject to Section 1661

~~S. Motorsport Facility, subject to Section 1663~~

T. Coal gasification and liquefaction facilities.

U. Renewable energy production and generation, including but not limited to geothermal, hydroelectric, and solar energy, subject to pertinent Sections for the specific use.

V. Wind Energy Facility, subject to Section 1692

W. Renewable/Alternative energy source facilities, subject to Sections for the specific use.

X. Solar Energy, subject to 1694.

Section 1005. Conditional Use.

The following uses are permitted in the GI-2 Zoning District when a Conditional Use is granted by the Governing Body. Standards to be used in determining whether a Conditional Use should be granted are found in the sections of the Ordinance indicated below as well as Section 2004 of this Ordinance.

A. Gas and Oil Development, subject to Section 1695.

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 1006. Area, Yard, and Height Regulations for the GI-2 Zoning District.

(For uses excepting Permitted Uses CC. through HH.)

MAXIMUM PERMITTED		
Building Height	50 Feet	
Impervious Coverage	~~80 Percent~~	70 Percent
MINIMUM REQUIREMENTS		
Lot Size	2 Acre	
Lot Width	200 Feet	
Building Setback Line	50 Feet	
Rear Yard	50 Feet	
Side Yard		
One Side	50 Feet	
Total	100 Feet	
Improvements Setback Line	25 Feet	
Distance between Highway Access Points	75 Feet	

Section 1007. Area, Yard, and Height Regulations for the GI-2 Zoning District.

(For Permitted Uses CC. through HH.)

MAXIMUM PERMITTED		
Building Height	100 Feet	
Building Coverage	~~60 Percent~~	50 Percent
Impervious Coverage	~~90 Percent~~	70 Percent

MINIMUM REQUIREMENTS

Lot Size — 5 acres for Principal Permitted Uses (Section 1002) CC. through HH. unless otherwise stated for the Specific Use.

1 Acre for Principal Permitted Uses Section 1002 II.

Minimum Lot Size for Uses By Special Exception shall be determined by the Zoning Hearing Board unless otherwise stated for the Specific Use.

Width		150’(i)
Building Setback Line		35’
Rear Yard		25’
Side Yard, Each	*10’	

(i) Lots with central water and sewer; Minimum lot width shall be 50’ at the street

(*) For pre-existing non-conforming lots:

If lot width is less than 50’ side setback is 5’on both sides.

Section 1008. General Regulations. (Reserved)

Section 1009. through 1499. (Reserved)

Section 1100. I - Industrial Zoning District

Section 1101. Specific Intent.

The purpose of the I Zoning District is to provide an area for heavy industry such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties; and serviced by a modest volume of trucks or other vehicles, and to provide areas which are suitable for extractive industry, warehouses and data centers.

Section 1102. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the I Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and Packaging Establishment

B. Automobile Service Station - Minor and Major repairs, subject to Section 1645.

C. Bakeries

D. Bottling

E. Pottery and ceramics (using only previously pulverized clay and kilns fired only by gas or electricity)

F. Bulk photo processing

G. Commercial/lndustrial machinery sales/service

H. Construction or building trades company

I. Fuel oil company, subject to applicable federal, state and local fire protection standards.

J. Furniture manufacturing

K. Metal fabrication/processing

L. Millwork or other wood product manufacturing

M. Self-Storage Facility, subject to Section 1677.

N. Municipal use, subject to Section 1700.

O. (Reserved)

P. Plastics/Rubber products industry

Q. Printing, publishing, binding establishments

R. Research, engineering, or testing laboratories

S. Scientific/electronic instruments manufacturing

T. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapters Blasting, Demolition, Fireworks and Explosives, Subchapter "C". Fireworks, and Subchapter "D". Explosives.

U. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

V. Textile/garment manufacturing

W. Textile bleaching

X. Car and Vehicle Washing Facility, subject to Section 1664.

Y. No-impact Home-based Business subject to Section 1601.

Z. Forestry, subject to Section 1685.

AA. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

BB. Mineral extraction (Not subject to Specific Use Regulation Section 1687).

CC. Mine reclamation.

DD. Preparation Plant/Breakers.

EE. On site and open air storage of coal products and byproducts.

FF. Prepared coal storage and staging.

GG. The placement and removal of refuse (culm) banks.

HH. The following uses shall be considered permitted uses in conjunction with permitted principal uses BB. through GG. on the same parcel or individually provided however that the uses are contiguous to lands under ownership and used for principal uses BB. through GG.

1. Administrative and business offices

2. Structures for the maintenance, repair, and storage of equipment and motor vehicles

3. Rail sidings

4. Scales, scalehouses

5. Equipment and truck wash facilities

Section 1103. Accessory Uses.

A. Heliport pads, Subject to Section 1676

B. Mine water treatment and discharge

C. Soil sedimentation and erosion control

D. Off street parking

E. Installation of Solar Panels or Collectors, subject to Section 1694.D.

F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use (Excepting provisions of Section 1002 II.) and customarily appurtenant to a principal permitted use

Section 1104. Special Exception Uses.

The following uses are permitted in the GI-2 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Asphalt manufacturers

B. Automobile Dismantling Facilities, subject to Section 1690.

C. Breweries

D. Cement plants

E. Chemical products industry

F. Fertilizer manufacturing

G. Flour mills

H. Food processing

I. Airport/Heliport, subject to Section 1676.

J. Paint manufacturing

K. Paper/Pulp mill

L. Slaughter house (commercial), subject to Section 1691.

M. Soap manufacturing

N. Solid Waste Disposal Facility, subject to Section 1686.

O. Tank farm.

P. Tanning, curing or storage of leather and skins

Q. Junkyards, subject to 1690.

R. Campgrounds and recreational vehicle parks, subject to Section 1661

S. (Reserved)

T. Coal gasification and liquefaction facilities.

U. Renewable energy production and generation, including but not limited to geothermal, hydroelectric, and solar energy, subject to pertinent Sections for the specific use.

V. Wind Energy Facility, subject to Section 1692

W. Renewable/Alternative energy source facilities, subject to Sections for the specific use.

X. Solar Energy, subject to 1694.

Section 1105. Conditional Use.

The following uses are permitted in the I Zoning District when a Conditional Use is granted by the Governing Body. Standards to be used in determining whether a Conditional Use should be granted are found in the sections of the Ordinance indicated below as well as Section 2004 of this Ordinance.

A. Gas and Oil Development, subject to Section 1695.

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

C. Data Centers, subject to Section 1698.

D. Data Center Accessory Facilities, subject to Section 1698.

Section 1106. Area, Yard, and Height Regulations for the I Zoning District.

(For uses excepting Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	50 Feet
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size	2 Acre
Lot Width	200 Feet
Building Setback Line	50 Feet
Rear Yard	50 Feet
Side Yard	
One Side	50 Feet

Total	100 Feet
Improvements Setback Line	25 Feet
Distance between Highway Access Points	75 Feet

Section 1107. Area, Yard, and Height Regulations for the I Zoning District.

(For Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	100 Feet
Building Coverage	50 Percent
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size	5 acres for Principal Permitted Uses (Section 1002) CC. through HH. Unless otherwise stated for the Specific Use. 1 Acre for Principal Permitted Uses Section 1002 II. Minimum Lot Size for Uses By Special Exception shall be determined by the Zoning Hearing Board unless otherwise stated for the Specific Use.
Width	150'(i)
Building Setback Line	35'
Rear Yard	25'
Side Yard, Each	*10’

(i) Lots with central water and sewer; Minimum lot width shall be 50' at the street

(*) For pre-existing non-conforming lots:

If lot width is less than 50' side setback is 5'on both sides.

Section 1108. General Regulations. (Reserved)

Section 1109. through 1499. (Reserved).

CHAPTER XV. GENERAL REGULATIONS

Section 1500. Prohibited Uses.

No building or structure may be erected, altered or used, and no lot or premises may be used for any activity which is, in the opinion of the Municipal Governing Body, continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration gas, effluent discharge, illumination, or similar substances or conditions.

Section 1501. Access to Structures.

Every building and structure hereafter erected or moved shall be on a lot adjacent to either a public street or to a private street that has been approved by the Municipal Governing Body. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 1502. Establishment of More Than One (1) Principal Use and/or the Erection of More Than One (1) Principal Structure on a Lot.

In any district more than one (1) principal use may be established and/or more than one structure housing a permitted or permissible principal use may be erected on a single lot provided that the area, yard, and other requirements of this Ordinance pertinent to the District in which the lot is located shall be met for each use and/or structure as though it were on an individual lot unless otherwise specifically provided in this Ordinance. The erection of either more than one (1) principal structure on a lot or the establishment of more than one (1) principal use upon a lot, shall be considered land development and plans must be prepared and approved in accordance with the ESRP Region Joint Subdivision and Land Development Ordinance ESRP (SALDO).

Section 1503. Storage of Explosives.

No explosives may be stored in quantities regulated by applicable local, state and federal regulations in the EAP, A-P, R-1, R-2, R-3, R-4, R-5 or W-P Zoning Districts. Explosives may be stored in the G-I Zoning District By Right, and in the H-C, G-C, and L-I Districts by Special Exception. In storing any such explosives, all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP), the Federal Bureau of Alcohol, Tobacco and Firearms (ATF), and any other local, state, and federal regulatory agencies having jurisdiction over such matters shall be complied with.

Section 1504. Accessory Building Setback Exceptions.

On any lot on which a principal building existed at the effective date of this Ordinance an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than the principal building which existed at the effective date of this Ordinance.

Section 1505. Landscaping.

Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to the regulations and standards of the ESRP Region Joint Subdivision and Land Development Ordinance (ESRP SALDO).

Section 1506. Lighting.

When any property on which any type of use is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No beams of light shall be directed toward adjacent properties or streets. No lighting shall be utilized produce a light at the boundaries of the illuminated property greater than the values listed below:

A.	W-P, EAP, A-P, R-1 Zoning Districts	0.5 (one-half) foot candle
B.	R-2, R-3 Zoning Districts	0.75 (three-quarters) foot candle
C.	R-4, R-5 Zoning Districts	1.0 (one) foot candle
D.	G-C, H-C Zoning Districts	1.0 (one) foot candle
E.	L-I, GI-1, GI-2 Zoning Districts	1.0 (one) foot candle

Section 1507. Signs.

A. The purpose of this section is to promote and maintain overall community beautification; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure compatibility with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.

B. Signs shall only be erected and maintained when compliance with the provisions of this Ordinance and all other applicable ordinances and regulations relating to the erection, alteration, and maintenance of signs has been clearly demonstrated to the satisfaction of the Zoning Officer.

C. Unless otherwise stated, all signs shall require a Municipal Zoning Permit and a Certificate of Use and Occupancy as regulated by Section 1901, 1902, and 1903 of this Ordinance. Only signs that are specifically permitted by this Ordinance, within the applicable Zoning District, shall be allowed. Lawfully existing signs may be painted, repaired, or changed in message without a new permit under this Ordinance provided that any such changes or repairs, do not increase the area of the sign or otherwise result in non-compliance or an increased non-conformity with this Ordinance. A lawfully existing, non-conforming, sign may be replaced with a new non-conforming sign provided that the new sign is not more non-conforming in any way than the old sign. The replacement of an existing non-conforming sign must occur within one-hundred and eighty (180) days of its removal.

D. General.

1. Signs (other than school warning signs, traffic control signs, time and temperature signs, and similar signs as may be) shall not contain any moving parts nor shall they use flashing or intermittent illumination. Any source of light used to illuminate a sign shall be steady and stationary.

2. No portion of any sign shall project over any lot line.

3. Signs that are of such character, form, shape, or color that they imitate or resemble any official traffic sign, signal, or device, or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words “Danger” or “Stop”), are prohibited. Red, green, or amber lights, (except those contained within a school warning sign, traffic control sign, or similar sign), shall not be located in such a manner that they could create a danger by being misconstrued as traffic lights by an operator of a motor vehicle.

4. Spinners or any other type of moving object used to attract attention are strictly prohibited.

5. No sign shall be located or arranged in a manner that it interferes with safe sight distance for vehicles exiting or entering any property.

6. No sign shall be placed in such a position or have such a source of illumination that it will cause, in the opinion of the Zoning Officer, any danger to pedestrians or vehicular traffic.

7. No sign shall be utilized in a manner which produces a light intensity greater than 1.0 (one point zero) foot-candles beyond the boundaries of the property containing the signage. No beams of light shall be directed towards adjacent properties, public roads, or private roads and all light sources shall be shielded in a manner which shall ensure that light pollution does not affect any adjoining properties.

8. No sign shall be erected or located in such a manner as to prevent free ingress or egress to any window, door, or fire escape.

9. No sign which emits smoke, visible vapors or particulates, sounds, or odors shall be permitted.

10. Except as permitted within this Ordinance (i.e., Off-Premises Advertising Signs/Billboards), no signs shall be erected on a property to which it does not relate.

11. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure, but becomes, in effect, the primary purpose in itself shall be considered a Freestanding Sign and, as such, shall be subject to requirements for Freestanding Signs in the zoning district in which said vehicle or structure is located.

12. Signs which contain information that states, infers, or implies that a lot or property, may be used for any purpose not permitted under the applicable provisions of this Ordinance, are prohibited.

13. Signs or displays that include words or images that are obscene, pornographic, or that an average reasonable person would find highly offensive to public decency are strictly prohibited.

14. No sign shall be posted on any property or upon any sign post or affixed to any public utility pole unless permission to place said signs has been granted by the owner of said property, sign post, or public utility pole.

15. No sign shall be tacked, stapled, or nailed to a utility pole except by an authorized utility or by a person who has obtained permission from the authorized utility.

16. The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items, shall be permitted.

17. Every sign shall be constructed of durable material and shall be kept in good condition. Peeling paint shall be removed and replaced. Broken lights shall be replaced; and similar

maintenance tasks shall be performed when deemed necessary by the sign's owner, the property owner, and/or the Zoning Officer.

18. Any sign which becomes dilapidated or which creates a hazard to the public health, safety and welfare shall be removed at the expense of the owner or lessee. The Municipal Zoning Officer shall make such determinations as to state of any signs condition.

19. Any and all signs lawfully permitted in the ESRP Region are further subject to any requirements of any other local, state, or federal agencies having jurisdiction over such matters.

20. Any and all signs placed on smokestacks, water towers, silos and other similar structures, shall be governed by the applicable provisions of this Ordinance.

E. Prohibited Signs

1. The following signs are expressly prohibited unless otherwise stated in these regulations:

a. Animated and Moving Signs – A sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means; including, but not limited to, flags having commercial messages and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights.

b. Flashing Signs (as defined in this Ordinance) and Message Signs – Any signs that include lights or messages which flash, blink or turn on and off intermittently; but specifically excluding time and temperature signs which display no other text or images.

c. Glaring Signs – Signs with light sources or which reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.

d. Obstructive Signs – A sign or other advertising devise erected or placed at any street, alley, driveway, or road intersection in such a manner as to obstruct free and clear vision sight distance at the intersection.

e. Inflatable Signs and Other Objects – Signs and other objects which are inflated; including, but not limited to, balloons. An outdoor display of not more than one bouquet of balloons shall be allowed on a premise that sells balloons. Balloons shall also be permitted to be displayed in temporary situations or on special occasions at a residence provided that said balloons are removed immediately after said special occasion is over.

f. Posters and Handbills – Any signs affixed to any structures, trees or other natural vegetation, rocks, or poles; other than temporary signs posted by the Zoning Officer for the purpose of identifying a property which is the subject of an Appeal before the Zoning Hearing Board.

g. Roof Signs – Roof Signs are prohibited in the W-P, EAP, A-P, R-1, R-2, R-3, R-4, R-5 and G-C Zoning Districts and are limited to lawful conforming commercial uses in the H-C, L-I, GI-1 and GI-2 Districts. Roof Signs are On-Premise Signs and shall conform to this Section and all other sections of the Zoning Ordinance.

h. Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection, or extend into the public right-of-way.

i. Strings of Light – Any devices including lights that outline property lines, sales areas, or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows.

i. Lights used temporarily as holiday decorations.

ii. Lights or other devices used on a temporary basis on parcels on which carnivals, fairs, or other such similar temporary activities are held.

j. Vehicle Signs – Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles which are primarily, actively used for business purposes.

k. Portable, A-frame/Wheeled Signs – Except where allowed for lawful, conforming, uses in the H-C Zoning Districts, any wheeled, "A" frame, or similar Portable Sign is prohibited except on a temporary basis not to exceed seventy-two (72) consecutive hours and for no more than two (2) times per calendar year. A Zoning Permit is required for any such temporary use.

l. Multiple Signs – Multiple signs, logos, or insignia on a canopy or canopies attached to a building or other structure is prohibited.

m. Signs Adversely Affecting Safety – Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of the roof to any other part shall not be permitted. No sign of any kind shall be attached to a standpipe or fire escape. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

n. Sign Emissions – No sign which emits smoke, visible vapors, or particles, or sound or odors shall be permitted.

o. Mirrors – No mirror device shall be used as part of any sign.

F. Signs Permitted in All Zoning Districts

1. The following signs are allowed in all zoning districts. Unless otherwise stated, the placement of these signs does not require a zoning permit and all such signs shall comply with all of the pertinent regulations of this Ordinance:

a. Holiday Decorations – Holiday decorations displayed for recognized federal, state, or religious holidays shall be exempted from the provisions of this Section; except where these signs interfere with traffic safety or are in any other way found to be a public safety hazard as determined by the Zoning Officer.

b. Street Sign – As defined in this Ordinance an official highway sign, streets name, directional, or other traffic sign erected in accordance with the Pennsylvania Motor Vehicle Code by PennDOT or a Municipality.

c. Residential Identification Sign – A sign, not exceeding two (2) square feet, bearing only the residential property number, street address, and/or names of the occupants of the residence, or the name of the dwelling. Any such sign shall either be non-illuminated or indirectly illuminated and there shall be a limit of two (2) such signs per property.

d. Legal Notice – As may be posted upon properties by the Municipality, or its Zoning Officer, when they are required to do so under applicable local, state, or federal laws and regulations.

e. Cornerstone – As maybe found on the cornerstone of significant public buildings (e.g., Municipal Offices, churches, schools, etc.).

f. Barber Pole – Revolving barbershop pole sign provided that it does not exceed thirty-six (36) inches in height and that it is erected only in conjunction with an actual, operational barbershop.

g. Contractor Sign (as defined in this Ordinance) – No one sign shall exceed six (6) square feet. Only one (1) sign may be erected for each business or contractor who is actually engaged in permitted work on the property where said sign has been placed. No illumination is permitted. Any sign in place for more than sixty (60) days requires a permit from the Municipality.

h. Public Use, Official, and Governmental Signs (as defined in this Ordinance)

i. Garage/Yard Sale Signs – These are regulated in Section 1526.

j. Real Estate Signs (as defined in this Ordinance) – "Open House" signs are further regulated as follows:

   i. Open House Signs may be posted for a period no longer than ten (10) days prior to and on the day the open house is taking place and shall be removed at the end of the day that the open house occurs.

   ii. The maximum sign size shall be three (3) square feet.

   iii. One (1) Off-Premise Sign shall be permitted for the duration of the open house, but not longer than four (4) hours per property having an open house. Such sign shall be placed at the intersection with an arterial or collector road nearest to the property having the open house. Off-Premise Signs may be used only for open houses on Fridays, Saturdays, or Sundays.

   iv. Failure to adhere to this Section will result in the removal of the signs and the expense of any such removal shall be charged to the person or company responsible for the placement of said sign(s).

   v. Any and all Open House Signs shall not be illuminated.

k. Political Signs (as defined in this Ordinance) – These are limited to four (4) square feet.

l. Security and Warning Signs (as defined in this Ordinance).

m. Private Drive Signs (as defined in this Ordinance).

n. Nonprofit Organization Sign (as defined in this Ordinance) – Provided that a zoning permit is obtained and that such signs are limited to one (1) per property and six (6) square feet in size.

o. Special Event Sign (as defined in this Ordinance).

p. Identification Signs and Bulletin Board Signs, provided that a zoning permit is obtained and that a zoning permit is obtained and that:

   i. No more than two (2) such signs shall be erected on any frontage of any one (1) property.

   ii. No side of any such sign shall exceed twenty-five (25) square feet in area.

   iii. Signs shall be erected only upon the property on which the use is conducted.

q. Signs advertising a lawful non-conforming use, provided that a zoning permit is obtained and that:

i. No side of any such sign shall exceed twelve (12) square feet in area.

ii. The sign shall be erected only upon the premises on which such non-conforming use is located.

iii. No more than one (1) such sign shall be erected on any one (1) street frontage.

r. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed twelve (12) square feet in area.

G. Signs Permitted in the EAP, A-P, R-1, and R-2 Zoning Districts

1. In addition to those signs specifically listed in subsection 1507.F, above the following signs are allowed in the EAP, A-P, R-1, and R-2 Zoning Districts:

a. Signs advertising the sale of farm products, nursery products, or livestock produced or raised on the premise provided that a zoning permit obtained and that:

i. No side of any such sign shall exceed fifteen (15) square feet in area.

b. Signs indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or plants provided that zoning permit is obtained and that:

i. The area on one (1) side of any such sign shall not exceed fifteen (15) square feet.

H. ~~Signs Permitted in the H-C , L-I, , and GI-1 and GI-2.~~ Signs Permitted in the H-C. L-l. Gl-l. GI-2 and G-C Zoning Districts.

1. Any and all the various types of Signs in Section 1507 (H) through 1507(J) shall require an appropriate Municipal Zoning Permit and Certificate of Use and Occupancy as regulated by Sections 1901, 1902, and 1903 of this Ordinance.

2. The total area of all sides of any and all signs placed on, or facing towards, any one (1) street frontage of any one (1) premise shall not exceed two hundred (200) square feet aggregate except in the case of a commercial or industrial building housing more than one (1) commercial or industrial use.

3. In the case of a commercial or industrial building housing more than one (1) commercial or industrial use, no more than One (1) Plaza Sign (as defined) shall face any one (1) street frontage of any one (1) property. The area of said sign shall not exceed two hundred (200) square feet.

a. In the case of a commercial or industrial building housing more than one (1) commercial or industrial use, in addition to the above stated one (1) Plaza Sign, the following regulations also apply:

i. If Freestanding On-Premise Business Signs are erected, one (1) business sign of no more than two (2) sides may be erected for each business/industrial use but each On-Premise Business Sign may not exceed twenty-five (25) square feet.

ii. A Wall-Mounted On-Premise Business Sign may be erected for each commercial, business, or industrial use located within that particular building; and each Wall-Mounted On-Premise Business Sign may be up to fifty (50) square feet in area provided that no such signs' area shall equal more than twenty-five percent (25%) of the total area of the wall to

which it is attached. The Wall-Mounted On-Premise Business Sign shall also be subject to Section 1507.H.6 and 7.

iii. Roof Signs are prohibited for any building housing more than one (1) commercial or industrial use.

4. A Free-Standing Sign for a commercial or industrial business shall not be located within twenty (20) feet of any lot line adjoining a property with an existing residential dwelling.

5. No portion of Free-Standing Sign shall be closer than ten (10') feet to any street right-of-way or property line, excepting directional signs conforming to all other requirements of Section 1507.

6. The maximum elevation of Wall-Mounted Signs shall be equal to the highest elevation of the wall to which they are attached.

7. No Wall-Mounted Sign permitted to be attached to a building face shall project more than twelve inches (12") from the building face to which it is attached. These signs shall be at least eight (8) feet above the ground, as measured from the highest grade elevation under the sign to the lowest part of the sign. Wall-Mounted signs that have the sign face perpendicular to the building face may project from the face of a building perpendicularly for a distance of not more than four feet (4') provided that such signs are entirely located underneath a roof overhang or similar architectural feature, and that such signs are no more than twelve (12) square feet in area on any one (1) side, and that all such signs are at least eight feet (8') above the ground as measured from the highest grade elevation under the sign to the lowest part of the sign.

8. Only one Roof Sign is permitted per building which houses only one (1) commercial or industrial uses, regardless of the number of other uses which may be permitted as per Section 1502 on the premises.

9. No Roof Sign shall exceed fifty (50) square feet in area.

10. The height of a Roof Sign may not exceed the height of the highest part of the roof on which the sign is erected. Roof signs erected on flat roofs may not exceed five (5) feet in height measured from the highest architectural feature of the building.

11. In no case may the highest point of a Roof Sign be more than seventy (70) feet above the average elevation of the ground immediately adjacent to the building on which it is erected.

12. No portion of a Roof Sign may project further than any roof overhang on which it is erected.

13. Portable Signs are permitted in the G-C and H-C Zoning Districts as regulated by Section 1507. (I).

I. Portable, A-Frame, and Wheeled Signs are permitted in the H-C Zoning District.

1. These signs are as defined in this Ordinance.

2. Portable Signs are a particular type of sign that has the characteristics of a temporary sign, but that has been or may have been inappropriately used as a permanent sign. This subsection, therefore, will clearly require that if a permittee desires to regularly display a sign for regularly changing messages then, that the permittee be directed by the Zoning Officer to obtain a zoning permit for a permanent sign which shall comply all of the requirements of this Ordinance.

3. A Portable Sign, including any such sign that may have been displayed prior to the adoption of this Ordinance and which does not have a lawful permit, shall only be permitted if it meets all of the following requirements:

a. The portable Sign must be placed upon the lot of a permitted principal commercial use.

b. Any and all portable signs shall have a maximum total area of forty (40) square feet with a maximum of two (2) sides.

c. Portable Signs shall only be permitted with a maximum of one (1) such sign per principal use and/or per lot, whichever is more restrictive.

d. Any and all Portable Signs shall require a Zoning Permit which shall state the dates during which the sign may be displayed.

e. Any and all Portable Signs shall only be displayed on a lot for four (4) periods per calendar year which shall not exceed thirty (30) consecutive days per period during a calendar year. Failure to remove the sign after each thirty (30) day period shall constitute a zoning violation.

f. Any and all Portable Signs shall not obstruct safe sight distance for any vehicles entering or exiting the property containing such a sign and shall not be placed with the existing street right-of-way.

g. Any and all Portable Signs shall not include flashing or blinking lights.

J. Off-Premise Signs (Including "Billboards" and "Advertising Signs").

1. Off-Premise Signs are further defined as: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is offered or located at a location other than the lot upon which the sign is located. This definition includes signs commonly called "billboards" and "advertising signs".

2. Off-Premise Signs are controlled by this Ordinance for the following purposes: to prevent visual pollution in the ESRP Region; to protect property values; to prevent glare from said signs adversely affecting adjacent property and streets; to protect the open space and natural character of areas of the ESRP Region planned to remain agricultural, woodland, or rural preservation areas; to avoid the creation of additional visual distractions to motorists, especially along the busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize that this ordinance allows every landowner a reasonable use for their land; and to avoid to the extent possible the placement of off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, as off-premise signs are typically placed higher and are typically larger than on-premise signs.

a. An Off-Premise Sign is only permitted in the H-C, L-I, and G-I Zoning Districts and any and all such signs shall require a Zoning Permit.

b. An Off-Premise Sign is only permitted within a maximum of two hundred (200') feet of an existing right-of-way of an arterial road and shall be placed a minimum of ten (10') feet from any lot line. Any off-premises sign shall be setback a minimum of twenty (20') feet from all existing and ultimate road rights-of-way. No off-premise sign shall be located within two hundred (200') feet of any existing residential dwelling unit.

c. No Off-Premise Sign shall be attached in any way to any other off-premise sign. Off-Premise Signs shall have a maximum of two (2) sign faces.

d. The maximum area of each sign face of any and all types of Off-Premise Signs shall be three hundred (300) square feet.

e. Any and all Off-Premise Signs erected after the effective date of this Ordinance, shall be separated by a minimum of one thousand (1,000') linear feet from any other off-premise sign, including signs on either side of a street and including any existing signs located in other municipalities.

f. The maximum height of any Off-Premise Sign shall be fifty (50') feet.

3. This Ordinance shall not require the removal of an existing, lawfully-placed, Off-Premise Sign unless the Zoning Officer determines that any such sign is not in structurally sound condition.

4. This section applies to all types of Off-Premise Signs except as may be specifically provided for elsewhere in this Ordinance.

5. Signs that are erected and maintained by the Pennsylvania Department of Transportation (PennDOT) are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

K. Signs in the G-C Zoning District.

1. Off premise signs indentified by Section J. above shall only be permitted by Special Exception and be subject to the following additional regulations.

a. The maximum area of each sign face of any and all types of off-premise signs shall be a maximum of twelve (12) square feet.

~~2. Any and all the various types of Signs in Section 1507 (K) shall require an appropriate Municipal Zoning Permit and Certificate of Use and Occupancy as regulated by Sections 1901, 1902, and 1903 of this Ordinance.~~

~~3. The total area of all sides (free standing, wall mounted, etc.) of any and all signs placed on, or facing towards, any one (1) street frontage of any one (1) premises/parcel shall not exceed one hundred (100) square feet or two times the lot frontage on which the sign is located, whichever is lesser.~~

~~4. No portion of Free-Standing Sign shall be closer than ten (10') feet to any street right-of-way or property line, excepting directional signs conforming to all other requirements of Section 1507.~~

~~5. The maximum elevation of Wall-Mounted Signs shall be equal to the highest elevation of the wall to which they are attached.~~

~~6. No Wall-Mounted Sign permitted to be attached to a building face shall project more than twelve inches (12") from the building face to which it is attached. These signs shall be at least eight (8) feet above the ground, as measured from the highest grade elevation under the sign to the lowest part of the sign. Wall-Mounted signs that have the sign face perpendicular to the building face may project from the face of a building perpendicularly for a distance of not more than four feet (4') provided that such signs are entirely located underneath a roof overhang or similar architectural feature, and that such signs are no more than twelve (12) square feet in area on any one (1) side, and that all such signs are at least eight feet (8') above the ground as measured from the highest grade elevation under the sign to the lowest part of the sign.~~

L. Abandoned or Outdated Signs (In all Zoning Districts).

1. Signs advertising a business or use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered for lease by new tenants or for purchase by new owners) shall be removed within sixty (60) calendar days of the cessation of such business operation or use.

2. If an abandoned sign was attached to the façade of a building, the area of the sign shall be reconstructed to match the existing façade or décor with materials and color to match the buildings façade.

3. Abandoned or outdated signs which have been determined of historic value may be left in place at the recommendation of a Historic Architectural Review Commission of the municipality in which the sign is located.

Section 1508. Loading Areas.

An All-Weather Surface (as defined in this Ordinance) for off-street loading and unloading spaces, with proper access from a street, driveway or alley, shall be provided on any lot on which a commercial or industrial use and/or business is hereafter erected or established. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel delivery and other such service vehicles, shall be of such size, design and arrangement that said areas may be used without blocking or otherwise interfering with the use of automobile access ways, customer or employee parking facilities, and pedestrian walk ways. Loading areas shall not be located within required front yards or within five (5) feet of any side or rear lot line.

The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises. At least one (1) loading space having a minimum area of seven hundred twenty (720) square feet and minimum dimensions of twelve (12) feet by sixty (60) feet shall be provided for each use. When a zoning permit is applied for, the application for the permit shall show all provisions for off-street loading and shall include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which would assist the Municipal Zoning Officer in determining any reduction in the number of loading spaces to be provided.

The above regulations for Loading Areas (Section 1508) do not apply within the G-C zoning district.

Section 1509. Off-Street Parking Requirements, Access Drives, Drive-Through Facilities.

A. All regulations in this section must meet current Americans with Disabilities Act (ADA) requirements.

B. Off-Street parking facilities shall be provided and shall be increased in number whenever:

1. Any type of building is constructed or any type new land use is established upon any property within the ESRP Region.

2. The use of an existing building is changed to a use requiring more parking facilities.

3. An existing building or land use is altered so as to increase the amount of parking spaces required.

C. No areas included in the off-street parking requirements of this Ordinance shall be used for any purpose other than parking of motor vehicles.

D. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses (e.g., permitted Home Occupation Uses) associated with the same residential use shall be provided for on the same lot as the use being served or in parking facilities within two hundred feet (200') of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.

E. Parking in the W-P, EAP, A-P, R-1 and R-2 Districts is limited to those vehicles customarily used for non-commercial, residential purposes except:

1. One (1) commercial motor vehicle may be parked upon a residential lot within the named districts, provided that said vehicle is parked in a visually screened area and that said vehicle shall not be left unattended if the vehicle itself and/or the equipment associated with the vehicle (e.g., refrigeration equipment) is running.

2. No boats, utility trailers, campers, travel trailers, tractors, or trailers from a tractor trailer truck shall be stored or parked on a public or private street for more than twenty-four (24) hours within the named districts unless said trailer or vehicle is stored off-street within a completely enclosed building and that the vehicle and/or trailer is not allowed to be left unattended if the vehicle and/or equipment associated with the vehicle is running.

F. All parking areas and access drives serving residential, institutional, commercial, or industrial uses shall be (1) adequately drained, (2) permanently surfaced with an All-Weather surface (as defined in this Ordinance) such as but not limited to, concrete, macadam, brick or other paving material, and (3) maintained adequately. Gravel, stone and similar loose materials shall not be permitted to be used upon any commercial, industrial, or institutional uses parking areas or access drivers but may be permitted for residential uses at the discretion of the Zoning Officer.

G. Each parking space for residential, institutional, commercial, retail or industrial use shall have a minimum area of two hundred (200) square feet and minimum dimensions of ten feet (10') by twenty feet (20'). All parallel parking spaces shall be at least ten feet (10) feet wide and twenty-two feet (22') long. In addition, appropriate driveways, aisles and maneuvering space shall be provided as necessary to permit safe and convenient access to any and all of the areas provided for parking purposes. Proper access (including, but not limited to, the required safe sight distance, gradient, surface, etc.) from a street, alley or driveway shall be provided.

H. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

I. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall meet the requirements of Section 1506 of this Ordinance.

J. All common parking areas and access drives serving commercial, retail, and industrial uses shall be graded and located to provide convenient vehicular access and proper drainage. The maximum grade of any parking area shall not exceed six percent (6%) and the maximum grade of any access drives shall not exceed ten percent (10%). Surface water shall not discharge directly onto public streets, private streets, or adjoining properties.

K. Any Off-street parking facilities which were in existence as of the effective date of this Zoning Ordinance shall not be subsequently reduced to a number of parking spaces less than that required under this Ordinance for any new building or use.

L. The width of aisles in parking areas shall be no less than listed in the following table:

Aisle Width

Angle of Parking	One-Way	Two-Way
90°		20'	24'
60°		18'	20'
45°		15'	20'
30°		12'	20'

M. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one half (1/2) of a space shall necessitate the provision of a full parking space.

N. Where parking requirements are determined by the number of permanent seats and only temporary seats provided (e.g., a fire company's social hall), the number of parking spaces to be provided for such a use shall be based upon the capacity for the maximum number of temporary seats that could be used.

O. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any property line of the lot on which it is parked.

P. Parking areas for non-residential uses which are designed to contain more than twenty (20) vehicles shall be screened from the view of persons on any land zoned W-P, EAP, A-P, R-1, R-2, or R-3 which is adjacent to the land on which the non-residential parking area is located. Any such screening shall meet the requirements of the ESRP Region Joint Subdivision and Land Development Ordinance (ESRP SALDO).

Q. Minimum Parking requirements for all zoning districts. Excepting the G-C zoning district for which provisions for off-street parking do not apply:

Use	**Number of Off-Street Parking Spaces Required**	**Plus One (1) Off-Street Parking Space for each**
Residential Uses:		
Single Family Detached	2 per dwelling unit	
Single Family Semi-Detached	2 per dwelling unit	
Single Family Attached	2 per dwelling unit	X Refer to Section 1602
Townhouse	See Section 1602	
Duplex	See Section 1602	
Apartment Building	See Section 1603	
Adaptive Re-Use	See Section 1607	
Residential Conversion	See Section 1607	
Boarding House	See Section 1607	
Group Care Facility	See Section 1625	
Home Occupation	See Section 1601	
Agricultural Uses:		
Nursery/Greenhouse	4 minimum	Employee
Family Farm Support Business	4 minimum	Employee
Farm Stands	4 minimum	Employee
Farm-related Business	4 minimum	Employee
Vacation Farms	See Section 1618	
Institutional Uses		
Places of Worship	See Section 1630	
Hospital, Healthcare Facility	See Section 1628	
Assisted Living Facility and/or Life Care Facility; Retirement Facility	1 per 4 beds plus 1.5 for each independent dwelling unit	Employee
Child Day-care Facility	See Section 1627	Employee
School, primary or secondary	1 per 4 students aged 16 or older	Employee

Use	Number of Off-Street Parking Spaces Required	Plus One (1) Off-Street Parking Space for each
Healthcare Services	5 per physician/dentist/health professional	Employee
Utility Facility	1 per vehicle routinely needed to service facility	
Junior College, Community College, College, University, Technical School	1 per every 4 students of building design (plus required spaces for on-campus housing)	Employee
Library, Community Center or Cultural Center	1 per 5 seats (or one per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
Treatment Center	See Section 1629	
Methadone Treatment Center	See Section 1679	
Commercial School	1 per every 4 students	Employee
Day School	1 per every 4 students	Employee
Boarding School	1 per every 4 students	Employee
Hobby School	1 per student	
Auditorium	1 per every 4 fixed seats	
	1 per ea. 100 sq. ft. of	
	Assembly area or area	
	w/o fixed seats	Employee
Commercial Uses		
Retail Uses		
Auto Service Station or Repair Garage	5 per repair/service bay and 1 per fuel nozzle with such spaces separated from access ways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
Auto, Boat, Recreational Vehicle or Mobile/Manufactured Home Sales	1 per 15 vehicles, boats, RV's or Homes Displayed	Employee
Bed-and-Breakfast use	See Section 1648	
Car Wash	Adequate waiting and drying areas	Employee
Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	Employee
Funeral Home	1 per 5 seats in rooms intended to be in use for visitors, counting both permanent and temporary seating	Employee
Barbershop/Beauty shop	1 per customer seat used for haircutting/hair styling, hair washing, manicuring or similar work	Employee
Laundromats	1 per 3 washing machines	

Use	Number of Off-Street Parking Spaces Required	Plus One (1) Off-Street Parking Space for each
Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	Employee
Antique store	1 per 200 sq. ft. gross floor area	Employee
Tavern	1 per 30 sq. ft. gross floor area	Employee
Convenience store	1 per 50 sq. ft. gross floor area	Employee
Retail sales of furniture, lumber, carpeting, bedding, floor covering	1 per 400 sq. ft. of customer floor space	Employee
Retail sales uses other than above	1 per 200 sq. ft. of customer floor space	Employee
Fitness/Health Center	1 per 100 sq. ft. net floor area	Employee
Office	1 per 200 sq. ft. gross floor area	
Restaurant	1 per 4 seats	Employee
Drive-In Restaurant	2 per 50 aq. Ft. gross floor area	Employee
Recreational Uses		
Golf Course	See Section 1665	
Bowling Alley	4 per lane	Employee
Swimming pool (non-household)	1 per 50 sq. ft. water surface	Employee
Miniature golf	4 per hole	Employee
Driving range	1 per tee	Employee
Amusement Arcade	1 per 200 sq ft gross floor area	1 per each amusement device
Industrial Uses		
	All parking requirements based on 1.5 per each employee on the largest shift	Shift having the largest number of employees

R. Drive-through facilities

1. Drive through facilities include lanes and canopies.
2. The proposed traffic flow and ingress-egress pathways shall not cause traffic hazards on adjacent streets.
3. On-lot traffic circulation and parking areas shall be clearly marked.
4. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off the site. All drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
5. A drive-through lane or canopy situated adjacent to a residential property shall be no less than ten (10) feet from the lot line with a buffer strip ten (10) feet in width and screening of at least six (6) feet in height established between said canopy and the lot line.
6. No canopy shall be less than nine (9) feet above grade.

7. All signage, except for clearance, directional, and lane availability signs, is prohibited from canopies.

Section 1510. Front Yard Exceptions.

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question were legally improved as of the effective date of this Ordinance. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building has been legally erected prior to the effective date of this Ordinance.

Section 1511. Fences.

A. In all Districts, no fence, wall, or hedge may be erected or planted within the right-of-way lines of any street nor may they encroach upon any street right-of-way at any time.

B. The maximum height of a fence placed along any boundary line of any residential property is six (6') feet and the maximum height of a fence placed along boundary line of any commercial, industrial, or institutional (except for prisons or hospitals housing the criminally insane) is ten (10) feet.

C. A fence may be increased one (1') foot in height for every five (5') feet the fence is situated from a property line, up to a maximum of fifteen (15) feet in height except for fences placed as backstops on baseball and/or softball fields.

D. On a corner lot, no fence may be erected or altered which may cause danger to the drivers of the vehicles on a public road by obscuring the drivers view at the intersection.

Section 1512. Corner Lot Restrictions.

A. A "corner lot" is defined by this Ordinance as a lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than one hundred thirty-five (135) degrees).

B. Any yard adjoining a street shall be designated the front yard and must meet the front yard requirements of the applicable zoning district and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district and so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building when placed closer to a lot line than the side yard requirement of the applicable district..

C. On a corner lot, no wall, fence, or other structure may be erected or altered and no hedge, tree, shrub, or other growth shall be planted or maintained in a manner which may cause danger to the drivers of motor vehicles obscuring the driver's view at the intersection.

D. Clear sight-triangles shall be provided at all street intersections. Within such triangle, no object shall be permitted which obscures the vision of a motor vehicles' operator above the height of

two and one-half (2-1/2') feet and below ten (10') feet, measured from the centerline grade of intersecting streets. Clear sight triangles shall be established from a distance of seventy-five (75') feet from the point of intersection of the centerlines of the intersecting streets.

Section 1513. Slope Controls.

The following controls shall apply in all zoning districts and in all areas of a municipality where the slope of the land exceeds twenty-five percent (25%):

A. An Erosion and Sedimentation Pollution Control Plan shall be approved by the Schuylkill Conservation District prior to the establishment of any building, structure, or use.

B. The applicant shall provide the Municipality with report and/or plan prepared, signed, and sealed by a Professional Engineer detailing the methods whereby any structural and foundation problems caused by slope conditions will be overcome through the use of the Professional Engineers' design including the methods that will be used to adequately address stormwater runoff and erosion from this lot and its improvements.

C. Prior to any alteration of the existing grades, Section 1513.A and 1513.B of this ordinance need to be completed and approvals obtained. In addition, a grading plan shall be submitted by the Applicant's Engineer and shall be approved by the Municipal Engineer prior to commencement of any sort of earthwork.

Section 1514. Conduct of Agricultural Activities in the ESRP Region.

Agricultural activities are permitted by right to be conducted within the EAP, A-P and R-1 Zoning Districts within the ESRP Region and may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, odors other conditions resulting from the conducting of said agricultural activities, provided that, the agricultural activities are conducted in accordance with any and all the requirements of the local, state and federal agencies having jurisdiction over such agricultural activities.

Section 1515. through 1525. (Reserved)

Section 1526. Accessory Buildings, Structures and Uses – Residential.

A. General.

1. Except for 1526.B.9.f, no residential accessory building or structure shall be permitted to be erected within any required front or side yard unless otherwise provided for, however, said structures maybe erected within ten feet (10') of the rear lot line. In instances where there are adjoining residential properties where accessory buildings or structures were legally erected prior to the effective date of this Ordinance, that do not conform to this requirement; then, the Zoning Officer shall allow the applicants proposed accessory building to match the setback distances that said adjoining properties accessory buildings have.

2. Sideyard setback for proposed accessory structures shall meet the existing sideyard setback of the principal structure. However one sideyard setback shall maintain a minimum sideyard distance of 3'.

3. No accessory uses shall be permitted which will, in the opinion of the Municipal Governing Body, create a public nuisance or interfere with the use of adjacent lots.

4. The maximum height of any accessory building or structure shall be twenty five (25) feet.

5. The minimum distance between any accessory buildings or structures on the same lot shall be five (5) feet and the minimum distance between any accessory building or structure and a principal building on the same lot shall be ten (10) feet except where a deck is attached to both a house and a swimming pool.

6. Residential accessory buildings and residential accessory structures include, but are not limited to, pet animal housing structures, detached garages, swimming pools, private greenhouses, utility/storage sheds, tennis and basketball courts, outdoor skate park, handball court, outdoor roller and ice skating rinks, and/or any other outdoor recreational buildings or structures erected for the use of the resident and occasional guest.

7. The building area of any accessory buildings or structures shall be limited to a maximum of sixteen hundred (1,600) square feet.

8. No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which said structure is accessory to.

B. Use Regulations.

1. Household or Private Swimming Pool. Permanent swimming pools shall be entirely enclosed with a permanent barrier or fence not less than four (4) feet in height. Any such fences shall have no opening with a dimension greater than four (4) inches on a side (or a diameter in the case of round openings). Walls of buildings may serve in place of fence, however, if said wall contains any doors or windows opening into the swimming pool area, they must be kept locked when the pool is not in use and/or whenever the pool is in use without adult supervision. Where such pools are of the type having above ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate which can be securely locked. Above ground pools shall have a ladder or stairway which can be removed or rendered unusable and the entrance to the pool shall be capable of being securely closed to a height of four (4) feet.

2. Detached Garages.

   a. The maximum height shall be twenty five (25) feet.

   b. No temporary structure shall be permitted.

   c. Detached garages are subject to Section 1526.A of this Ordinance.

   d. In instances where a sideyard setback is not provided, a two-hour fire rated firewall shall be constructed on the sideyard of said structure abutting the neighboring property.

3. Apartment and Townhouse Accessory Uses shall be restricted to uses designed for residents of the apartment and townhouse units and may include such uses as areas for washing machines and dryers and vending machines; lockers and storage areas; recreational rooms, areas and lounges; swimming pools and outdoor recreational areas. One (1) office per development for the purposes of administering any renting dwelling units may be established. One (1) "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

4. Tennis Courts, basketball courts, skateboard apparatus and/or parks, outdoor roller and/or ice hockey rinks, and/or similar courts used for recreational activities shall not extend into any yard. Tennis courts shall have permanent fences at least ten feet (10') in height behind each baseline, extending at least the full width of the playing area.

5. Patios, Paved Terraces, as well as Decks and Open Porches (not more than fourteen (14) feet in height) as regulated in Section 1527 of this Ordinance.

6. Animal Structures for pets (not livestock) shall be located no closer than ten feet (10') to a rear lot line or side lot line.

7. A porte-cochere or carport as regulated in Section 1527 of this Ordinance.

8. Satellite Dishes and Antennas

    a. The unique shape, reception, and height requirements of standard antennas and satellite antennas present an array of concerns relating to the health, safety, and aesthetic integrity of a municipality; therefore it is the intent of this subsection to impose reasonable regulations concerning such devices without infringing upon rights granted by the Federal Communications Commission (FCC). If an applicant can demonstrate to the satisfaction of the Zoning Officer that such rights would be violated due to unique site constraints or other such conditions; then the applicant shall be exempt from only those requirements which create such hardships. The following requirements shall apply to all applicable antennas:

        i. No more than one satellite dish antenna shall be permitted on a property. Additionally, standard antennas shall not exceed forty-five (45) feet in height as measured from the top of the antenna to the ground level.

        ii. The diameter of the satellite dish shall not exceed twelve (12) feet.

        iii. No portion of the satellite dish antenna shall exceed fifteen (15) feet in height.

        iv. Satellite dish antennas shall be set back from all adjacent properties a minimum of ten (10) feet or a distance equal to the height of the satellite dish antenna, whichever is greater. Standard antennas shall be set back the height of the standard antenna.

        v. Satellite dish antennas shall be surrounded by a complete visual barrier composed of evergreen plantings which are at least four feet in height when planted on site and which will achieve a mature height sufficient to screen the entire antenna from the ground floor elevations of adjoining properties. If such screening will impair the reception of the antenna, the applicant shall demonstrate that such is the case and shall install evergreen plantings which, when mature, will be maintained at a height which is within two feet of the determined height of interference. Screening must be planted within six (6) months of the antenna installation date.

        vi. All satellite dish antennas shall be properly anchored and installed to resist a minimum wind load of thirty (30) pounds per square foot of projected horizontal area.

        vii. A zoning permit shall be obtained prior to the installation of a satellite dish antenna or standard antennas. The permit application shall demonstrate compliance with this subsection and all other municipal regulations.

viii. Satellite dishes and Antennas shall not exceed the height provided by the Federal Communications Commission (FCC).

ix. This subsection does not include the term "Telecommunications Antenna" as defined in this Ordinance.

9. Utility Buildings

a. No utility building shall be erected within any front yard.

b. The combined floor area of all utility buildings shall not exceed two hundred (200) square feet of floor area and no utility building shall exceed ten (10) feet in height, excluding ornamentation.

c. No utility building shall be located closer than ten (10) feet to any rear or side property lines, except as provided for in Section 1526.A.2.

d. No outdoor storage of any materials shall be permitted between the utility building and the property line.

e. No utility building shall be placed within any utility easements, street rights-of-way, or other easement granting rights of ingress, egress, and regress across a property.

f. For lots 30 feet wide and less, one side yard shall be required. Lots greater than 30 feet, two side yards shall be required. Where a side yard is required or provided, it shall be a minimum of three feet from the side lot line.

10. Yard and Garage Sales

a. Yard and garage sales are permitted as a residential accessory use, and must be permitted.

b. Yard and garage sales in residential zones shall not exceed one (1) in any three (3) month period nor exceed a total of four (4) sales annually per property.

c. Properties where sales are held more frequently than once per three (3) month period or in excess of four (4) per year shall be deemed commercial uses thereby requiring Zoning Hearing Board approval.

d. Each yard and garage sale may not extend beyond a three (3) consecutive day period.

e. Hours of operation shall be between 8:00 a.m. and 6:00 p.m.

f. At no time shall any part of the sale activity obstruct the public right of way.

g. A yard and garage sale shall not include wholesale sales or sales of new merchandise of a type typically found in retail stores.

h. No outdoor storage shall be permitted when the sale is not in operation.

i. Signs are limited to one (1) On-Premise Sign of four (4) square feet. Any signs erected may be erected one (1) day prior to the event, and shall be removed at the end of the day the event occurs.

11. Keeping of Pets

a. This is a permitted accessory use in all zoning districts.

b. The keeping of five (5) or more dogs; or five (5) or more cats; or having the production of more than two (2) litters per year of either dogs or cats shall be considered "breeding" which is considered an operation of a "Kennel", and shall be regulated as such, at a minimum, through this Zoning Ordinance.

c. It shall be unlawful for any person occupying any residential use to keep any "exotic wildlife" as defined by the Pennsylvania Game and Wildlife Code, regardless of whether or not an exotic wildlife possession permit has been issued.

d. It shall be unlawful or any person occupying any residential lot to keep a venomous or poisonous animal.

Section 1527. Projections Into Yards – Residential Uses.

A. The following projections shall be permitted in required yards as follows:

1. Lamp posts, mailboxes, walkways, driveways, (to the extent regulated within any municipal ordinance), retaining walls, fences, and steps may be allowed in all yards.

2. Patios, Paved Terraces, as well as Decks and Open Porches (not more than fourteen (14) feet in height) shall not be located closer than ten (10) feet to any rear or side property line, except a property line which is an extension of a party wall provided that it shall not extend that a side yard more than one-half (1/2) the required side yards or as provided for in Section 1526.A.2.; and shall not project further than ten feet (10) into any required front yard, provided that it shall not extend into such yard more than one-half (1/2) the required front yard.

3. A platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building may be erected to extend into a required yard a distance of not more than ten (10) feet, provided that it shall not extend into such yard more than one-half (1/2) the required depth or width of the yard or as provided for in Section 1526.A.2.

4. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:

   a. Not more than fourteen (14) feet in height and twenty (20) feet in length.

   b. Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.

   c. At least ten (10) feet from the side lot line or as provided for in Section 1526.A.2.

5. A buttress, chimney, cornice, pier or pilaster of a building may project not more than eighteen (18) inches into a required yard.

6. Open, unenclosed fire escapes, steps, bay windows and balconies may project no more than three (3) feet into a required yard.

7. Swimming pools may be placed within ten (10) feet of any side or rear property line.

8. Fences and Walls which are part of landscaping shall be exempt from building setback line and yard requirements but, shall not placed within any public or private street right-of-way.

Section 1528. through 1550. (Reserved)

Section 1551. Commercial, Retail and Industrial Accessory Buildings, Structures and Uses.

A. General. Unless stated elsewhere in this Section or elsewhere in this Ordinance, no accessory building or structure shall be located within any required front or side yard or within ten feet (10') of the rear lot line.

B. Use Regulations

1. Industrial Storage Areas.

a. All such facilities shall be located in an area which has direct access to a street, driveway, or alley.

b. All outdoor storage facilities for fuel, flammable or explosive materials, and raw materials shall be enclosed by a fence at least ten (10) feet high to prevent the unauthorized access of the general public into said facility.

c. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

d. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be permitted to be stored outdoors if said materials are kept in closed, sealed containers.

e. No materials or wastes of any form may be stored in any floodway, wetland, or floodplain area.

2. Commercial and Retail Storage Areas

a. All facilities shall be located in an area which has direct access to a street, driveway, or alley.

b. No vehicles, equipment, or merchandise shall be permitted to be parked, stored or displayed within either the legal or the ultimate right-of-way of any public or private street or within any areas intended for pedestrian use.

c. All storage areas shall be permitted only at the rear of buildings and shall be set back at least twenty (20) feet from property boundaries.

d. All storage areas shall be screened from public view by an opaque fence or wall at least six (6) feet and no more than twelve (12) feet high in height. Stored materials may not exceed the height of the fence.

e. A screen buffer at least fifteen (15) feet wide, designed according to the requirements of the ESRP Region Joint Subdivision and Land Development Ordinance (ESRP SALDO), shall be provided along all property lines of any adjacent residential properties.

3. Outdoor Display

a. Unless specifically allowed in the GI-1 and GI-2 Districts, there is to be no outdoor display of goods, merchandise or vehicles in the GI-1 and GI-2 Districts.

b. The following commercial and retail uses may display vehicles, goods, or merchandise in front yards in the H-C Zoning District:

i. Garden supply center, nursery, or florist.

ii. Produce shop.

iii. Auto dealership.

iv. Building materials and home equipment supplies.

c. Displayed items may not be permanently affixed in front yards.

d. Outdoor display areas may not encroach upon any required parking areas.

e. Outdoor display areas may not exceed fifty percent (50%) of the required front yard area.

f. Outdoor display areas shall be considered to be sales floor area for the purpose of computing parking requirements.

g. Outdoor parking areas shall be separated from the legal and, if established by the Municipality, the ultimate right-of-way of any street by a twenty-foot (20') wide landscaped buffer, which shall be planted in grass, ground cover or low height (less than 12 inches) shrubs.

4. Refuse Areas and Collection Facilities

a. No refuse areas or collection facilities shall be permitted within any required front, side, or rear yard.

b. All commercial and retail uses shall provide for storage of refuse either inside the building(s) or within an outdoor area enclosed by walls or opaque fencing at least six (6) feet and no more than twelve (12) feet high. Refuse shall be kept within one or more container(s) having rodent proof lids said container(s) shall not exceed six (6) feet in height.

c. Facilities associated with commercial or retail use shall be architecturally compatible with the building(s).

d. Walls or fencing in the industrial districts shall be designed to shield the refuse facilities from direct view from adjacent properties or to a height of a least six (6) feet whichever is greater.

e. Facilities shall be designed in a manner which can accommodate large collection trucks and shall be large enough to accommodate containers for recyclable materials as well.

f. Landscaping is required around these facilities in compliance with the requirements of the ESRP Region Joint Subdivision and Land Development Ordinance (ESRP SALDO).

g. Refuse facilities, attached to or within buildings, shall be subject to the same building setbacks as the buildings themselves.

5. Living Accommodations for Caretakers. Living quarters, having a maximum of 1,000 square feet of gross floor space, shall be permitted for proprietors and for no more than two (2) persons at least one (1) of whom shall be employed by the business located upon the lot as a watchman or caretaker.

6. Restaurants, Cafeterias, and Recreational Facilities shall be permitted for the use of employees only, unless they are permitted as principal uses in the district in which they are constructed; then, said facilities could be used by other persons as well.

7. Awnings and canopies are subject to the following:

a. The awnings or canopies shall be constructed primarily of fabric (such as canvas) or similar material.

b. The awnings or canopies shall be maintained in good condition.

c. The awnings or canopies shall not be enclosed on the front or sides.

d. The awnings or canopies shall not extend into a street right-or-way; except that canopies covering a walkway to a main entrance of a principal apartment,

institutional or commercial building may have a maximum canopy width of ten (10) feet and may extend to within one foot of the curb.

e. The canopies or awnings shall meet the requirements of any municipal building code as applicable.

f. The awnings or canopies shall not obstruct pedestrian or vehicle movement.

Section 1552. Highway Frontage Development in Commercial and Industrial Districts.

A. All areas used for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public or private streets or highways by a raised curb, planting strip, or other suitable barrier against un-channeled motor vehicle entrance or exit; except for necessary access ways or access roads which supply entrance to and egress from such parking, loading or storage area.

Along Arterial Highways and Major Collectors, as classified in the ESRP Region's Joint Comprehensive Plan, each use with less than one hundred (100) feet of frontage on a public or an approved private street shall not have more than one (1) access way to each such street.

B. In no case shall a use with less then one hundred (100) feet of frontage on a public or an approved private street have more than two (2) access ways to any such street. No use with one hundred (100) feet or more frontages shall have more then two (2) access ways to any one (1) street for each three hundred (300) feet of frontage.

C. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line shall conform to the following:

1. Width of entrances/exits of parking areas:

	Width in Feet	
	Minimum	Maximum
One Way	18	36
Two Way	36	50

2. Each travel lane provided shall be a minimum of twelve (12) feet in width.

3. Each parking space provided shall be a minimum of ten (10) feet in width and twenty (20) feet in length.

4. The radius of the edge of the driveway apron shall be at least twenty feet (20) feet and no more than forty-five feet (45) feet.

D. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the use of adjacent property and with pedestrian and vehicular traffic on adjacent sidewalks and streets. Access driveways shall not be located in such a manner that they will cause any undue traffic congestion on any adjoining streets. The center line of an access driveway to any public or an approved private street shall be located at least eighty (80) feet from the intersection of any street cart way lines, except in the case of a street intersecting the road which the driveway intersects directly opposite from said driveway.

Section 1553. Environmental Performance Standards for Industrial Districts.

All permitted uses within the ESRA Region shall comply with these standards wherever applicable:

A. Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §4001 through 4015, as amended, and the following standards:

1. Visible emissions. Visible air contaminants shall not by emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A (7), or its most recent update.

2. Particulate, vaporous and gaseous emissions. No person shall cause, suffer, or permit the emission of fugitive particulate, vaporous, or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated.

3. Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

4. Odor

a. No person shall cause, suffer, or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person where the source is being generated.

b. The prohibition on odors shall not apply to odor emissions arising from a property being legally used for agricultural activities.

c. Any person who causes an odor emission shall be required to alter their operations in such a manner that the escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support any primary odor reduction equipment used to control odors.

B. Noise Control.

1. No use shall generate a sound level exceeding the maximum limits established in the following table as measured at the specified locations:

Location Receiving The Noise	Hours of the Day	Maximum Sound Level in (A) Weighted Decibels
At a lot line of a residential use in a residential district or an institutional use	7:00 a.m. to 9:00 p.m. 9:00 p.m. to 7:00 a.m.	67 dB(A) 57 dB(A)
At a lot line of an industrial use in an industrial district	All hours	72 dB(A)
At any other lot line of a lot	All hours	69 dB(A)

2. To measure the above noise levels, a sound level meter shall be used that is capable of measuring A-weighted decibels and that shall have been designed in a manner consistent with applicable standards of the American National Standards Institute (ANSI) or other similar standards organization.

C. Vibration control. No vibration which is discernible to the human sense of feeling or otherwise is perceptible without instruments shall be permitted at any point beyond the lot line.

D. Glare or heat control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

E. Control of radioactivity or electrical disturbance.

1. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the boundary line of the property which is producing said disturbance.

2. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission) or which interferes in any perceptible way with radio or television reception or with the operation of any other electronic equipment.

F. Flammable and explosive hazards. Flammable and explosive materials shall be stored, used, and transported in accordance with the applicable state and federal regulations regarding such materials.

G. Outdoor storage.

1. All outdoor storage facilities for fuel, flammable or explosive materials, and similarly dangerous materials shall be enclosed by a fence at least ten (10) feet in height and of sturdy enough construction to adequately prevent the access of the general public to said facility.

2. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

3. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insect shall only be permitted to be stored outdoors in closed, sealed containers.

4. No materials or wastes of any form may be stored in any flooding, wetland or floodplain area.

H. Waste disposal. No use shall be conducted in such a way as to discharge any treated or untreated sewage except as shall be approved by the Pennsylvania Department of Environmental Protection and/or the Municipality's Sewage Enforcement Officer, as appropriate; nor shall industrial wastes be stored, discharged, incinerated, or otherwise disposed of except in strict conformance with the applicable local, state and federal regulations regarding solid and hazardous wastes.

I. Electrical power. Every use shall be designed and operated so that the service lines, and related paraphernalia, shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, and shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements contained within this Ordinance and the ESRP SALDO.

J. Public water or sewer service. Industrial uses shall be served by public water and/or sewer, where available.

Section 1554. through 1599. (Reserved)

CHAPTER XVI. SPECIFIC USE REGULATIONS

Section 1600. (Reserved)

Section 1601. Home Occupations; No-Impact Home-Based Business.

A. Home Occupations

1. Home Occupations shall only be permitted by Special Exception and shall only be practiced in a dwelling unit. Only a resident(s) of the dwelling unit may practice a home occupation carried on in a dwelling unit. This resident(s) shall be the sole practitioner of the home occupation. Home occupations shall include, but not be limited to, the office of a doctor of medicine, surgeon, dentist, architect, lawyer, accountant, insurance agent, real estate broker, tax collector, engineer, music or voice instructor (if limited to a single pupil at a time), artisan, craftsman, computer programmer, web-site designer, computer consultant, barber, beautician, dressmaker, milliner, tailor or seamstress shall be deemed to be a "home occupation", provided that the principal person(s) so employed is a resident(s) of the dwelling.
2. No accessory buildings or structures shall be constructed for the sole purpose of housing a home occupation.
3. All home occupations shall require a Zoning Permit and a Certificate of Use and Occupancy as regulated by Sections 1902, 1903, and 1904 of this Ordinance.
4. Not more than one (1) person, whether paid or unpaid, may be employed besides the sole practitioner(s) of the home occupation to provide secretarial, clerical or other similar assistance.
5. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit. The home occupation use shall not change the character of the property as a residence.
6. No display of products shall be visible from adjoining properties or streets.
7. There shall be no outside advertising other than a single (1) one-sided or two-sided sign having no more than two (2) square feet of area on each side.
8. None of the goods available for retail sale shall be fireworks, explosives, or other hazardous materials or substances.
9. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat, or glare shall be perceptible at or beyond the lot boundaries.
10. The use shall be conducted indoors. No storage of materials or products shall be permitted outside of the home.
11. Not more than the equivalent of twenty-five percent (25%) of the total gross floor area of the existing dwelling unit shall be used for the purpose of a home occupation.
12. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
13. Any need for parking generated by the residence and by the home occupation shall be met off-street on the lot on which the home occupation is carried out and shall be provided behind the building setback line. A minimum of two (2) off-street parking spaces shall be required in addition to two (2) off-street parking spaces for the residence.

14. The use shall not require delivery by tractor-trailer trucks.

15. No more than one (1) home occupation may be practiced on any one (1) premise.

16. The Zoning Hearing Board may deny a home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the anticipated traffic volume, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

B. No-Impact Home-Based Business

1. A "No-Impact Home-Based Business" is a business or commercial activity administered or conducted as an accessory use in a residence, and primary which is clearly secondary to the use as a residential dwelling and which involves neither, customer, client or patient traffic, whether vehicular or pedestrian nor, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity shall satisfy the following requirements:

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

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

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

   d. There shall be no outside appearance of a business use including, but not limited to, off-street parking (beyond what is required by Ordinance for a residential use) signs or lights.

   e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including any interference with radio, television, or telephone reception in the residential neighborhood.

   f. The business activity may not generate any solid waste or sewage discharge in volume or type beyond that which is normally associated with residential use in the neighborhood.

   g. The business activity shall be conducted only within the existing residential dwelling unit and shall not occupy more than 25% of the habitable floor area.

2. The permitting of any No-impact Home-based Business by any municipality shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by law or other document applicable to a common interest ownership community.

Section 1602. Townhouses; Duplexes; Single Family Attached Dwellings.

A. Townhouses regulations (see definition in Section 201):

1. Maximum number of townhouses permitted in one row is Eight (8) townhouses.

2. Minimum distance between townhouse buildings and another residential building is fifty (50) feet.

3. Minimum distance between townhouses and dwellings not within the same row of townhouses is fifty (50) feet.

4. Minimum open space area for townhouse developments is Ten percent (10%) of the Lot Area.

5. Maximum height of any townhouse, duplex of other SFAD is Forty (40) feet.

6. Whenever a side or rear yard of a townhouse and/or condominium development adjoins an R-1, R-2, R-3, R-4, R-5, AP, EAP, and W-P district, vegetation which shall serve as an appropriate screen shall be placed within the side and/or rear yard as specified in the ESRP SALDO.

7. No townhouse, duplex, or similar single family attached dwelling shall be located closer than Fifteen (15) feet to any driveway or parking area.

8. All dead-end parking lots shall provide adequate areas for which cars parked in the end stalls of the lots to back into.

9. No parking area or driveway may be located within Twenty-five (25) feet of the exterior boundary lines of the development.

10. Parking areas shall not be designed or located as to require or encourage cars to back into a public or private street in order to leave the lot.

11. Entrance and exit ways to parking areas shall have a minimum width of Twelve (12) feet for each lane of traffic entering or leaving the area.

12. The connection of a townhouse development to a public or private sewerage system and a public or private water system is required.

13. Minimum Lot Size is Five (5) acres.

14. Maximum Density without the purchase of TDR's is ten (10) units per acre.

15. Maximum Density with the purchase of TDR's is twelve (12) units to the acre.

B. Townhouse Accessory Uses – shall be restricted to uses designed for residents of the townhouse units and may include such uses as areas for washing machines and dryers and vending machines; lockers and storage areas; recreational rooms, areas and lounges; swimming pools and outdoor recreational areas. One (1) office per project for the purposes of administering the townhouses may be established. One (1) "sample" townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

C. Duplex regulations (see definition in Section 201):

1. A "Duplex" is a two-family detached building having two (2) dwelling units one above the other, being fully separated by a horizontal floor and where each dwelling unit has its own separate access.

2. For purposes of this Ordinance, a "duplex" is a structure erected after the effective date of this Ordinance which is expressly built as a duplex as defined in Section 201. The conversion of a single family detached dwelling into a duplex- like structure is a "Residential Conversion" as defined in Section 201 and is further regulated within this Ordinance.

3. The connection of a duplex development to a public or private sewerage system and public or private water system is required.

4. Duplex shall mimic single-family detached dwellings in appearance to the extent possible when viewed from the street.

5. Entrance for the first floor shall be through the front wall and entrance for the second floor shall be from the side or rear wall.

6. The lot area per dwelling unit is that which is required for the zoning district in which the duplex is located.

7. Parking: Four (4) off-street parking spaces per each Duplex.

8. Minimum Lot Size is Five (5) acres.

9. Maximum Density without the purchase of TDR's is Ten (10) units per acre.

10. Maximum Density with purchase of TDR is Twelve (12) units per acre.

Section 1603. Apartment Buildings.

A. Medium Density Apartment Buildings (see definition in Section 201):

1. Minimum Lot Size is one (1) acre.

2. Minimum Lot Width is one hundred (100) feet.

3. Minimum Front Yard is seventy-five (75) feet (50 feet of which may be used for parking with a required 10 feet, starting at the right of way line, to be used for a planting strip).

4. Minimum Side Yard is twenty (20) feet (with a 10 foot planted strip at the property line).

5. Minimum Rear Yard is fifty (50) feet (with a 10 foot planting strip at the property line).

6. Minimum Apartment Size: is five hundred (500) square feet for each (1) bedroom apartment (with an additional 120 square feet per each additional bedroom).

7. Minimum Spacing between apartment Buildings is twenty five (25) feet.

8. Maximum Building Height is forty-eight (48) feet.

9. Maximum Impervious Surface is eighty percent (80%) of Lot Area.

10. Minimum number of off-street parking spaces:

    a. 2 per unit for 1 to 2 bedroom apartments.

    b. 3 per unit for 3 bedrooms or more apartments.

11. A minimum of one (1) off-street loading space for each apartment building shall be provided.

12. Maximum Density without purchase of TDR's is twelve (12) apt. units per acre.

13. Maximum Density with purchase of TDR's is eighteen (18) apt. units per acre.

14. The connection of any apartment development to both a public, or private, sewerage system and a public, or private, water supply system is required.

B. High Density Apartment Buildings (see definition in Section 201):

1. Minimum Lot Size is two (2) acres.

2. Minimum Lot Width is one hundred fifty (150) feet.

3. Minimum Front Yard is seventy-five (75) feet (50 feet of which may be used for parking with a required 10 feet starting at the right of way line, to be used for a planting strip).

4. Minimum Side Yard is twenty (20) feet (with a 10 foot planting strip).

5. Minimum Rear Yard is fifty (50) feet (with a 10 foot planting strip).

6. Maximum Building Height is sixty five (65) feet.

7. Maximum Impervious Surface is eighty percent (80%) of Lot Size.

8. Minimum Apartment Size: is five hundred (500) square feet for one (1) bedroom apartment (with an additional 120 square feet for each additional bedroom)

9. Minimum Spacing between Buildings is twenty five (25) feet.

10. Minimum number of off-street spaces:

    a. 2 per unit for 1 to 2 bedroom apartments.

    b. 3 per unit for 3 bedrooms or more apartments.

11. A minimum of one (1) off-street loading space for each apartment building shall be provided.

12. Maximum Density without purchase of TDR's is eighteen (18) apt. units per acre.

13. Maximum Density with purchase of TDR's is twenty four (24) apt. units per acre.

14. The connection of any apartment development to both a public, or private, sewerage system and a public, or private, water supply system is required.

C. Apartment Building Accessory Uses – Shall be restricted to uses designed for residents of the apartment units and may include such uses as areas for washing machines and dryers and vending machines; lockers and storage areas; recreational rooms, areas and lounges and swimming pools and outdoor recreational areas. One (1) office for the purposes of administering and renting dwelling units may be established. One (1) "sample" apartment for display purposes shall be permitted for each type of dwelling unit to be constructed.

Section 1604. Planned Residential Development.

A. The minimum amount of land in the development shall be at least twenty-five (25) acres.

B. The development shall be served by public or private sewage disposal and water supply facilities.

C. The overall density of the development shall not exceed twelve (12) dwelling units per acre.

D. Permitted uses include single family detached dwellings, single family semi-detached dwellings, townhouses, and accessory uses thereto.

E. Not less than twenty percent (20%) of the gross area to be developed shall be permanently set aside for non-commercial common open space purposes such as recreation or conservation of natural features. These non-commercial open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street right-of-ways nor shall they include required open areas between buildings or between buildings and street right-of-ways, driveways, parking areas, and property boundary lines. No more than fifty percent (50%) of the minimum required common open space shall be land with slope of over fifteen percent and/or land with a developed and equipped shall be submitted to the municipality for approval prior to the approval of any plan.

    1. Common open space areas shall be readily accessible to residents of the development, but shall be so located that they can be reached and used safely without undue traffic or other hazards.

    2. Written agreements satisfactory to and approved by the municipality shall be made for the perpetual preservation and maintenance of the common open space areas.

3. Common open space shall not be used for stormwater detention or retention unless approval is given by the Municipality.

F. A system for pedestrian circulation within the tract shall be provided. This system shall consist of a series of walkways four feet in width and shall provide access to community facilities and recreation areas, though they shall also be designed to provide privacy for dwelling units.

G. The maximum building height shall be thirty-five (35) feet.

H. The maximum permitted total impervious coverage shall be seventy percent (70%) of the tract area.

I. No more than fifteen percent (15%) of those portions of the tract with a slope of between fifteen (15) and twenty-five percent (25%) shall be covered by impervious surfaces.

J. No one dwelling type, as listed in Section 702, shall comprise more than sixty-five percent (65%) of the total number of dwelling units within the development.

1. Areas designated for single family detached and single family semi-detached with two bedroom dwelling units shall not be developed to exceed a density of ten (10) dwelling units per acre. Areas designated for single-family detached and single family semi-detached with three or more bedrooms shall not be developed to exceed a density of eight (8) dwelling units per acre.

2. When townhouses with varying numbers of bedrooms are mixed within areas, there must be at least 1800 square feet of land provided for each dwelling unit with two bedrooms; and at least 2400 square feet of land provided for each dwelling unit with three or more bedrooms.

K. The maximum length of a townhouse grouping, or row, shall be 195 feet.

L. The number of townhouses within a continuous grouping shall not exceed eight (8). No more than two (2) contiguous townhouses shall have the same front setback and the variations in front setback shall be at least four (4) feet.

M. No townhouse shall be located within fifty (50) feet of a property line of the development.

N. No townhouse shall be located within fifty (50) feet of another dwelling.

O. A townhouse shall be located at least forty (40) feet from any dwelling which is not in the same continuous grouping of townhouses.

P. The minimum building setback line for a townhouse shall be twenty (20) feet.

Q. In the case of townhouses for sale where the sale of land with the townhouse will not be limited to the land actually covered by the townhouse, the following regulations shall apply to the townhouse lot:

		1-2 BR	2-4 BR
1.	Minimum Lot Width	18 feet	24 feet
2.	Minimum Lot Size	1800 sq. ft.	2400 sq. ft.
3.	Minimum Rear Yard	25 feet	25 feet
4.	Minimum Side Yard (end of row)	20 feet	20 feet
5.	Minimum Building Setback	20 feet	20 feet
6.	Maximum Impervious Coverage	70%	70%

R. Requirements for single-family detached and single-family semi-detached dwellings shall be as follows:

		Single Family Detached	Single Family Semi-Detached
1.	Minimum Lot Size	7,500 sq. ft.	2,500 sq. ft.
2.	Minimum Lot Width		
	At Street Line	50 feet	50 feet
	At Building Setback Line	70 feet	70 feet
3.	Minimum Building Setback	25 feet	25 feet
4.	Minimum Rear yard	25 feet	25 feet
5.	Minimum Side yard		
	Total	16 feet	12 feet
	One Side	8 feet	6 feet
6.	Maximum Impervious Coverage	70%	70%

S. Any "Community Refuse Stations" shall be suitably screened and placed in locations which are convenient for collection removal and not offensive to the occupants of dwelling units.

T. Adequate storage capacity shall be provided within containers at each "community refuse station" to accommodate the projected solid waste volumes to be stored at that station.

U. Adequate lighting shall be provided to outdoor areas used by occupants after dark, including parking areas and open space and recreation areas. Appropriate lighting fixtures must be provided for walkways. Lighting should be located to avoid shining directly into habitable room windows and into private outdoor open spaces associated with dwelling units. Number, type, and illumination standards shall conform to the specifications published by the Illuminating Engineering Society of North America and shall meet the standards of the ESRP SALDO.

V. Existing trees shall be preserved whenever possible and desirable. The location of trees must be considered when planning the development. The developer shall indicate the means whereby trees and other natural features shall be protected during construction. The proposed development shall be accomplished without excessive earth moving, tree clearance and destruction of natural amenities.

W. The developer shall attempt to minimize the interruptions to traffic along roads within the development by limiting the number of points at which access is provided said internal roads from any common parking areas.

X. In the design of the street system the developer shall make a good faith attempt to eliminate or minimize through-traffic within the development which originates outside the development and limit any through-traffic to streets with minimal or no residential frontage. The developer shall make a good faith attempt to provide a system of collector and local streets such that traffic entering and leaving the development is directed to a limited number of collector streets with limited residential frontage and traffic entering and leaving the development is discouraged from local residential streets.

Y. Safe and efficient means of ingress and egress from the development shall be provided. Points of ingress and egress shall be located so as to not create congestion or traffic hazards. Any and all PRD's shall have a minimum of two (2) points of safe ingress and egress from said PRD to an existing public roadway.

Z. The design of all common parking areas is subject to the approval of the municipality. All common parking areas shall be paved with an All-Weather Surface.

1. Common parking areas shall be designed such that aisles within said parking areas will not be used for through-traffic.

2. No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by landscaping per the ESRP SALDO.

3. No more than sixty (60) parking spaces shall be accommodated in any single parking area.

4. All common parking areas shall be landscaped per the ESRP SALDO.

5. Common parking areas shall not be designed or located in such a manner as to require cars to back into streets in order to leave the parking areas. All dead end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back out. Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development.

6. Entrance and exit ways to common parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.

7. The minimum distance between common parking areas shall be twenty (20) feet.

8. The design of common parking areas shall recognize the possible need for emergency service and access by emergency vehicles. The municipality shall have the right to require that secondary means of access and egress be provided for parking areas.

9. Common parking areas shall be screened from adjacent land and roads not included within the development by means of plantings, changes in grade, or other means approved by the municipality.

AA. Entrances to driveways serving multiple-family dwellings shall be located at least seventy-five (75) feet from the point of intersection of the nearest street curb lines.

BB. Retail and Personal Service uses within developments of fifty (50) or more dwelling units in a PRD.

1. If a PRD includes a minimum of fifty (50) dwelling units, then, as a Special Exception Use, a maximum of four (4) acres within the PRD may be used for retail and personal service uses. The applicant shall provide sufficient evidence to adequately demonstrate to the Zoning Hearing Board that, the proposed retail land personal service uses are those which will primarily serve the PRD and have been designed and located with safely designed traffic access that shall be fully coordinated with the PRD's internal traffic design. To the maximum extent feasible, traffic access shall be fully coordinated with any adjacent developments, as well.

2. No retail or personal service shall be open for business until a minimum of twenty-five (25) dwelling units within the PRD have been constructed and lawfully occupied.

3. No retail or personal services uses approved under this subsection shall be open to the public nor receive truck deliveries between the hours of 11:00 p.m. and 7:00 a.m.

CC. Requirements for the Purchase of Transferable Development Rights (TDR's) in order to propose a PRD in the (R-3), (R-4) and (R-5) Zoning Districts by Special Exception

1. No person may apply to the Zoning Hearing Board for a Special Exception for a PRD until they first acquire, or enter into a legally binding agreement to acquire TDR's from a willing seller, or sellers, in the (A-P) and/or (EAP) Zoning Districts based upon the following requirements:

a. 100 TDR's must be acquired for a PRD in an (R-3) District.

b. 75 TDR's must be acquired for a PRD in an (R-4) District.

c. 50 TDR's must be acquired for a PRD in an (R-5) District.

Section 1605. Mobile Home Park Regulations.

A. Mobile Home Park subject to:

1. The minimum area required for any mobile home park shall be ten (10) acres.

2. Any mobile home park shall be served by either a public or private sewerage system and by either a public or private water supply system, however, all mobile home parks shall be served by a public sewerage system and a public water system if available. "Available" means within five hundred (500) yards to the boundary line of the mobile home park. If either a public sewerage system or a public water supply system is not available then private systems shall serve the mobile home park.

3. The maximum density of a mobile home park shall be eight (8) units per acre.

4. Lot Requirements: With the exception of corner lots, mobile home lots shall contain a front yard, two (2) side yards and a rear yard which shall comply with the following requirements. The minimum lot area and required front yard shall be measured from the edge of pavement of the interior roads within the mobile home park.

   a. The minimum lot area shall be five thousand (5,000) square feet; minimum lot width shall be sixty (60) feet.

   b. The minimum front yard shall be twenty five (25) feet.

   c. The minimum side yard shall be fifteen (15) feet.

   d. The minimum rear yard shall be twenty five (25) feet.

   e. Mobile homes and any roofed structures of which are erected thereto shall be separated from each other, and from other buildings and structures, other than accessory structures, at their closest points by a minimum of twenty (20) feet.

   f. Setback from tract boundary. No mobile home shall be located closer than seventy-five (75) feet to any boundary of a mobile home development regardless of whether that boundary abuts a lot, a water body, a road, or another type of right-of-way.

   g. All accessory buildings shall be located no closer than ten (10) feet to any adjacent manufactured home lot. Likewise, all patios, porches, and decks shall not be located within any required front, side, or rear yard.

   h. Accessory structures. A detached accessory structure shall be separated a minimum of ten (10) feet from any dwelling units which the accessory structure is accessory to.

   i. Setbacks for common parking facilities, common refuse collection points, and other common improvements (including buildings) shall be observed as follows: No such common use structure shall be located a minimum of fifty (50) feet of any common mobile home, mobile home accessory, and boundary line of the mobile home development.

   j. Skirting and anchoring. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift as specified in the current ICC Regulations. The application for placement of the mobile home shall be accompanied by a specification for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

5. Access, roadways, parking

   a. Any tract intended for a mobile home development must have direct access to a collector type road (or a road of a higher classification).

   b. Access to individual mobile/manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development. Such roads shall be paved with an all-weather surface at least twenty (20) feet wide for two-way roads, and twelve (12) feet wide for one-way roads. If on-street parking is provided, such minimum widths shall be increased by ten (10) feet for each lane of parking.

   c. Streets, curbs, and sidewalks if required by the Municipality shall be constructed to Municipal standards.

   d. Each mobile home shall be provided with a minimum of two (2) paved parking spaces which shall be located upon the mobile home lot. If on-street parking is not provided, one (1) additional off-street parking space per unit shall be provided in a common visitor parking facility. Such visitor parking facilities shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to those units being served.

   e. A paved on-site walkway of a minimum width of four (4) feet shall be provided to each mobile home unit from an adjacent street.

6. Service and accessory buildings.

   a. Construction. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall conform to the requirements of any applicable building code, and such shall be maintained so as to prevent deterioration caused by decay, corrosion, termites, or other destructive elements. Any structural attachments to mobile homes in the form of decks, porches, sheds, lean-tos, or similar structure shall be prohibited.

   b. Mobile home park office. Every mobile home park shall have an office on-site for the mobile home park manager. Every mobile home park containing fifteen (15) or more mobile home spaces shall have a structure designed and clearly identified for such office.

   c. Storage space. Occupants of each mobile home unit shall be provided with a utility shed with a minimum of one hundred fifty (150) cubic feet of storage space placed to the rear of each mobile home.

   d. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the same and their guests.

7. Open space, recreation area:

   a. Not less than twenty (20) percent of the total area of the mobile home park shall be devoted to active use recreation areas for the use of all residents of the park. Provision shall be made by the owner of the mobile home park for the development, installation and perpetual maintenance of such active use recreation areas.

8. Any and all lighting shall comply with Section 1506 of this Ordinance.

9. Any and all signs shall comply with Section 1507 of this Ordinance.

10. All manufactured home parks shall be screened from view of all adjacent properties from ground level to a minimum height of six (6) feet. Such screening may consist of an earthen berm and/or evergreen plantings with trees having a minimum size of six (6) feet

in height at the time of planting. Such screening shall be provided within a perimeter landscape buffer which shall have a minimum width of fifty (50) feet.

11. Maximum Impervious Coverage shall not exceed 60% of the total tract area.

12. A Traffic Impact Report shall be prepared per the ESRP SALDO

13. Additional Requirements:

    a. The limits of each mobile home lot shall be clearly marked on the grounds by permanent stakes, survey markers or other suitable means.

    b. Each mobile home lot shall have attachments for sanitary sewage disposal, water supply facilities and electrical service.

    c. No structure built in a Mobile Home Development shall exceed a height of two stories or a maximum of thirty-five (35) feet.

    d. No recreation vehicle, travel or vacation trailer, or other form of temporary living unit shall be placed upon any mobile home lot or shall be allowed to be used as a dwelling within the mobile home park itself.

    e. Each mobile home lot shall contain no more than one (1) mobile home to be occupied by no more than one (1) family.

    f. The owner of the manufactured home park shall make certain that zoning and building permits are obtained prior to the construction or installation of any and all structures on the premises.

14. All applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) shall be complied with as well.

Section 1606. Retirement Community and Life Care Retirement Facility.

A. A Retirement Community as defined in Section 201 of this Ordinance is a planned residential community for persons fifty-five (55) years or older, their spouses or companions.

B. A Retirement Community is composed of specific dwellings as defined in this Ordinance.

C. It is a specific intent of this section to:

1. Ensure that these communities are suitably designed and sited so as to protect the character of adjacent neighborhoods.

2. Ensure that any institutional development will be adequately served by public facilities and services.

3. Promote the development of safe and affordable housing for elderly persons and to ensure that such housing provides accessibility to essential community facilities and services.

4. Provide the elderly individual with a variety of structural housing options within a single development, including the option of the Retirement Community to include a “Healthcare Facility” to allow the residents the opportunity to transfer from an independent living situation to a semi dependent or dependent care environment, should the need arise.

D. Any tract proposed for such a Retirement Community shall be at least ten (10) acres in size and shall have direct access to an arterial or collector street.

E. The proposed use shall be serviced by a public or private sewerage system and a public or private water system.

F. A traffic study shall be performed in compliance with the ESRP Subdivision and Land Development Ordinance (SALDO).

G. The applicant shall guarantee occupancy only by persons fifty-five (55) years or older, their spouses or companions to the extent possible under state and federal law.

1. The guaranty shall be in a form acceptable to the Governing Body upon recommendation by the municipality's Solicitor.

2. The guaranty shall be a covenant running with the land, applicable to the applicant and his heirs, successors, and assigns.

3. If, at any time, elderly residents cannot be guaranteed, the property may be converted to another permitted institutional use such as:

a. Medical and surgical hospitals or clinics, convalescent homes, and other health care facilities of a similar nature.

b. Nursing homes, personal or intermediate care facilities and similar uses providing elderly care.

H. Any such development shall be designed with unified standards for building design, landscaping, lighting and access to interior roads. These standards shall be submitted in the form of protective covenants which shall be binding upon developers of individual lots.

I. Any commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act or other ownership arrangement reviewed by the Governing Body's Solicitor.

J. Only dwelling types permitted in the applicable zoning district shall be permitted under this section.

K. The following standards shall apply:

1. Minimum lot area: 10 acres

2. Minimum lot width: 300 feet

3. Minimum front yard: 100 feet

4. Building setback from side or rear lot lines: 100 feet

5. Maximum impervious coverage: 60% of total tract area

6. Maximum building height: 35 feet

L. The maximum number of units developed under this article shall be equal to the density that would otherwise be permitted for such dwellings in the applicable zoning district, plus a bonus of twenty percent (20%). This bonus is intended to recognize the fact that senior citizen household typically generate less community impacts than other types of households.

1. For any Healthcare Facility housing persons overnight each two (2) beds shall be considered one (1) dwelling unit.

M. Retirement Communities shall meet the property line buffer requirements as found in Section 1605 (A)(10) of this Ordinance.

N. Parking for Retirement Communities shall be as per Section 1509 of this Ordinance.

O. Retirement Communities may at its options, have Healthcare Facilities (such as, but not limited to, "skilled-care" or "nursing-care" facilities) as part of its proposed facility seeking and obtaining municipal approval, or made part of the facility at a later date as long as the Healthcare Facility is designed and built meeting the unified standards of the Retirement Community in subject 1606 H.

P. A Life Care Retirement Facility is as defined in Section 201 of this Ordinance.

Q. All accessory uses within the Life Care Retirement Facility shall be limited to facilities serving employees, residents and guests of residents. Accessory uses may include offices, health care services, maintenance facilities, recreational facilities, libraries, chapels, health-care facilities, gift shops, banks, snack bars, pharmacies, barber/beauty shops and other personal services.

R. The types of housing units allowed in a Life Care Retirement Facility are single family detached; single family semi-detached; townhouses and Low-Density Apartments, but only if said dwelling unit types are allowed in the underlying zoning district.

S. The density of a Life Care Retirement Facility shall not exceed the densities set forth in the underlying zoning district in which the facility is located. For the purpose of this section, the density allowed for beds in a Healthcare Facility are forty (40) beds per acre.

T. The maximum lot coverage shall be 60% of the total tract area.

U. Life Care Retirement Facilities shall comply with the following dimensional requirements:

1. Minimum lot area: 10 acres.
2. Minimum lot width: 300 feet.
3. Minimum front yard: 100 feet.
4. Minimum side yard: 100 feet.
5. Minimum rear yard: 100 feet.
6. Separation of buildings.
    a. Side to side: 20 feet.
    b. Side to rear: 30 feet.
    c. Side to front: 50 feet.
    d. Front to front: 50 feet.
    e. Front to rear: 50 feet.
    f. Rear to rear: 50 feet.
    g. Corner to corner: 20 feet.
7. The maximum height of buildings shall be thirty-five (35) feet except for Medium Density Apartment Buildings which shall not exceed forty-eight (48) feet in height.
8. Building setback from parking and street: twenty (20) feet from a parking area with more than four (4) spaces, alleys or streets.

V. A buffer yard complying with Section 1605(A)(10) of this Ordinance, shall be provided along all adjacent property lines (excluding property lines along public roads). In addition, storage areas for trash and recyclable materials shall be screened from view of adjacent properties. All other screening and planting requirements shall be as per the ESRP SALDO.

W. Lighting facilities shall not produce direct glare on adjacent properties and shall meet Section 1508 of the Ordinance.

X. Identification signs, not to exceed twenty-five (25) square feet, shall be permitted, provided that no more than one (1) such sign is located at each public street access to the retirement community. Such signs shall be located a minimum of ten (10) feet from the cartway or outside the right-of-way and fifty (50) feet from all side yard property lines. Signs may be illuminated

with indirect focused lighting only. All other sign requirements shall meet Section 1507 of this Ordinance.

Y. The following minimum parking standards, and those of Section 1509, shall apply to a Life Care Retirement Facility:

1. Single-family detached; semi-detached; and townhouses: two (2) spaces per unit.
2. Apartment housing unit: one (1) space for each unit plus one visitor space for every five units.
3. Healthcare Facilities: one (1) space for every four beds.
4. Staff parking: one (1) space per staff member working the largest shift.

Z. The applicant proposing a Life Care Retirement Facility shall obtain documentation from appropriate providers of ambulance and fire services indicating the ability to provide service to the site.

AA. Interior drives, alleys or streets shall be designed to prevent the blockage of vehicles entering or leaving the site. The minimum cartway width shall be twelve (12) feet for one-way streets and twenty (20) feet for two-way streets. In addition, all any Life Care Retirement Facility shall have at least two (2) means of ingress and egress from a public street into said facility.

BB. Pedestrian walkways shall be accessible from the entrance of each residential structure.

CC. The applicant shall demonstrate that the proposed use will be provided with a public or private sewerage system and a public or private water system.

DD. A traffic impact study, subject to the requirements of the ESRP SALDO, shall be submitted.

Section 1607. Adaptive Reuse; Residential Conversions; Boarding Houses; Commercial Conversion.

A. Adaptive Reuse. Industrial, manufacturing, schools or places of worship (including rectories, convents, etc.) buildings may be converted to residential use and/or office uses where allowed by Special Exception provided that, the following requirements are met as well as any other requirements identified by the Zoning Hearing Board.

1. A site plan and architectural plans, drawn to scale, shall be submitted to the Zoning Hearing Board. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and any storage space and shall also indicate the intended use of each room.
2. The conversion to residential use shall have minimum floor areas committed to residential use as per the following schedule:

Apartment	Square Feet (net floor area)
Efficiency or Studio	400
One Bedroom	550
Two Bedroom	700
Three Bedroom	850

3. For each dwelling unit, there shall be a minimum of two (2) parking spaces on-site. Parking requirements for office uses shall conform to the requirements of Section 1509 of this Ordinance.

4. Documentation must be submitted to the Zoning Hearing Board, indicating to the Zoning Hearing Board's satisfaction that all plumbing, heating and electrical equipment, parking and related facilities are adequate and appropriate for the proposed use.

5. A Land Development Plan, meeting the requirements of the ESRP SALDO, shall be submitted to the Municipality as well.

B. Residential Conversions- Single Family Dwellings may be converted to Residential Conversions as defined in this Ordinance by Special Exception where allowed:

1. The definition of a Residential Conversion shall include the conversion of any single family dwelling to a two-family dwelling with the dwelling unit's to be located one above the other, fully separated by a horizontal fire rated floor, and with each dwelling unit having its own separate access.

2. The Residential Conversion shall retain its single-family dwelling appearance from the street.

3. Each dwelling unit shall not have less than eight hundred (800) square feet of floor area.

4. The lot area for a Residential Conversion shall not be reduced to any amount less than that required by this Ordinance for the zoning district in which the original single family home is located.

5. The yard and building area requirements for the zoning district in which the original single-family dwelling unit is located shall not be reduced.

6. There shall be no external alteration of the original single family dwelling except as for the alterations which are necessary to provide each new dwelling unit with its own separate access. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.

7. For each dwelling unit, there shall be a minimum of two (2) parking spaces onsite, or another arrangements as may be deemed appropriate by the Zoning Hearing Board.

8. The Residential Conversion shall be served by both a public sewerage system and a public water supply.

9. The Zoning Hearing Board shall have the right to specify any further conditions and restrictions as the Board may consider appropriate.

C. Boarding House:

1. A Boarding House is as defined in Section 201 of this Ordinance.

2. The boarding house shall retain its single family dwelling appearance from the street. No signs other than those relating to the identification of the owner of the dwelling are allowed.

3. Each boarding house shall contain complete bath facilities and a central kitchen with complete cooking and washing facilities. The facilities shall be available to the occupants of the boarding house at all hours. No cooking facilities of any kind shall be located in any room except the central kitchen.

4. No basement or cellar shall be used as a habitable room.

5. The applicant shall provide documentation to the Zoning Officer stating that the boarding house meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the Municipality and the Commonwealth of Pennsylvania.

6. One (1) off-street parking space for every one (1) renter and two (2) off-street parking spaces for the owners of the dwelling shall be provided.

7. All Boarding Houses shall be served by both a public sewerage system and a public water system.

D. Commercial Conversions

1. Only single-family detached dwellings that existed on the effective date of this chapter may be converted to "personal services" or retail business by Special Exception as defined in this Ordinance. All such uses shall be limited to that area of the first floor of the building as it existed on the effective date of this Ordinance.

2. The applicant shall furnish evidence to the Zoning Hearing Board that any alterations, improvements or other modifications proposed to the building will be accomplished in a manner that complements its residential character.

3. The applicant shall furnish to the Zoning Hearing Board evidence of an approved connection to both a public sewerage system and a public water supply system.

4. The conversion will allow a single-family dwelling unit to remain in the upper floors. The applicant for a Commercial Conversion must provide proof to the Zoning Hearing Board that the single-family dwelling unit will have adequate sanitation and cooking (stove and refrigerator) facilities after said conversion, and can meet the following criteria:

   a. One (1) Bedroom – 550 square feet (net floor area)

   b. Two (2) Bedroom – 700 square feet (net floor area)

   c. Three (3) Bedroom – 850 square feet (net floor area)

5. The applicant shall also obtain land development plan approvals from the Municipality, as well.

6. All commercial and residential off-street parking and/or loading areas shall be screened from adjoining residences and shall meet the requirements of Sections 1510 and 1511 of this Ordinance. Each will have its own parking requirements.

7. One (1) sign shall be permitted which shall be no larger than six (6) square feet in area and shall be affixed to the building.

Section 1608. Cluster Development.

A. Intent of Cluster Development in the EAP and A-P Zoning Districts of the ESRP Region

1. Cluster development allows for the reduction of lot area and other bulk requirements so that dwellings may be grouped in certain areas of the parent tract, while the remainder of the site is set aside as common open space.

2. As one of the goals of the EAP and A-P Zoning Districts is to "…maintain large contiguous agricultural parcels…" cluster development is consistent with this goal.

3. Within the EAP and A-P Zoning Districts, development is restricted in its intensity and limited in the type of non-agricultural land uses allowed, therefore, the only allowable residential uses permitted in these districts are single-family detached dwellings.

4. The intensity of development (e.g. how many "lots" or "Development Units" are allowed to be created from a farm) is more restricted in the EAP and A-P Zoning Districts than in other zoning districts in the ESRP Region. The intent of cluster development in the EAP

and A-P Zoning Districts is to allow for more "lots" on less acres of land in a "clustered" arrangement while still making a good faith effort to maintain the existence of large contiguous agricultural parcels through open space requirements.

B. Site Requirements for Cluster Development Use.

1. Cluster Development shall be permitted as a Special Exception Use in the EAP and A-P Zoning Districts.

2. Only tracts of land which are at least twenty-five (25) gross acres in size may propose a cluster development.

3. The cluster development shall be served by both a public or private sewerage system and by a public or private water system.

4. The tract of land to be developed shall be in single ownership.

5. At least 60% of the A-P tract of land and 70% of the EAP tract of land shall be permanently preserved by deed restriction as open space and/or agricultural land.

6. All cluster developments shall be served by an internal private road network which shall be designed and constructed to meet the standards set forth in the ESRP SALDO.

7. All cluster developments which propose more than twenty-five (25) single-family dwellings shall provide two (2) points of access from said development to an existing public road.

C. Density and Dimensional Standards for Cluster Development

		EAP	A-P
1.	Minimum Tract Size	25 Acres	25 Acres

2. Area, Yard, and Height Regulations for Cluster Development in the EAP and A-P Zoning Districts

a.	Use	Single Family Detached Dwelling
i.	Min. Lot Area	15,000 sq. ft.
ii.	Min. Lot Width	100 feet @ Lot Line
iii.	Min. Lot Width	100 feet @ Setback Line
iv.	Min. Front Yard	30 feet
v.	Min. Side Yard	20 feet each side
vi.	Min. Rear Yard	30 feet

3. Maximum Density of Cluster Development

a. The maximum density shall be determined by a Yield Plan. The Yield Plan will show the maximum number of lots that could be developed on the parent tract using the cluster development criteria contained in this Ordinance.

b. The Yield Plan shall, at minimum, contain the following:

i. A boundary survey signed and sealed by a Professional Land Surveyor (PLS) registered in the Commonwealth of Pennsylvania indicating the gross area of the Parent Tract.

ii. Any and all road rights of way.

iii. Utility rights of way, whether they were established by easement or fee simple transactions.

iv. Areas of wetlands as determined via a Jurisdiction wetland delineation performed by a qualified individual.

v. Areas containing slopes in excess of 25% as determined by a topographic survey performed by a Professional Land Surveyor.

vi. Areas subject to floodplains determined either by using current FEMA maps; or, in the case of an unmapped Stream via an actual calculated floodplain limit derived from a field survey.

c. The Yield Plan shall indicate the gross acreage of each topographic feature listed in C.3.b.ii through vi above. Where two (2) or more of these categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification. The acreages of these various topographic features shall be added together and this total acreage figure shall be referred to as the "Deducted Acreage".

d. The gross acreage of the Parent Tract minus the "Deducted Acreage" is then multiplied by the open space coefficient (the percentage of the Parent Tract required to be preserved as open space and/or agricultural land as stated in subsection B.5). The resultant figure is the amount of area available for the cluster development of single-family detached dwellings.

(As an example an EAP Parent Tract is 100 gross acres. The "Deducted Acreage" for the features indicated in subsection C.3.b.ii through v is 20 acres which results in 80 acres (100-20) to be multiplied by 0.70 (70% open space). The result is 56 acres (80 x 0.70) which must be preserved and 24 acres (80-56) which is available for cluster development).

D. Neighborhood Standards for Cluster Developments

1. All residential lots are required to be grouped into "Neighborhoods" according to the open space residential provisions of the ESRP SALDO.

2. Neighborhoods shall contain at least five (5) but no more than ten (10) lots surrounded by open land. Neighborhoods are defined by the outer perimeter of houses in contiguous lots.

3. Neighborhoods shall be defined and separated by open land in order to provide direct access to open space. Roads may not be used to separate adjacent neighborhoods unless one or more of the following are provided:

a. The road is designed as a parkway with a minimum 10-foot wide planted median.

b. A fifty (50) foot setback is provided along one side of the road measured from the right of way line to the closest residential lot line.

c. A landscape buffer, that forms an effective visual screen, shall be planted within said fifty (50) foot setback.

4. Neighborhood residential lots shall not be directly accessed from existing state or township roads. All lots in a neighborhood shall take access from interior private roads.

5. Views of neighborhoods from exterior roads shall be minimized by existing vegetation and/or additional landscaping, but in all cases, said landscaping, shall be designed in a way to preserve scenic views.

E. Neighborhood Setbacks for Cluster Developments

1. Twenty-five (25) feet from wetlands or floodplain.

2. One hundred (100) feet from public roads adjoining the Parent Tract.

3. Fifty (50) feet from the Parent Tract's external boundaries.

4. Seventy-five (75) feet (unless subsection D.3 is utilized) from other neighborhoods within the same cluster development.

5. All setbacks along public roads shall be planted with a vegetative landscaped buffer in order to screen the view of the cluster development from the traveling public.

Section 1609. Transfer of Development Rights (TDR).

A. Primary Purpose

The primary purpose of the Transfer of Development Rights (TDR) Section of this Ordinance is to permanently preserve open land, agricultural land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this Section is intended to establish the procedures for the transfer of developments rights (TDR's) from EAP, AP, or WP zoned tracts to eligibly zoned areas within the ESRP Region.

B. Specific Intent

Within the ESRP Region, there are certain areas that, because of their unique natural resources, make them worthy of special protection. In accordance with Sections 603(c) (2), 605(4), and 619.1. of the Municipalities Planning Code, a transferable development rights (TDR) program is hereby established within the ESRP Region, and the ESRP Region designates the EAP (Enhanced Agricultural Preservation), and the A-P (Agricultural Preservation) and WP (Woodland Preservation) as the Sending Areas (as defined in this Zoning Ordinance), and the R-3, R-4, and R-5 residential districts as the Receiving Areas (as defined in this Zoning Ordinance). The purpose of the transfer of development rights program is to preserve the agricultural soils and agricultural character of the lands in the EAP, A-P, and WP agricultural districts by shifting development from those areas to the areas for designated residential development within the ESRP Region.

C. Concept

The transfer of development rights (TDR) is a voluntary agreement under the terms of this section of this Ordinance between a willing buyer and a willing seller. The TDR's shall be transferred to a person, corporation, partnership or other legal entity, or a municipality within the ESRP Region. The TDR's may be held by the purchaser for future use or sale or may be immediately attached to a specific parcel of land within the Receiving Areas of the ESRP Region. The TDR's shall be considered a separate estate in land and may be transferred subject to the limitations of this Section. Once the TDR's are attached to a specific parcel of land, those rights shall run with that specific parcel in perpetuity.

A purchaser of TDR's who attaches those rights to a tract of land located in a Receiving Area in accordance with the procedures set forth in this Section is permitted an increase, with the use of the development rights, in the density of his development within the Receiving Area. The seller of the said TDR's in the Sending Area receives compensation from the sale plus the right to retain the land for agricultural use. A deed restriction against future development is placed upon the agricultural land in the designated Sending Area from which the TDR's have been obtained by the willing buyer.

The deed restriction will not affect the landowner's ability to sell the land after the development rights have been severed, although such land cannot be sold for development purposes. The deed restriction on the land from which the development rights have been severed shall run in favor of the municipality in which the sending property is located.

The owner of the tract in the Sending Area from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may hold the development rights or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a tract in the Receiving Area. The municipality shall have no obligation to purchase the development rights which have been severed from a tract in the Sending Area.

1. A developer who has not purchased TDR's shall only have the right to:

    a. Develop a tract in the Receiving Area as a subdivision or land development using the minimum lot sizes found in the applicable ESRP Zoning District regulations; and the maximum density for such developments will be those of the R-3, R-4, or R-5 Zoning District.

2. A developer who has purchased TDR's shall have the right to increase the allowable densities by:

    a. Providing public or privately owned potable water and sewerage services.

    b. Acquiring the number of TDR's necessary to increase the allowable density of dwelling unit types which are permitted in the R-3, R-4, and R-5 zoning districts.

D. Recognition of Transferable Development Rights

The ESRP Region hereby recognizes the severability and transferability of development rights from certain lands within a municipality of the ESRP Region to be transferred and used in accordance with the provisions hereof.

Each municipality in the ESRP Region, in accordance with the criteria set forth in subsection G., Apportionment of Development Rights of the section, shall determine the eligibility of each tract of land within the EAP, A-P, and WP Zoning Districts for allocation of Transferable Development Rights. The municipality has no obligation, however, to determine the specific number of such rights apportioned to each tract, nor to give any formal notice to the landowner other than by the passage of this Ordinance, until such time as an application to utilize Transferable Development Rights is made in accordance with subsection G., Apportionment of Development Rights and subsection H., Transfer and Use of Transferable Development Rights, of this Ordinance.

The ESRP Region's municipalities reserve the right to amend this Section in the future, and the ESRP Region's municipalities expressly reserve the right to change the manner in which the number of development rights shall be apportioned to a tract in the Sending Area, the manner in which development rights may be attached to land within the Receiving Area, the locations of the Sending Area and the Receiving Areas and the procedure by which development rights can be conveyed. The ESRP Region's municipalities further expressly reserve the right to terminate the transferable development rights program at any time. No owner of land or owner of development rights shall have any claim against the municipalities of the ESRP Region for damages resulting from a change in this section of the Ordinance relating to the regulations governing the apportionment, transfer and use of development rights or the abolition of the Transferable Development Rights program. If the Transferable Development Rights program is abolished by the ESRP Region's municipalities, no developer may attach development rights to any tract in the Receiving Area after the effective date of any ordinance abolishing the Transferable Development Rights program unless an application in conformity with the provisions of Section G herein was filed prior to the effective date of any such amending or abolishing ordinance.

E. Sending Area Qualifications and Calculations

1. Applicants who own properties located within the following Zoning Districts are eligible to transfer development rights (known as Transfer Development Rights, or TDR) and will be known as Sending Tracts:

    a. EAP (Enhanced Agricultural Preservation) Zoning District.

    b. A-P (Agricultural Preservation) Zoning District.

    c. WP (Woodland Preservation) Zoning District

2. Land restricted against development by covenant, easement, or deed shall not be eligible for TDR.

3. The tracts of land shall not be less than twenty-five (25) acres in size.

4. The number of TDR's which are eligible to be transferable shall be computed by Subsection G.

F. Receiving Area Qualifications and Calculations

1. Applicants for development of tracts which meet the following requirements may use TDR's and will be known as Receiving Tracts:

    a. The Receiving Tract shall be located in the R-3, R-4, or R-5 Zoning Districts.

    b. The Receiving Tract shall be at least three (3) acres in size.

2. The Receiving Tract may only be developed for the homogenous developments of the different types of residential dwelling units Permitted By Right in the R-3, R-4, and R-5 Zoning Districts and for mix of land uses allowed in a PRD, as defined by Section 1549 of this Ordinance.

3. The Receiving Tract may be developed in the following densities:

    a. A Receiving Tract in the R-3 may develop to R-4 densities by utilizing TDR's.

    b. A Receiving Tract in the R-4 district may develop to R-5 densities by utilizing TDR's.

    c. A Receiving Tract in the R-5 district may develop to no more than double the R-5 densities Permitted By Right.

G. Apportionment of Development Rights

1. Development rights shall be apportioned to tracts of land within the designated Sending Area of a municipality based on the following criteria:

    a. The tract of land shall be located within either the EAP, A-P, or the WP Zoning Districts.

    b. The tract of land shall not be less then twenty-five (25) acres in size.

    c. Tracts of land or portions thereof owned by or subject to easements (including, but not limited to, easements of roads, railroads, electrical transmission lines, and water, gas or petroleum pipelines) in favor of governmental agencies, utilities, and nonprofit corporations shall not be eligible for Transferable Development Rights.

    d. Land restricted against development by covenant, easement, or deed restriction shall not be eligible for Transferable Development Rights unless and until such time as said covenant, restriction, or easement is dissolved or rescinded. In the event said covenant, restriction, or easement is dissolved or rescinded, such land shall be eligible for issuance of Transferable Development Rights.

e. Land utilized for uses other than agriculture shall not be eligible for Transferable Development Rights.

2. The number of Transferable Development Rights apportioned to an eligible tract shall be established by subsection G.4.c of this Ordinance.

3. The owner of any EAP, A-P, or WP Parent Tract eligible for development rights shall be restricted from developing said tract in accordance with other Sections of this Ordinance.

4. The determination of the precise number of development rights which shall be apportioned to a tract in the Sending Area shall be computed as such:

   a. The tract of land in the Sending Area to be apportioned shall be known as the Sending Tract.

   b. The owner of the Sending Tract shall prepare an Apportionment Plan to determine the number of TDR's which can be apportioned to the Sending Tract.

   c. The Apportionment Plan shall be prepared to meet the following criteria:

      i. Apportionment Plan shall be a 1" = 50' scale drawing:

      ii. Apportionment Plan may show a deed plot of Sending Tract or a boundary survey signed and sealed by a Professional Land Surveyor.

      iii. The Apportionment Plan shall be prepared, signed, and sealed by a PLS, PE, or RLA.

      iv. The Apportionment Plan shall state the "Gross Acreage" of the Sending Tract (as determined by deed plot or survey). The "Gross Acreage" will be used in the calculation of TDR's.

      v. The Apportionment Plan shall state the acreage of wetlands, determined either by available NWI Maps; Soil Lines per the Schuylkill County Soils Survey, USDA, SCD, July 1982 or soils containing major hydric components, or inclusions of hydric components; or a wetland delineation by a qualified individual.

      vi. The Apportionment Plan shall state the acreage of areas subject to floodplains determined either by current FEMA maps; the soil lines of the At, Ba, Ln, Ph and Po soils; or a survey to determine soils.

      vii. The Apportionment Plan shall state the acreage of areas subject to slopes in excess of 25% as determined either by USGS mapping or a topographic survey performed by a Professional Land Surveyor.

      viii. The Apportionment Plan shall state the acreage of each feature above as well as the aggregate. Where two (2) or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification. The aggregate acreage will be known as the "Deducted Acreage" and will be used in the calculation of TDR's.

      ix. The Apportionment Plan shall show the following formula and the subsequent calculation to determine the "Sending Tract's Acreage Eligible for TDR Calculation (of TDR's)" or "(S.T.A.E.C)":

      (Gross Acreage) – (Deducted Acreage) = (S.T.A.E.C. of TDR)

      x. The S.T.A.E.C. multiplied by the EAP coefficient (0.30) or the A-P coefficient (0.40) will determine the number of TDR's apportioned to the Sending Tract:

a) S.T.A.E.C. x 0.30 = the number of TDR's apportioned to the Sending Tract in the EAP Zoning District.

b) S.T.A.E.C. x 0.40 = the number of TDR's apportioned to the Sending Tract in the A-P Zoning District.

d. The Apportionment Plan shall be reviewed and approved by the Municipality's Engineer and Governing Body.

5. Once an Apportionment Plan has been approved, the Transferable Development Rights which have been apportioned shall be conveyed by a Deed of Transferable Rights duly recorded in the Office of the Schuylkill County Recorder of Deeds.

a. The Deed of Transferable Development Rights shall specify: the tract of land within the receiving district to which the rights shall be permanently attached or that the rights shall be transferred to a 1) municipality, 2) the owner of the Sending Tract, or 3) another person in gross.

b. The Deed of Transferable Development Rights which severs the development rights from the Sending Tract shall be accompanied by a Declaration of Restriction of Development which shall permanently restrict development of the Sending Tract and which shall be recorded in the Office of the Recorder of Deeds at the same time as, or prior to, the Deed of Transferable Development Rights.

c. All Deeds of Transferable Development Rights shall be endorsed by a municipality prior to recording.

d. The owner of the Sending Tract from which the development rights are to be severed shall, by a Declaration of Restriction of Development, totally and permanently restrict the future development of the tract. The Declaration of Restriction of Development shall be in a form approved by a Municipal Solicitor. All owners of the tract from which development rights are severed shall execute the Declaration of Restriction of Development. All lien holders of the tract from which development rights are severed shall execute a joiner and/or consent to the Declaration of Restriction of Development.

i.. The said Declaration of Restriction of Development shall designate a municipality as a third party beneficiary of the restrictions imposed on the land from which the development rights are severed, and said restrictions shall be enforceable by the municipality as such third party beneficiary. The municipality shall hold the rights granted by the Declaration of Restriction of Development as trustee for all of the residents of the municipality, in recognition of the right of the people to the preservation of the natural, scenic, historic and aesthetic values of the municipality and in further recognition of the fact that these resources are the common property of all the residents of the municipality, including generations yet to come.

ii. Land from which development rights have been severed shall be permanently restricted against development; shall continue to be owned subject to said restrictions by the landowner, his heirs, executors, administrators, successors and assigns; and may be continues to be used for agriculture and other lawful uses as are specified in this Ordinance.

H. Transfer and Use of Transferable Development Rights (TDR's)

1. A formal request to utilize transferable development rights on a property shall be in the form of a preliminary subdivision plan prepared in accordance with the ESRP Region Subdivision and Land Development Ordinance. The preliminary plan submitted must

indicate the proposed density of the development utilizing public or private water and sewer, and the number of TDR's transferred or to be transferred to the property to achieve the desired increase in density.

2. In addition to the preliminary subdivision plan, an application shall include the following:

   a. An "Application for Transfer of Development Rights" on a form provided by the municipality for such application. Such application shall be signed by both the willing seller and the willing buyer. The application shall be accompanied by a copy of the Deed of Transferable Development Rights which was recorded in the Office of the Recorder of Deeds (after the Apportionment Plan was approved by the Municipality), as well as a title search demonstrating that such development rights are still held by the willing seller and setting forth all liens placed against them shall be included If the development rights have previously been severed from the tract in the Sending Area, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be furnished to the Municipality.

   b. An agreement of sale for the development rights between either 1) the owner of the tract to which development rights have been apportioned or 2) the owner of development rights which have been previously severed from a tract in the Sending Area as evidenced by a recorded Deed of Transferable Development Rights (e.g. the "sellers" of TDR's); and the owner of the tract proposed to be developed as a residential development (e.g. the "buyer" of TDR's). The agreement shall be made contingent upon approval of a final subdivision or land development plan for residential development of the tract to which the development rights are to be transferred.

      i. If the agreement of sale of development rights would entail less than the total of all the TDR's apportioned to the Sending Tract, this information shall be clearly stated on the above plan to the subject municipality. Such plan shall also include a notation of (i) the number of development rights applicable to the entire parcel, (ii) the number of development rights which remain available to the remaining portion of the parcel.

      ii. If the agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate the disposition of the remaining development rights.

      ii. There shall be no final action any such agreements of sale unless, and until, the subject Municipality's Solicitor and Engineer have reviewed said agreement and the corresponding Governing Body has approved said document.

Section 1610. through 1614. (Reserved)

Section 1615. Intensive Agricultural Standards.

A. Intensive Agriculture activities are regulated by this Section of this Ordinance.

B. Agricultural activities that exceed the standards and provision specified under Section 456 of this Ordinance (General Agricultural Standards for the EAP and AP Districts) shall be construed as Intensive Agriculture.

C. For purposes of this Zoning Ordinance the raising and ownership of horses, cattle, sheep, goats, poultry, rabbits or similar animals in any number or amount which exceeds three point zero (3.0) animal units per acre shall be considered Intensive Agriculture. Any swine operation in excess of one thousand (1,000) pounds per acre (1.0 animal unit per acre), the production processing or cultivation of mushrooms, and mink farms shall be also considered an Intensive Agricultural activity. ~~Any and all Intensive Agricultural activities shall be conducted on lands that exceed twenty-five (25) acres in size, and are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animals units, are found within Section 1617 of this Ordinance.~~ Any and all Intensive Agriculture activities shall be conducted on lands that are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

D. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals shall be limited to four point zero (4.0) animal units per acre on lands which are greater than twenty-five (25) but less than forty (40) contiguous acres. Lands which exceed forty (40) acres are limited to six point zero (6.0) animal units per acre. ~~Any Intensive Agricultural Use that intends to exceed the animal units per acre specified above shall require prior approval of a Special Exception by the Zoning Hearing Board before commencing operations~~. Any Intensive Agriculture use shall require a Special Exception approved by the Zoning Hearing Board. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

E. No agricultural building or other accessory outbuilding utilized for any type of Intensive Agricultural Use shall be constructed within two hundred (200) feet of any residence, or within one hundred (100) feet of any property line, whichever distance is greater.

F. The display and sale of farm products shall be permitted provided that at least fifty (50%) percent of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a farm stand which shall not exceed one thousand (1,000) square feet or twenty (20) feet in building height and which shall be located at least thirty (30) feet from the applicable street right-of-way. In addition, all off-street parking and access driveways shall be designed in accordance with Sections 1508.D and 1509 of this Ordinance. The farm stand parking area, and driveway will require a Municipal Zoning Permit and/or Driveway Permit (and/or PennDOT Permits if adjacent to a State Road) and any other permits required by County, State, or Federal Authorities.

G. Signs displaying information for the sale of farm products in farm stands are limited to one (1) free standing sign which shall not exceed fifteen (15) square feet in total area and which shall be regulated as per Section 1507 of the Zoning Ordinance.

H. All areas utilized for grazing purposes shall be completely and entirely enclosed within a fence of sufficient type, height (and if necessary electrically activated) to ensure that grazing animals cannot escape from said grazing area.

I. The production, processing or cultivation of mushrooms shall be construed as an Intensive Agricultural activity and will be considered a Use Permitted by Right subject to the following:

1. Mushroom houses and complexes will be allowed as a Use by Right up to one hundred thousand (100,000) square feet total gross building space for growing. Any use including more than one hundred thousand (100,000) square feet of mushroom growing space will be permitted only by Special Exception.

2. Mushroom houses shall be operated under the guidelines as set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community", draft of December, 1996, as may be amended, revised or adopted, which is incorporated herein by reference thereto.

3. Mushroom industry housing for workers will not be allowed except as it relates to single-family residences as regulated by this Zoning Ordinance.

J. Piggeries and mink farms shall also be construed as an Intensive Agricultural activity.

K. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code (as may be amended) for all proposed Intensive Agricultural uses. A copy of approved Nutrient Management Plan shall be submitted to the respective Municipality.

L. A stormwater management plan shall be prepared pursuant to the ESRP Region Joint Subdivision and Land Development Ordinance (ESRP SALDO) and any other stormwater management ordinances adopted by the ESRP Region's Municipalities. All such stormwater management plans shall be approved by the Municipal Engineer for all proposed Intensive Agricultural uses.

M. No construction of any improvements required to support Intensive Agricultural activities shall be permitted except pursuant to an approved Land Development Plan.

N. An Erosion and Sedimentation Pollution Control Plan shall be prepared for and approved by the Schuylkill County Conservation District for all proposed Intensive Agricultural uses. A copy of the approved Erosion and Sedimentation Pollution Control Plan shall be submitted to the Municipality.

O. A Conservation Plan shall be prepared and approved by the Conservation District for all proposed Intensive Agricultural uses. The approved Conservation Plan shall be submitted to the Municipality.

P. A Landscaping Plan shall be submitted to the Municipality pursuant to Section 1507 of this Ordinance, for all proposed Intensive Agricultural uses.

Q. Solid and liquid wastes shall be disposed of in a manner that will avoid creating insect or rodent problems and in a manner which shall be consistent with the Nutrient Management Plan.

R. No discharges of liquid wastes and/or sewage shall be permitted into any water bodies, water reservoir, sanitary sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless any such discharges are in compliance with any permits approved by the applicable local, state and/or federal regulatory agencies.

S. Any and all Intensive Agricultural uses and activities shall be reviewed and/or permitted by the Municipality, ~~the Schuylkill County Conservation District, the Schuylkill County Cooperative Extension,~~ and any and all applicable Federal and State Regulatory Agencies having jurisdiction over such matters prior to the commencement of any activities associated with said use.

T. ~~A Fly and Odor Abatement Plan shall be developed and submitted to the Municipality for review and approval. The municipality will forward a copy of said plan to the Penn State Cooperative Extension or an equivalent agency for its review and comments. Recognition is hereby be given that, certain agricultural activities will produce odors, but the applicant shall show that, odors can be reduced to a minimum or abated. The plan of the applicant shall show such steps as may be necessary to abate odors or to limit the times certain activities are performed so that there would be a minimal interference with neighbors will be taken.~~

U. Animal manure storage facilities planning, design, construction, and operation shall be in accordance with PA DEP approved manure management practices as described in the publication

entitled “Manure Management for Environmental Protection” and addenda or amendments thereto prepared by PA DEP; “The Pennsylvania Technical Guide” and addenda or amendments thereto; Pennsylvania Code, Title 25, Chapter 83, Section 83.351, Minimum Standards for the Design, Construction, Location, Operation, Maintenance and Removal From Service of Manure Storage Facilities when applicable; and Pennsylvania Code, Title 25, Chapter 91, Section 91.36 Pollution Control and Prevention at Agricultural Operations.

Section 1616. General Agriculture Standards for the EAP Zoning District; and General Agriculture Standards for the A-P and R-1 Zoning Districts.

A. General Agriculture Standards for the EAP Zoning District

1. It is the intent of these requirements that agricultural activities in the EAP Zoning District be regulated for the purpose of protecting the public health, safety, and welfare.

2. Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities/uses as described in this section are permitted by right in the EAP Zoning District. ~~Those Intensive Agricultural Activities allowed within the EAP Zoning District on lands of twenty-five (25) acres or more are further regulated within Section 1615.~~

3. Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised is permitted by right, provided such use does not include Intensive Agricultural Activities.

4. The display and sale of farm products shall be permitted provided that throughout a calendar year, at least fifty percent (50%) of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a farm stand which shall not exceed one-thousand (1,000) square feet or twenty (20’) feet in building height and which shall not be located at least thirty (30’) feet from the applicable street right-of-way. In addition, all off-street parking and access driveways shall be designed in accordance with Section 1509 of this Ordinance. The farm stand, parking area, and driveway will require a Municipal Zoning Permit and/or Driveway Permit (and/or PennDOT Permits if adjacent to a State Road) and any other permits required by County, State, or Federal authorities.

5. Signs displaying information for the sale of farm products in farm stands are limited to one (1) free standing sign which shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Zoning Ordinance.

6. Certain small domestic animal operations (~~excluding mink which is an Intensive Agricultural Activity~~ except those that are Intensive Agriculture) are permitted by right provided the following conditions are met (for purposes of this Subsection, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla; and fowl such as chickens, turkeys, geese, ducks, and pigeons):

   a. The area within which small domestic animals are kept shall be enclosed by a suitable fence designed for the containment of such animals.

   b. The area where such small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

   c. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

   d. Buildings housing small domestic animals shall be subject to the yard requirements of Section 455, but in no case shall any such buildings be located

within fifty (50') feet of the nearest residential dwelling, other than that of the owner.

7. Certain large domestic animal operations (~~except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity~~ except those that are Intensive Agriculture) are permitted by right provided that the following conditions are met. For purposes of this subsection, large domestic animals shall include animals of the bovine, swine, equine and sheep families:

   a. The area within which large domestic animals are kept shall be enclosed by a suitable fence designed for containment of such animals.

   b. All buildings erected to house such animals shall meet the setback requirements of this Zoning Ordinance. In addition, no building shall be erected within one hundred (100') feet of the nearest residential dwelling, other than that of the owner.

   c. The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two (2) acres in area and shall not be allowed to degrade to an erodible condition.

   d. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

8. Large and small domestic animal operations as described herein are permitted in accordance with the following table. Standard animal weights used to calculate Animal Units are found within Section 1617 of this Ordinance.

No. of Acres	**Maximum Animal Units Per Acre (1 Animal Unit = 1,000 lbs.) ***
More than 1 and up to and including 5	0.5 (500 lbs/acre)
More than 5	2.0 (2,000 lbs/acre)

~~* Any concentration of animal units of three point zero (3.0) or greater/acre shall be considered an Intensive Agricultural activity and shall be limited to those lands of more than twenty-five (25) acres in the EAP and A-P Zoning Districts, and are subject to Section 1615 of this Ordinance.~~

9. Any combination of large and small domestic operations is permitted, but in no instance shall any such combination exceed the animal units/acre in the chart above (ex. A tract of 5 acres may have any combination of large and/or small animals which does not exceed 2,500 lbs [5 (acres) x 500 (lbs) = 2,500 lbs]. A tract of 10 acres may have a combination which does not exceed 20,000 lbs. [10 acres x 2,000 (lbs.) = 20,000 lbs]. The animal units per acre as stated above are permitted only if all other criteria of this Section are met.

10. ~~Any concentration of swine equal to or greater than one thousand (1,000) lbs/acre and any, and all, mink farms shall be considered an Intensive Agricultural activity and shall be limited to the EAP or AP Zoning Districts where allowed and are subject to Section 1615 of this Ordinance.~~

11. Large and small domestic animal operations are subject to all other sections of this Ordinance as applicable; the requirements set forth in the ESRP Region SALDO; any and all ordinances adopted by a municipality within the ESRP Region; and all county, state, and federal regulations as may be applicable to these operations.

12. Any building erected for agricultural uses in the EAP and AP Zoning Districts are regulated as follows:

a. Except for Farm-related Businesses, any building erected for agriculture use on the same lot as a single family dwelling use (an no other), does not need to meet the requirements of Section 1502 of this Ordinance.

b. In addition to buildings regulated by subsections A.4, A.6.a and A.7.b above any building erected for agricultural uses in the EAP and AP Zoning Districts must also meet all the Area, Yard and Height requirements of the EAP or AP Zoning District, whichever is applicable, in addition to any other Area, Yard, and Height requirements within Section 455.

13. No slaughter area, spent mushroom compost storage area, manure storage area, or structure designed or designated for the raising of pigs shall be established within one hundred (100') feet of any lot line.

14. ~~A Fly and Odor Abatement Plan shall be developed and submitted to the Municipality for review and approval. The Municipality will forward a copy to the Penn State Cooperative Extension or an equivalent agency for its review and comments. Recognition is hereby given that certain agricultural activities will produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan of the applicant shall show such steps as may be necessary to abate odors or to stipulate times when there can be odors generated which will have minimal interference with neighbors.~~

15. The planning, design, construction, and operation of any Animal Manure Storage Facilities shall be in accordance with PA DEP approved manure management practices as described in the publication entitled "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by PA DEP; "The Pennsylvania Technical Guide" and addenda or amendments thereto; Pennsylvania Code, Title 25, Chapter 83, Section 83.351, Minimum Standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities when applicable; and Pennsylvania Code, Title 25, Chapter 91, Section 91.36 Pollution control and prevention at agricultural operations.

B. General Agriculture Standards for the A-P, R-1, and R-2 Zoning Districts

1. It is the intent of these requirements that agricultural activities in the A-P, R-1 and R-2 Zoning Districts be regulated for the purpose of protecting the public health, safety, and welfare.

2. Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities/uses as described in this section are permitted by right in the A-P, R-1 and R-2 Zoning District. Intensive Agricultural Activities are allowed only within the EAP and AP Zoning Districts as specified in this Ordinance.

3. Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised is a Use Permitted By Right, provided that any such use does not include Intensive Agricultural Activities.

4. The display and sale of farm products shall be permitted provided that at least fifty percent (50%) of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a farm stand which shall not exceed one thousand (1,000) square feet in area or twenty feet (20') in building height and which shall not be located within thirty (30') feet of the applicable street right-of-way. In addition, all off-street parking and access driveways shall be designed in accordance with Section 1509 of this Ordinance. The farm stand, parking area, and driveway will require a Municipal Zoning Permit and/or Driveway Permit (and/or PennDOT Permits if adjacent to a State Road) and any other permits required by County, State, or Federal authorities.

5. Signs displaying information for the sale of farm products in farm stands are limited to one (1) free-standing sign which shall not exceed fifteen (15) square feet in total area and shall be regulated as per Section 1507 of this Zoning Ordinance.

6. Certain small domestic animal operations (~~excluding mink farms which are an Intensive Agricultural Activity~~ except those that are Intensive Agriculture) are Uses Permitted By Right provided the following conditions are met (for purposes of this Subsection, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla; and fowl such as chickens, turkeys, geese, ducks and pigeons):

   a. The area which small domestic animals are kept shall be enclosed by a fence designed for containment.

   b. All such fences shall be at least ten (10') feet away from any lot line and at least fifty (50') feet from the nearest dwelling other than that of the owner.

   c. The area within which small domestic animals are maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.

   d. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

   e. Buildings housing small domestic animals shall be subject to the yard requirements of Sections 505, 555, and 605 but in no case shall any such building be erected within fifty (50') feet of the nearest dwelling other than that of the owner.

7. Certain large domestic animal operations ~~(except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity~~ except those that are Intensive Agriculture) is a Use Permitted By Right provided that, the following conditions are met. For purposes of this subsection, large domestic animals shall include animals of the bovine, equine, swine, and sheep families:

   a. The area within which large domestic animals are kept shall be enclosed by a fence designed for the containment of such animals.

   b. All buildings must meet the setback requirements of this Zoning Ordinance. In addition no building shall be erected within one hundred (100') feet of the nearest dwelling other than that of the owner.

   c. The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two (2) acres in area and shall not be allowed to degrade to an erodible condition.

   d. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

8. Large and small domestic animal operations are permitted in accordance with the following table. Standard animal weights to calculate Animal Units are within Section 1617 of this Ordinance:

No. of Acres	**Animal Units Per Acre (1 Animal Unit = 1,000 lbs.)**
More than 1 but less than 4	0.125 (125lbs/acre)
4 but less than 10	0.5 (500 lbs/acre)
10 but less than 25	1.0 (1,000 lbs/acre)
More than 25	2.0 (2,000 lbs/acre)

9. Any combination of large and/or small domestic operations except as noted below are permitted, but in no instance shall any such combination exceed the animal units/acre in the chart above (ex. A tract of 5 acres may have a combination of large and/or small animals which does not exceed 2,500 lbs. [5 (acres) X 500 (lbs) = 2,500 lbs.], A tract of ten (10) acres can have a combination which does not exceed 10,000 lbs. [10 acres x 1,000 (lbs.) = 10,000 lbs]. The animal units/acre are permitted if all other criteria of this Section are met.

~~10. Any concentration of swine equal to or greater than one thousand (1,000) lbs/acre and any and all mink farms shall be considered an Intensive Agricultural Activity and shall be limited to the EAP and AP Zoning Districts where allowed and are subject to Section 1615 of this Ordinance.~~

11. All large and small domestic animal operations are subject to all other sections of this Ordinance as applicable; the requirements set forth in the ESRP SALDO; any and all ordinances adopted by a municipality within the ESRP Region; and all county, state, and federal regulations as they may be applicable to these operations.

12. All areas utilized for grazing purposes shall be completely fenced in.

13. No slaughter area, spent mushroom compost storage area, manure storage area, or structure designed or designated for the raising of pigs shall be established within one hundred (100) feet to any lot line.

14. Any building erected for agricultural uses in the A-P, R-1 and R-2 Zoning Districts are regulated as follows:

    a. Except for Farm-Related Businesses, any building erected for agricultural use on the same lot as a single family dwelling use (and no other), does not need to meet the requirements of Section 1502 of this Ordinance.

    b. All buildings must meet subsections B.6.e and B.7.b above if applicable.

    c. In addition to subsections B.4 and B.14.b above any building erected for agricultural uses in the A-P, R-1, and R-2 Zoning Districts must meet all the Area, Yard and Height requirements of the respective Zoning Districts in which the building is located in addition to any other Area, Yard, and Height requirements within Sections 505,555, and 605 of this Ordinance.

~~C. A Fly and Odor Abatement Plan shall be developed and submitted to the Municipality for review and approval. The Municipality will forward a copy to the Penn State Cooperative Extension or an equivalent agency for its review and comments. Recognition is hereby given that, certain agricultural activities will produce odors, but the applicant shall show that odors can be reduced or abated. The plan of the applicant shall show that such steps as may be necessary to abate odors or to identify times when the release of such odors would be a minimal interference with neighbors.~~

D. The planning, design, construction, and operation of Animal Manure Storage Facilities shall be in accordance with PA DEP approved manure management practices as described in the publication entitled "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by PA DEP; "The Pennsylvania Technical Guide" and addenda or amendments thereto; Pennsylvania Code, Title 25, Chapter 83, Section 83.351, Minimum Standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities when applicable; and Pennsylvania Code, Title 25, Chapter 91, Section 91.36 Pollution control and prevention at agricultural operations.

Section 1617. Standard Animal Weights to Calculate Animal Units.

Prior to October 1, 2019, the standard animal weights listed in the Penn State Extension's 2010 Agronomy Facts 54 must be used to calculate animal equivalent units (AEU's). From October 1, 2019 onward, the standard animal weights listed in the Penn State Extension's 2017 Agronomy Facts 54 must be used to calculate AEU's for newly identified forms of Intensive Agriculture. The newly approved standard animal weights will become effective for existing forms of Intensive Agriculture and voluntary animal operations whenever those existing Nutrient Management Plans are due to be amended during the triannual review.

Type of animal	Standard weight (lb) during production (range)
Swine	
Nursery pig	30 (15-45)
Finishing pig	145 (45-245)
Gestating sow	400
Sow and litter	470
Boar	450
Beef	
Calf: 0-8 mo.	300 (100-500)
Finishing: 8-24 mo.	850 (500-1,200)
Cow	1,150
Veal	
Calf: 0-16 wk.	250 (100-400)
Poultry	
Layer: 18-65 wk.	3.25 (2.75 – 3.76)
Layer: 18-105 wk.	3.48 weighted average
Layer, brown egg: 20-65 wk.	4.3 (3.6 – 5.0)
Layer, brown egg: 20-105 wk.	4.63 weighted average
Pullet: 0-18 wk.	1.42 (0.08 – 2.75)
Broiler, large 0-57 days	3.0 (0.09 – 5.9)
Broiler, med. 0-43 days	2.3 (0.090 – 4.5)
Roaster Male 0-8 wk. Female 0-10 wk.	 3.54 (0.09-7)
Turkey, tom 0-18 wk.	14.1 (0.12 – 28)
Turkey, hen 0-14 wk.	7.1 (0.12 – 14)
Duck: 0-43 days	3.56 (0.11 – 7)
Guinea: 0-14 to 24 wk.	1.9 (0.6 – 3.75)
Pheasant: 0-13 to 43 wk.	1.53 (0.05 – 3)
Chukar: 0-13 to 43 wk.	0.52 (0.04 – 1)
Quail: 0-13 to 43 wk.	0.26 (0.02 – 0.5)
Dairy	
Holstein/Brown Swiss	
Cow	1,300
Heifer: 1-2 yr.	900 (650 – 1,150)
Calf: 0-1 yr.	375 (100 – 650)
Bull	1,500
Ayrshire/Guernsey	
Cow	1,100
Heifer: 1-2 yr.	800 (575 – 1,025)
Calf: 0-1 yr.	338 (100-575)
Bull	1,000

Type of animal	Standard weight (lb) during production (range)
Sheep	
Lamb: 0-26 wk.	50 (10-90)
Ewe	150
Ram	170
Goat	
Kid: 0-10 mo.	45 (5-85)
Doe	125
Buck	170
Horse	
Foal: 0-6 mo.	325 (125-625)
Yearling	750 (625-875)
Non-draft breeds: mature	1,000
Draft breeds: mature	1,700

Section 1618. Vacation Farms.

A. Bed and Breakfast Establishments

1. A maximum of six (6) rental units shall be provided, no more than three (3) adults may occupy one rental unit and no more than twelve (12) guests total may occupy the facility at one (1) point in time.
2. One (1) off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
3. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of four (4) square feet on each of the two (2) sides and with a maximum height of eight (8) feet. The sign shall be no closer than twenty (20) feet to any side lot line. The sign shall require a zoning permit.
4. The bed and breakfast shall have a residential appearance and character.
5. The bed and breakfast shall be operated by a permanent resident of the lot.
6. There shall not be separate cooking facilities in any guest room.
7. Food shall only be served to guests who are staying overnight.
8. No guest shall stay for more than fourteen (14) days in any month.
9. No retail sales are permitted.
10. No sales of alcohol are permitted.
11. The Municipal Sewage Enforcement Officer must confirm if the sewage facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Municipal Zoning Hearing Board.
12. The Municipal Road Master and the Municipal Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Municipal driveway permit (or PennDOT HOP permit if applicable) needs to accompany the application to the Zoning Hearing Board.

13. The Municipal Road Master and Municipal Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning, and/or building permits.

B. Vacation Farms

1. Vacation Farms are engaged primarily in agricultural production as defined, and are regulated by General agricultural standards within Section 456 of this Ordinance.

2. No intensive agricultural activities shall be permitted.

3. All grazing and pasture areas shall be completely enclosed by a fence, when in use.

4. No spent mushroom compost areas, manure storage areas, and/or slaughter areas shall be established.

5. The minimum size of a vacation farm shall be ten (10) acres and still engaged in agricultural production.

6. No farm building housing livestock shall be erected within one hundred (100) feet of a lot line.

7. A maximum of six (6) rental units shall be provided; no more than three (3) adults may occupy one (1) rental unit; and no more than twelve (12) guests total may occupy the facility at one point in time.

8. One (1) off-street parking space shall be provided for each rental unit. The off-street parking spaces for the vacation farm shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

9. There shall not be any signs, show windows, or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of four (4) square feet on each of the two (2) sides and with a maximum height of eight (8) feet. The sign shall be no closer than twenty (20) feet from any side lot line. The sign shall require a zoning permit.

10. The vacation farm shall have an agricultural appearance and character.

11. The vacation farm shall be operated by permanent residents of the property.

12. There shall not be separate cooking facilities in any guest room.

13. Food shall only be served to guests who are staying overnight, unless a restaurant has also been permitted by the Zoning Hearing Board.

14. Retail sales are permitted, but limited to items commonly found at a farm stand regulated by Section 456 and/or all items containing information and/or logos on clothing, apparel, and household goods.

15. No sales of alcohol are permitted.

16. The Municipal Sewage Enforcement Officer must confirm if the Sewage Facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Zoning Hearing Board.

17. The Municipal Road Master and the Municipal Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Municipal Driveway Permit (or PennDOT HOP Permits if applicable) needs to accompany the application to the Zoning Hearing Board.

18. The Municipal Road Master and Municipal Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning, and/or building permits.

Section 1619. Farm Labor Housing.

A. Farm Labor Housing is permitted in the EAP and A-P Zoning Districts by right and the R-1 and R-2 Zoning District by special exception.

B. Farm Labor Housing is that type of housing as defined in Section 201 of this Ordinance.

C. Farm Labor Housing shall be either a single-wide or double-wide manufactured home and shall be located within three hundred (300) feet of the dwelling unit of the farm operator or the owner of the farm. It is the intent of this subsection to not allow the placement of Farm Labor Housing on any vacant parcel and to require said placement to be on a parcel containing the residence of the operator or owner of the farm operation.

D. A Farm Labor House shall house no more than the number of occupants allowed by the definition of "Family" in Section 201 of this Ordinance.

E. One (1) Farm Labor House may be erected for every contiguous twenty-five (25) acres under the ownership on which the farm activities take place.

F. Farm Labor Houses shall not be placed on their own lots, but must meet any side and rear set backs of the underlying zoning district. The Farm Labor Houses shall be set back a distance that is at least equal to the front yard set back of any existing farm dwelling.

G. If more than one (1) Farm Labor House is allowed they may be clustered to within twenty-five (25) feet of each other.

H. The applicant shall provide evidence that the proposed method of sewage disposal and water supply meets all local and state requirements.

I. Two (2) on-site off-street parking spaces shall be provided for each Farm Labor House.

J. The dwelling shall be occupied at least thirty (30) days a year by at least one person who is employed on the farm where the dwelling is located. If this condition is not satisfied, then the manufactured home shall be removed within ninety (90) days.

K. Upon the proper installation of the dwelling, the Zoning Officer shall issue a zoning and use permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by the Governing Body shall be paid by the landowner each renewal of the temporary zoning and use permit.

Section 1620. through 1624. (Reserved)

Section 1625. Group Home.

A. Group Homes, as defined in this Ordinance, and where permitted, as a Special Exception shall meet certain standards as described within this and other sections of this Ordinance.

B. A Group Home shall not include "treatment centers" or "methadone treatment centers" as defined in this Ordinance.

C. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use. The only physical changes to the

dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in the zoning district.

D. A Group Home shall function as a common household unit. A Group Home shall meet the restrictions in this ordinance's definition of family for the maximum number of unrelated persons, except that up to two (2) paid professional staff may reside in the Group Home, but they shall not count towards such maximum number.

E. Any medical or counseling services shall be limited to a maximum of three (3) nonresidents per day.

F. The Group Home shall have adequate staff supervision for the number and type of residents.

G. Although live-in supervision is not required, the sponsoring social service agency shall document to the Zoning Hearing Board that the agency shall provide the residents of the Group Home with the physical safety and the emotional support they require. Because residents of a Group Home are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the Group Home.

H. A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the Group Home.

I. At least one (1) supervisor shall be on call during all hours during which any resident of the Group Home is on the premises.

J. The Group Home shall provide, in writing, its location, general type of treatment/care, maximum number of residents and sponsoring agency to the Zoning Hearing Board.

K. The applicant shall provide evidence of any applicable federal, state, or county licensing or certification held or applied for to the Zoning Hearing Board.

L. A site plan and architectural plans, drawn to scale, shall be submitted to the Zoning Hearing Board. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and the square footage of each room and storage space, and shall indicate the intended use of each room.

M. No Group Home shall be located within eight hundred (800) feet of another Group Home, institution, school, Adult Day Care Home, or Adult Day Care Center.

N. The premises at which the Group Home is located shall be owned or leased by the social service agency sponsoring the Group Home.

O. The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical, and similar systems meet the standards set by the Municipality and by the Commonwealth of Pennsylvania.

P. A minimum of one (1) off-street parking space shall be provided per on-site employee, plus one (1) space for every two (2) residents of a type reasonably expected to be able to drive a vehicle.

Section 1626. Adult Day-Care Facilities.

A. ***Adult Day-Care Facility*** - Any premises operated for profit, or not for profit, in which older adult daily living services, as defined herein, are simultaneously provided for four (4) or more adults

who are not relatives of the operator. The following types of adult day-care facilities are regulated by this section.

1. ***Adult Day-Care Home*** - Any adult day-care facility in which services are provided to between four (4) and eight (8) adults and where the day-care areas are being used as a family residence.

2. ***Adult Day-Care Center***- Any adult day-care facility in which services are provided to eight or more adults and where the day-care areas are not being used as a family residence.

B. The following apply to Adult Day-Care Homes and Adult Day-Care Centers:

1. Adult day-care centers and homes must be registered with the Pennsylvania Department of Aging and must demonstrate compliance with all applicable regulations for such facilities.

2. One off-street parking space shall be provided for each employee and one safe passenger unloading space measuring ten by twenty (10 x 20) feet for each five (5) clients the center or home is licensed to accommodate.

3. Any sign shall comply with the regulations applicable to the district in which the center or home is located.

4. All other applicable requirements of this section and any Building Code, Fire Code, or other applicable municipal and state ordinances shall be met.

Section 1627. Child Day-Care Facilities.

A. The following types of child day-care facilities are regulated by this section.

1. ***Day-Care Center*** A facility in which care is provided for part of a 24-hour day for seven (7) or more children at any one time, where the child-care areas are not being used as a family residence.

2. ***Family Day-Care Home*** – Any premise other than the child's own home in which child day care is provided for part of a 24-hour day at any one time to four (4), five (5) or six (6) children, and where the child-care areas are being used as a family residence.

3. ***Group Day-Care Home*** – A facility in which care is provided for part of a 24-hour day for more than seven (7) but fewer than twelve (12) children at any one time where the child-care areas are being used as a family residence.

B. Child Day Care Facilities shall have all licenses and approval from the Commonwealth of Pennsylvania.

C. When allowed by Special Exception the Zoning Hearing Board shall determine whether the use will be detrimental to the surrounding area and the design of any structures erected in connection with such use shall be in keeping with the general character of the area, and such lot shall meet the requirements of the Zoning District in which it is located.

D. A minimum of five hundred (500) square feet of habitable floor area exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas must be maintained on the premises.

E. In the Townships, one off-street parking space shall be provided for each employee and one safe passenger unloading space measuring ten by twenty (10 x 20) feet for each ten (10) children that the center is licensed to accommodate.

F. When an off-premises play area is utilized, it must be located within five hundred (500) feet and be safely accessible without crossing (at grade) any arterial street or other hazardous area.

G. The requisite outdoor play area shall be surrounded by a four (4) foot high safety fence or natural barrier impenetrable by children or small animals.

H. Outdoor play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

I. No portion of the outdoor play area shall be located less than one hundred (100) feet from an existing occupied dwelling without the owner's written consent.

J. Any sign shall comply with the regulations applicable to the zoning district in which the center is located.

K. In any residential district, no day-care center in a freestanding building shall be located within 500 feet of any other freestanding day-care center, private nursery or kindergarten. Day-care centers in schools or places of worship are exempt from this requirement.

L. All other applicable requirements of this section and any Building Code, Fire Code, or other applicable municipal and state ordinances shall be met.

Section 1628. Hospitals and Healthcare Facilities; Healthcare Services.

A. It is the specific intent of this section to:

1. Ensure that hospitals and healthcare facilities, and healthcare services as defined in this Ordinance are suitably designed and sited so as to protect the character of adjacent neighborhoods

2. Ensure that hospitals and healthcare facilities, and healthcare services will be adequately served by public facilities and services

B. Hospitals

1. Minimum Lot Area: five (5) acres.

2. The subject property shall have frontage along an arterial or collector road.

3. The applicant shall submit a traffic impact study per the ESRP SALDO.

4. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.

5. Emergency entrances shall be located on a building wall which faces away from adjoining residential zoned properties or separated by at least 300 feet from residentially zoned properties.

6. A public water supply and a public sewerage system are required.

7. Adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste.

8. Where more than one (1) of the permitted uses enumerated below are proposed, either at one (1) time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment:

a. Commercial day-care facilities for children of the hospital staff.

b. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.

c. Health and fitness equipment for staff and patients.

d. Hospices.

e. Intermediate care and skilled nursing facilities.

f. Medical and dental offices.

g. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.

h. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:

i. Administrative offices.

ii. Automobile parking lots and parking garages.

iii. Housing for students, employees and their families in accordance with the underlying Zoning District.

iv. Helistop, per subsection 1628.B.9.a below.

v. Customary accessory uses such as cafeterias, gift shops, newsstands, other small retail operations, intended primarily for the occupants' visitors and employee's hospital. If any of these accessory uses are housed in a separate building, this must meet the dimensional regulations of the zoning district in which it is located.

9. Additional accessory use regulations:

a. Helistops – The helistop shall only be used for the emergency transport by helicopter or patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable state and federal standards.

b. Hospital waste – Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. All storage of waste shall be in a manner that is leak-and-vector-proof. No storage of waste shall exceed seven (7) days in length. Incineration of hospital waste is prohibited on-site. The applicant must demonstrate compliance with all applicable state and federal standards and regulations.

10. Maximum permitted height: sixty (60) feet for hospitals, provided all structures are set back a horizontal distances equal to their height from each property line and street right-of-way line and thirty-five (35) feet for all other uses.

C. Healthcare Facilities

1. Healthcare Facilities are as defined within this Ordinance.

2. Healthcare facilities shall be served by a public water supply and public sewerage system.

3. A traffic study shall be performed in compliance with Section ESRP SALDO.

4. The following shall apply to Healthcare facilities:

a. Minimum Lot Area: Ten (10) acres

b. Minimum Lot Width: Five hundred (500) feet

c. Minimum Front Yard setback: One hundred (100) feet

d. Minimum separation between buildings: Thirty (30) feet

e. Minimum setback from side or rear lot lines: Fifty (50) feet

5. Customary accessory uses such as cafeterias, gift shops, newsstands, other small retail operations, intended primarily for the occupants, visitors, and employees of the Healthcare Facilities as well as child day care centers for the children of staff personnel are allowed. The accessory uses shall meet the dimensional regulations of Healthcare Facilities.

6. Buffer yards shall be established along boundaries with residential districts or uses and along streets per the ESRP SALDO.

7. Parking

a. One (1) off-street parking space for every three (3) patient beds.

b. One (1) off-street parking space for every one point two (1.2) employees and staff members.

D. Healthcare Services

1. Healthcare Services shall be served by a public water supply and a public sewerage system.

2. A traffic study shall be performed in compliance with the ESRP SALDO.

3. Dimensional requirements

a. Minimum Lot Area: Two (2) acres

b. Minimum Lot Width: Two hundred (200) feet

c. Minimum Front Yard: Seventy-five (75) feet

d. Minimum separation between buildings: Thirty (30) feet

e. Minimum setback from side or rear lot lines: Fifty (50) feet

4. Buffer yards shall be established along boundaries with residential districts or uses and along streets per the ESRP SALDO.

5. Parking - One (1) off-street parking space for every one point two (1.2) employees and staff members.

Section 1629. Treatment Center; Methadone Treatment Center.

A. For purposes of this section a "Treatment Center" is as defined in this Ordinance.

1. The applicant shall provide a written description of all types of persons intended to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.

2. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervisions and security measures to protect public safety.

3. The Zoning Hearing Board may place conditions upon the use to protect public safety such as conditions on the types of residents and security measures.

B. This section of the ordinance regulates the location of Methadone Treatment Centers in certain locations in the ESRP Region:

1. Notwithstanding any other provision of law to the contrary and except as provided in subsection 1629.B.2, a methadone treatment facility shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

2. The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within five hundred (500) feet of an existing school, public playground, public park, residential housing area, childcare facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

C. Notwithstanding subsection 1629.B.1, a methadone treatment facility may be established and operated closer than five hundred (500) feet to an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the governing body for the municipality in which the proposed methadone treatment facility is to be located votes in favor of the issuance of an occupancy permit or certificate of use for said facility at such a location. At least fourteen (14) days prior to the governing body of a municipality voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet to a school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one (1) or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice. All owners of real property located within five hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to said public hearings occurring.

D. This section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.

E. As used in this section, the term “methadone treatment facility” shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

Section 1630. Places of Worship, Cemeteries.

A. ***Church/Places of Worship.*** Places of worship may be permitted in specific zoning districts by special exception, provided that the following standards and those in Section 1802 are met as well as any other requirements of this Ordinance or those as deemed necessary by the Zoning Hearing Board.

1. The proposed use is a bona fide nonprofit religious use.

2. The intended use in the proposed location will not adversely affect the comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structure to be erected in connection with such use is in keeping with the general character of the area; and that sufficient landscaping, including

trees, shrubs and lawn are provided to appropriately buffer these from adjoining properties and to ensure an attractive appearance for the use.

3. Church-related (Place of Worship) residences (rectories and convents).

   a. All residents' uses shall be accessory and located upon the same lot or directly adjacent to a lot containing a Place of Worship.

   b. All residents' uses shall be governed by the location and bulk standards imposed upon other residences within the underlying zoning districts.

4. Church-related educational or day-care facilities.

   a. All educational or day-care users shall be accessory and located upon the same lot as a Place of Worship.

   b. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas, unless the applicant can demonstrate that such parking lots are not in use during play periods. Outdoor play areas shall not be located within the front yard and must be set back ten (10) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).

   c. "Enrollment" shall be defined as the largest number of persons under day-care supervision at any one time during a seven (7) day period.

   d. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on adjacent to the site.

   e. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.

5. Parking requirements: Section 1509 of this Ordinance. Unless the applicant can demonstrate that the off-street parking associated with the Place of Worship is sufficient for the proposed use of a church-related education or day-care facility, one (1) off-street parking space shall be provided for each six (6) persons enrolled.

B. ***Cemeteries***. Cemeteries shall be permitted as a special exception in specific zoning districts provided that the following standards and those in Section 1802 are met as well as any other requirements of these Ordinance or those as deemed necessary by the Zoning Hearing Board.

1. The minimum lot size for this use shall be two (2) acres which may be the same lot as an allowed Place of Worship.

2. Cemeteries may include mausoleums, crypts, and tombs above and below ground level.

3. A fence of no less than six (6) feet in height shall be placed around the entire perimeter of any cemetery.

4. An evergreen landscaped buffer no less than six (6) feet in height shall be placed inside of the perimeter fence of the entire cemetery.

5. A crematorium, where allowed, shall be set back a minimum of two hundred and fifty (250) feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

6. All structures and graves shall be set back a minimum of thirty (30) feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, twenty (20) feet from

the future right-of-way of any public street, and ten (10) feet from the cartway of an internal driveway or any other lot line.

7. No gravesites shall be located within the one-hundred-year floodplain.

8. The applicant shall prove to the satisfaction of the Zoning Hearing Board, based upon review by the Municipal Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

Section 1631. Schools.

A. Schools and colleges, as defined in this Ordinance, are subject to the following:

1. Facilities which are subject to licensing by the commonwealth shall show evidence of the license and the continued certification of the license.

2. All property boundaries shall be screened as required by the ESRP SALDO.

3. No storage of equipment or material shall be permitted outside a structure.

4. All lights shall be shielded and reflected away from adjoining property.

5. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

6. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

7. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 1511 of this Ordinance. In addition passenger "drop off" and "pickup" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

8. Swimming pools shall be subject to the provisions of this Ordinance.

9. When dormitories are proposed the following shall apply:

a. This use shall be limited to full-time students, faculty or staff of an accredited college, university, nursing school, medical training program, or teaching hospital.

b. The building shall be set back a minimum of eighty (80) feet from any existing single-family detached dwelling or single-family semidetached (twin) dwelling that is not owned by the institution providing such dormitory.

c. A dormitory shall include a maximum of one cooking area for every twenty (20) students.

10. As defined in this ordinance, Public; Private; Parochial; Day; Boarding; and Business, Trade, or Vocational Schools shall provide an outdoor area reserved for recreation at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor recreation areas. Outdoor recreation areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor recreation areas shall be completely enclosed by a minimum (4) four-foot-high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor recreation area shall not be a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade, such as a shade tree(s) or pavilion(s); "enrollment" shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

Section 1632. Short Term Rental Units.

The following regulations shall apply to a Short Term Rental Unit (the word "Owner" shall mean the record owner, occupier, or person having control over the property on which the Short Term Rental Unit is located).

A. The Owner shall obtain a municipal permit prior to renting or leasing the Short Term Rental Unit, which may set occupancy limits or parking restrictions taking into consideration the size and location of the Short Term Rental Unit;

B. The Owner shall provide a municipal official with an emergency contact number where they can be contacted at any hour of the day or night at the time of permit application, and shall keep said information up-to-date;

C. There shall be the greater of either one off-street parking space available for each vehicle used by a renter or lessee of the Short Term Rental Unit or two parking spaces per sleeping room (bedroom);

D. The Owner shall post in a conspicuous location inside the Short Term Rental Unit the Owner's name, the manager's name if applicable, and up-to-date emergency contact information for the Owner/manager, the maximum number of guests permitted at any one time per municipal regulations or requirements; the maximum number of vehicles permitted and all applicable parking restrictions; and the trash pick-up day.

E. The exterior portions of the property hosting the Short Term Rental Unit shall be kept free of trash and debris;

F. The permit is subject to revocation if there are more than three (3) bona fide complaints about noise or disruptive behavior to the peace and quiet enjoyment of the neighborhood within any 6-month span, or three (3) bona fide violations of any of the regulations of this Section in any 6-month span;

G. No weddings, receptions or other special events shall be permitted in the Short Term Rental Unit in a manner that would exceed the occupancy limits set in any permit;

H. If the Owner resides more than 10 miles outside of the host municipality, he/she shall appoint a person as manager of the Short Term Rental Unit who does reside within 10 miles of the host municipality, and said manager must sign the permit application acknowledging acceptance of responsibility and liability for all violations of municipal ordinances at the Short Term Rental Unit.

I. All Short Term renal owners and/or agents must provide a State or Federal issued identification or driver's license, with photo,

Section 1633. through 1639. (Reserved)

Section 1640. Office/Commercial Center.

An office/commercial center is a planned development of office and related uses with some accessory commercial uses intended primarily to serve employees of the offices. These developments shall include improvements for internal streets, coordinated utilities, landscaping, and buffering.

A. Individual uses may be located in detached and attached structures.

B. Dimensional Requirements.

1. Minimum Site Regulations:

a.	Minimum Site Area:	8 acres
b.	Minimum Site Width:	300 feet
c.	Minimum Setbacks:	100 feet (from site boundaries)

2. Minimum Lot Area Regulations:

a.	Minimum Lot Area:	1 acre
b.	Minimum Lot Width:	100 feet
c.	Minimum Front Yard:	50 feet
d.	Minimum Side Yard:	20 feet, (50 feet for corner side yards)
e.	Minimum Rear Yard:	30 feet

3. Maximum Regulations

a.	Maximum Building Height:	40 feet
b.	Maximum Impervious Surface:	80%
c.	Minimum Building Spacing:	35 feet

C. Permitted Uses.

1. Healthcare Services, subject to Section 1628 subsection D.
2. Offices for Commercial Business/Serving or Professional Services.
3. Commercial School or Technical School, subject to Section 1631.
4. Child Daycare Center, subject to Section 1627.
5. Banks and Financial Establishments
6. Restaurants, General, Take-out and Fast food, subject to Section 1649.
7. Fitness/Health Centers
8. Hotel, subject to Section 1648.

D. At least twenty percent (20%) of the total floor space of the center shall be utilized for office uses.

E. Accessory outside storage or display of materials, goods, or refuse is not permitted within a center.

F. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

G. The buffer requirements of the ESRP SALDO shall be met.

H. All parking and loading facilities shall be located to the rear or side of buildings.

I. Interior roadways shall have street trees as required in the ESRP SALDO.

J. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act or other ownership arrangement reviewed by the Municipal Solicitor.

K. Parking:

1. Office: one (1) off-street parking space for each three hundred (300) square feet of gross floor area. Parking areas must be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

2. Commercial and retail uses: four (4) off-street parking spaces shall be provided and maintained for each one thousand (1,000) square feet of gross leasable area.

L. Conditional Reduction of Parking Improvements. Refer to Section 1509 of this Ordinance.

Section 1641. Shopping Centers.

A. Shopping centers shall be in single ownership and under a guaranteed unified management control.

B. Permitted Principal uses:

1. The sales of goods at retail.

2. Personal services.

3. Services incidental to retail sales.

4. Restaurants.

5. Banks and financial institutions.

C. Area and Bulk Regulations:

1. Lot Size: The area for development shall be a minimum of ten (10) acres.

2. Impervious Coverage: Eighty percent (80%) maximum.

3. Building height: three (3) stories or thirty-five (35) feet maximum.

4. Building setback: 100 feet minimum.

5. Side Yard building setback: 50 feet minimum each side.

6. Rear Yard building setback: 50 feet minimum.

D. Parking Regulations:

1. Parking areas are for transient auto vehicles, but not for the storage of new or used motor vehicles for sale. Temporary use is permitted for car dealers during special sales or shows no longer than five (5) consecutive days in any six (6) month period and said use is subject to Section 1902.D.

2. Off-street parking shall be provided on the premises at a ratio of one (1) parking space per two hundred (200) square feet of gross floor area.

3. Parking shall be permitted in the areas required for front, side, and rear yard setbacks up to a point of twenty-five (25) feet from any front, side, or rear lot line of the shopping center.

4. All parking areas shall be suitably paved with all weather surface coverings.

E. Interior Circulation:

1. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

2. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

F. Lighting:

1. Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

2. Lighting shall meet the standards of the ESRP SALDO.

G. Shopping Cart Storage:

1. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage area shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

H. Screening:

1. All side and rear lot lines abutting a residential district shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet and a maximum height of six (6) feet.

2. If trees, evergreen hedges or other types of year-round plant are used, a landscaped area shall be provided at least five (5) feet in width along the entire interior lot lines.

I. Storage of Trash or Rubbish:

1. Storage areas for trash and rubbish shall meet the requirements of Section 1505 of this Ordinance.

J. Outdoor displays shall meet the requirements of Section 1551 of this Ordinance.

K. Signs:

1. Signs shall conform to Section 1507 of this Ordinance.

L. Access and Traffic Controls:

1. All means of ingress and egress from the shopping center to a public street or State highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner.

2. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes which may be required by PennDOT or the Governing Body.

M. Sewage and Drainage:

1. All shopping centers shall be required to connect to a public or community sewerage system and a public or community water supply.

2. A storm runoff and drainage system shall be installed consistent with sound engineering practices and shall meet the ESRP SALDO.

N. Design Standards

1. Maximum building height shall be thirty-five (35) feet.

2. Maximum horizontal dimension of any building shall not exceed eight hundred (800) feet.

3. Any uninterrupted building façade that exceeds two hundred fifty (250) feet in length shall be varied by methods such as building wall offsets and varying the pitch and height of the roofline.

O. Satellite use regulations

1. Satellite use buildings shall not exceed twenty percent (20%) of the building coverage of a shopping center.

2. Each satellite use building shall be located at least one hundred (100) feet from the primary building(s).

3. Only one (1) permitted principal use is permitted in each satellite use building.

4. Gross floor area of each satellite use building shall not exceed ten thousand (10,000) square feet.

5. Vehicular access to satellite uses shall be from interior driveways only, with no independent driveway access to exterior streets.

6. Parking capacity for satellite uses shall be included in the total capacity required in subsection 1641.D. above; however, sufficient parking for the satellite use shall be located convenient to the satellite use.

7. Areas for satellite uses shall be integrated into the initial overall design of the development.

Section 1642. Supermarket; Grocery Store; Specialty Grocery Store; Convenience Store.

A. Supermarket

B. Grocery Store

C. Specialty Grocery Store

D. Convenience Store

1. A Convenience Store is a business which specializes in the rental sales and/or retail of household products and foods. Convenience Stores may also include any of the following provided that each use has obtained the necessary approvals and that they operate as an accessory use to the Convenience Store:

a. Retail sales or rental of books, magazines, videos, software, and video games provided that adult-related uses are expressly prohibited.

b. Take-out or Fast-food Restaurants provided that rest rooms are made available to the public.

c. Amusement devices to a maximum of two (2).

d. Automatic bank teller machines.

e. Photomats and film development drop-off sites.

f. Lottery sales counters and machines.

g. Propane fuel sales within no larger than twenty (20) pound tanks, which must be stored outside of the building, but within a locked enclosure at all times.

h. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and

other auto-related items.

i. Car washes, subject to the requirements of Section 1644 of this Zoning Ordinance.

2. Lot Area: one (1) acre.

3. Lot Width: One hundred and twenty five (125) feet.

4. Impervious Coverage: ninety percent (90%) maximum.

5. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this chapter.

6. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the store.

7. Ingress, egress and traffic circulation on the site shall be designed to minimize hazards and congestion.

8. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

9. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, Day-Care Facility, playground, library, hospital, or Healthcare Facility.

10. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one-hundred (100) feet from one another, if located along the same frontage as measured from edge to edge.

11. All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least twenty-five (25) feet from any street right-of-way line and not less than fifty (50) feet to a side or rear lot line.

12. There shall be an ability for a minimum of three (3) vehicles to be serviced at each cluster of gasoline pumps without obstruction of access driveways from public streets.

13. All ventilation equipment associated with fuel storage tanks shall be set back one-hundred (100) feet and oriented away from any adjoining residential, commercial, or institutional properties.

14. Any drive-through facilities shall be located so that the on-site movement of vehicles will not be hampered by those cars using said facilities. Drive-through facilities and canopies are subject to Section 1509.

15. A minimum of one (1) parking space for each seventy five (75) square feet of gross floor area shall be provided.

16. Loading areas are required and subject to Section 1508.

17. All property boundaries shall be screened as required by the ESRP SALDO.

18. All lighting shall be shielded and reflected away from streets and adjoining properties.

19. All sales and/or storage or display of all merchandise, including seasonal items such as bagged wood chips, peat moss, rock salt, flowers, etc., shall be conducted within a completely enclosed building.

20. Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter and the applicant shall furnish and continuously implement a working plan for the cleanup of litter and debris.

21. The applicant is required to demonstrate compliance with all applicable state requirements imposed upon the proposed upon the proposed use.

Section 1643. Outdoor Flea and Antique Markets; Outdoor Farmer and Produce Markets.

A. Outdoor flea and antique markets and outdoor farmer and produce markets shall comply with the following:

1. It is the intent of this section to allow for areas of the ESRP Region to have regulated outdoor sales of items associated with flea markets, the antique trade, and farmers produce items in an indoor and outdoor setting.
2. The duration of sales shall not exceed three (3) days within a seven (7) day time period.
3. Such uses may also take place within any enclosed buildings, however, sales within these buildings must not exceed three (3) days per week. Any indoor or outdoor sales in any consecutive seven (7) day period shall occur coincidentally.
4. All retail sales areas shall be set back at least fifty (50) feet from all property lines.
5. The indoor sale of merchandise and products shall take place between the hours of 6:00 a.m. and 10:00 p.m. Outdoor sales set up may begin no earlier than 4:00 a.m. and shall conclude by the official sunset for that particular day.
6. There shall be no lighting of the property which produces glare on adjacent properties.
7. There shall be no more than two (2) signs, which shall not exceed three (3) square feet, and shall only be located only on the premises and shall not be illuminated advertising the markets.
8. Off-street parking areas shall be provided based on one (1) space for each two hundred (200) square feet of retail sales area. The retail sales area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sale shall include all indoor and/or outdoor areas as listed above;
9. The person responsible for the markets shall ensure proper parking and ingress and egress circulation patterns so as to avoid impeding the flow of traffic on adjacent streets.
10. Adequate sewage disposal facilities shall be provided for all customers and vendors. Proof must be provided that said facilities meet PA DEP requirements.
11. There shall be no overnight parking allowed.
12. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
13. When applying for a special exception, the applicant shall submit a plan showing compliance with all applicable conditions of this section.

B. Application Procedure. The markets in this section shall be subject to the following application and approval process:

1. The applicant shall demonstrate compliance with the requirements of this chapter and shall request a special exception from the Zoning Hearing Board.
2. If a special exception is granted, the applicant shall apply for a zoning permit from the Zoning Officer.

3. The Zoning Officer shall review the application for compliance with this section and any conditions imposed by the Zoning Hearing Board, visit the facility if deemed necessary, and approve or deny the application for the Zoning Permit.

Section 1644. Car and Vehicle Washing Facility.

A. The facility shall be connected to a public sewerage system and shall have all required approvals from PA DEP.

B. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.

C. Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.

D. All automated washing facilities shall be in a completely enclosed building. All other car-washing facilities shall be under a roofed structure which has at least two (2) walls.

E. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

F. Water from the car wash operation shall not flow onto adjoining properties or onto sidewalks or streets in such a manner as could cause ice hazards.

G. Any car wash that is located within two hundred and fifty (250) feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

H. No portion of a car wash shall be located within one hundred (100) feet from the center line of a perennial waterway.

I. No structure shall be located less than twenty-five (25) feet from any lot line.

J. An approach drive or parking area to accommodate a minimum of five (5) cars in tandem, with a total length of one hundred (100) feet per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars in tandem, with a total length of one hundred and fifty (150) feet.

Section 1645. Automobile Service Station.

A. Automobile Service Stations are those facilities performing "Minor Repair" and "Major Repairs" as defined in Section 201 of this Ordinance and are regulated accordingly.

B. Minor Repair

1. All activities as allowed as a Minor Repair facility shall be performed within a building except those customarily performed at air or fuel pumps. Spray painting or body or fender work is prohibited as part of a Minor Repair facility.

2. Fuel pumps shall be at least twenty-five (25) feet from the existing street right-of-way.

3. An individual junk vehicle (as defined in this Ordinance) shall not be stored within view of a public street or a dwelling for more than a total of twenty (20) days. No more than three junk vehicles shall be stored on the lot outside of an enclosed building at any time.

4. Overnight outdoor storage of junk and vehicle parts, other than permitted whole junk vehicles, shall be prohibited within view of a public street or dwelling.

5. There shall be an ability for a minimum of three (3) vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced without obstruction of access into or out of the driveways from public streets.

6. A use that is primarily intended to serve trucks with three or more axles or tractor-trailer trucks shall have a minimum lot area of one acre and all areas used for fueling and servicing shall be set back a minimum of one hundred (100) feet from all residential lot lines.

7. No building, structure, fuel pump, or fuel storage tank shall be less than fifty (50) feet to a lot line.

8. All refuse shall be stored within an enclosed building or an enclosed area.

9. The handling and disposal of motor oil, battery acid, and any other substance regulated by federal statute and the Pennsylvania Department of Environmental protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of this Ordinance.

10. Parking: one (1) off-street parking space for every three hundred (300) square feet of gross floor area, or two (2) off-street parking spaces for each service bay, whichever is larger, plus one (1) space for each employee shall be provided. Off-street parking spaces are not to be a part of, nor interfere with, the access ways to and from the pumps.

C. Major Repair

1. All major repair, welding, and paintwork shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent dwellings.

2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, glare, or electrical interference nuisances to adjacent lots.

3. Outdoor storage of motor vehicles shall not be within a buffer yard or planting strip area nor closer than ten (10) feet from a residential lot line.

4. Overnight outdoor storage of junk, other than permitted vehicles, shall be prohibited within view of a public street or an adjacent dwelling.

5. An individual junk vehicle shall not be stored within view of a public street or a dwelling for a total of more than twenty (20) days. A maximum of six (6) junk vehicles may be parked on a lot outside of an enclosed building at any one time unless screened from view by evergreen plants.

6. Whenever practical in the determination of the Zoning Officer, service bay doors shall not face directly towards an abutting dwelling (other than a dwelling separated from the repair garage by a street).

7. A use that is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of one (1) acre and all areas used for repairs, fueling, and serving of such vehicles shall be set back a minimum of one-hundred (100) feet from a residential lot line.

8. The handling and disposal of motor oil, battery acid, and any other substance regulated by federal statute and the Pennsylvania Department of Environmental protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of this Ordinance.

D. Car and Vehicle Washing Facilities as a Service by Minor Repair and Major Repair Automobile Service Station

1. Car and Vehicle Washing Facilities is a service permitted by a Minor Repair and Major Repair Automobile Service Station.

2. Where permitted by the zoning district in which the facility is to be located, the facility shall meet the standards of Section 1552 of this Ordinance.

Section 1646. Vehicular and Mobile Home Sales, Rentals and Display; Heavy Equipment Sales, Service and/or Repair Facilities.

A. Vehicular and Mobile Home Sales, Rentals, and Display

1. Vehicles are those apparatuses as defined in Section 201 of this Ordinance which include, but are not limited to, automobiles, trucks, trailers, recreation vehicles, motorcycles, and boats but does not include "Trucks and Heavy Equipment Sales, Rental and Service Establishments" as defined in Section 201.

2. Mobile homes are those structures as defined in Section 201 of this Ordinance.

3. New and used vehicle sales and service establishments shall be limited to those establishments which are factory-authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

4. The regulation of the renting of vehicles does not include those uses directly associated with recreational areas such as canoe or boat rentals, golf carts, and bicycles.

5. The minimum lot area required shall be two (2) acres.

6. The property shall have frontage on and direct vehicular access to an arterial or collector street.

7. The area used for display of vehicles, mobile homes, and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete or asphalt over a base of crushed stone compacted to not less than six (6) inches in depth. Mobile home sales shall be required to install and maintain crushed stone compacted to not less than six (6) inches in all areas with concrete or asphalt paving optional at the owner's discretion.

8. The handling and disposal of motor oil, battery acid, and any other substance regulated by federal statute and the Pennsylvania Department of Environmental protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this Section and shall be subject to enforcement provisions of this Ordinance.

9. All lots used for the outdoor display of vehicles shall have at least one (1) completely enclosed building on the same lot which has not less than fifteen hundred (1,500) square feet of gross floor area where all repair, servicing, sales and customer car-washing shall be performed.

10. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.

11. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

12. All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.

13. No strings of lights or flags, flashers, or other display paraphernalia shall be permitted on the lot, on any of the structures or poles, or on merchandise displayed outdoors except for such signs as may be otherwise allowed by this Ordinance.

14. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

15. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six-foot (6) compact hedge or opaque fence.

16. All property boundaries shall be screened as required by the ESRP SALDO.

B. Truck and Heavy Equipment Sales, Service, and/or Repair Facility

1. Truck and heavy equipment are defined in Section 201 of this ordinance.

2. New and used vehicle and equipment sales and service establishments related to truck and heavy equipment shall be limited to those establishments which are factory-authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

3. The minimum lot area required shall be: two (2) acres.

4. The property shall have frontage on and direct vehicular access to an arterial or collector street.

5. The area used for display of trucks, heavy equipment and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete or asphalt over a base of crushed stone compacted to not less than six (6) inches in depth.

6. The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this Section and shall be subject to enforcement provisions of this Ordinance.

7. If allowed in the G-I Zoning District the outdoor display of vehicles and merchandise must meet Section 1505.B.3 of this Ordinance.

8. All lots used for the outdoor display of vehicles shall have at least one (1) completely enclosed building on the same lot, which has not less than two thousand (2,000) square feet of gross floor area, where all repair, servicing, sales and vehicle washing shall be performed.

9. No vehicle or other merchandise displayed outdoors shall be less than ten (10) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.

10. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

11. All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.

12. No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by this Ordinance.

13. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

14. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot compact hedge or opaque fence.

15. All property boundaries shall be screened as required by the ESRP SALDO.

Section 1647. Auction Houses; Automobile and Vehicle Auctions.

A. Auction House

1. Minimum Lot Area: Two (2) acres

2. Parking: one (1) space per 200 sq. ft of gross floor area

   a. No part of any required parking areas or access drives shall be used for any display, sales or customer seating/standing.

3. Lights shall meet the standards of Section 1506 and the ESRP SALDO.

4. Any outdoor or indoor public address system must meet the requirements of Section 1553.B. of this Ordinance.

5. No part of any outdoor auction sales shall be closer than one hundred (100) feet of any property line.

6. Access drives and parking are subject to Section 1509.

7. All required local, state, and federal licensing shall be made part of any municipal application for a Zoning Permit.

B. Automobile and Vehicle Auction

1. Minimum Lot Area: 10 acres

2. Parking (customer): one (1) space for each two hundred (200) square feet of sales area (indoor and outdoor) devoted to the auctioning of automobiles and vehicles (see subsection 1647.B.8.a below)

3. Lighting shall meet the standards of Section 1506 of this Ordinance and any requirements of the ESRP SALDO.

4. Any site used for the sale, parking and/or storage of more than one hundred and fifty (150) vehicles for auctions shall front solely upon collector or arterial roads.

5. All exterior areas used for the parking and/or storage of automobiles for auctions shall be subject to the zoning districts setback requirements and enclosed a six (6) foot high fence.

6. Access drive and parking areas for customers shall be governed by Section 1509. Beyond this, all areas used for vehicles sales; parking or storage shall include a non-paved, all-weather, dust-free surface.

7. Vehicles for auction may be parked and/or stored in a horizontally stacked configuration; however, no vehicle shall be located more than one-hundred (100) feet from a minimum eighteen (18) foot-wide- on-site access drive. Access drives, parking, and vehicle storage shall be part of the impervious coverage requirements of the zoning district in which it is located.

8. In addition to the preceding requirements, automobile and vehicle auctions shall comply with the following:

   a. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales area shall include all indoor and outdoor areas as listed above.

   b. Except for subsection 1647.B.8.g below, the retail sales area shall be set back at least one hundred (100) feet from all property lines.

   c. Any exterior, amplified public address system shall be arranged and designed so as to comply with Section 1553.B of this Ordinance.

   d. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

   e. The servicing, reconditioning, demolition, or junking of vehicles is prohibited.

   f. The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable state and federal regulations.

   g. No part of the auction shall be located within three hundred (300) feet of any land adjacent to a residential use. A traffic impact report shall be prepared in accordance with the ESRP SALDO.

Section 1648. Hotel; Motel; Bed and Breakfast.

A. Hotels

1. The following accessory uses may be approved as part of:

   a. Auditorium.

   b. Barber and beauty shops.

   c. Tavern or nightclub.

   d. Gift shop.

   e. Meeting facilities.

   f. Recreational uses and swimming pools.

   g. Restaurants, General. Health Club facilities for guests.

   h. Other similar retail sales and personal services.

2. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building;

3. One freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:

   a. The proposed restaurant, tavern, or nightclub shall offer the preparation and serving food and drink to be consumed on the premises; no drive-through or take out services shall be permitted.

   b. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.

   c. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering and hours of operation.

   d. Off-street parking spaces have been provided per Section 1511 and located to conveniently serve the freestanding restaurant, tavern, and/or nightclub, without interfering with required off-street parking associated with the hotel use.

4. The municipal Sewage Enforcement Officer must confirm if the sewage facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Municipal Zoning Hearing Board.

5. The municipal Road Master and the Municipal Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Municipal driveway permit (or PennDOT HOP permit if applicable) needs to accompany the application to the Zoning Hearing Board.

6. The Municipal Road Master and Municipal Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning and/or building permits.

B. Hotel and Motel

1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined in this Ordinance. Ingress, egress, and traffic circulation on the site shall be designed to ensure safety and minimize congestion and impact on local streets.

2. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

3. Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets.

4. Parking:

   a. Hotel: 1.5 spaces per rented room, plus one (1) per employee

   b. Motel: 1.5 spaces per rented room, plus one (1) per employee

   c. Accessory uses: Per Section 1511 or Zoning Hearing Board requirements

5. A connection to both a Public water supply and public sewerage system is required.

6. Site Requirements:

   a. Lot area: 2 acres

   b. Lot Width: 250 feet minimum

   c. Front yard: 50 feet minimum

   d. Side yard: 50 feet minimum

e. Rear yard: 50 feet minimum

f. Impervious Coverage: 60%

g. Max Height: 60 feet (hotel)
35 feet (motel)

h. No structure, except a permitted sign and parking areas, shall be nearer to any lot line than fifty (50) feet.

7. The municipal Sewage Enforcement Officer must confirm if the sewage facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Municipal Zoning Hearing Board.

8. The municipal Road Master and the Municipal Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Municipal driveway permit (or PennDOT HOP permit if applicable) needs to accompany the application to the Zoning Hearing Board.

9. The Municipal Road Master and Municipal Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning and/or building permits.

C. Bed and Breakfast Establishments

1. A maximum of no more than six (6) rental units shall be provided; no more than three (3) adults may occupy one rental unit; and no more than twelve (12) adult guests total may occupy the facility at one (1) point in time.

2. One (1) off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

3. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-internally illuminated sign with a maximum sign area of four (4) square feet on each of the two (2) sides and with a maximum height of eight (8) feet. The sign shall be no closer than twenty (20) feet to any side lot line. The sign shall require a zoning permit until 10 pm.

4. The bed and breakfast shall have a residential appearance and character.

5. The bed and breakfast shall be operated by a permanent resident of the lot.

6. There shall not be separate cooking facilities in any guest room.

7. Food shall only be served to guests who are staying overnight.

8. No guests shall stay for more than fourteen (14) days in a month.

9. No retail sales are permitted.

10. No sales of alcohol are permitted.

11. The municipal Sewage Enforcement Officer must confirm if the sewage facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Municipal Zoning Hearing Board.

12. The municipal Road Master and the Municipal Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Municipal driveway permit (or PennDOT HOP permit if applicable) needs to accompany the application to the Zoning Hearing Board.

13. The Municipal Road Master and Municipal Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning and/or building permits.

Section 1649. Restaurants.

A. Restaurants are those establishments defined in this Ordinance in Section 201.

B. Fast Food Restaurant

1. Minimum lot size: 40,000 square feet.

2. Minimum lot width: 150 feet.

3. Access requirements:

a. Such use must have direct access to a collector or arterial street.

b. There shall be only one point of ingress to the collector or arterial street. This may be accomplished in one of the following ways:

i. The ingress and egress are adjacent to each other with no physical separation. This arrangement must be at least twenty-four (24) feet wide and not more than thirty-six (36) feet wide.

ii. The ingress and egress are adjacent with a raised island separating the two. The island shall be more than ten (10) feet wide. Each driveway shall be at least fourteen (14) feet wide but not more than twenty-four (24) feet wide.

iii. The ingress and egress would be completely separated on the site. In this case, the driveways shall be at least one hundred (100) feet apart measured center line to center line. Each driveway shall be at least fourteen (14) feet wide, but not more than twenty-four (24) feet wide.

c. When this use is adjacent to, or on the same lot with, a group of commercial facilities, it shall use the common access with the other business establishments and not have a separate access to the abutting collector or arterial street.

d. The access driveway shall be located so as to allow for adequate acceleration and deceleration lanes.

e. The access shall be at least eighty (80) feet from any existing street intersection. The distance shall be measured from the street right-of-way to the edge of the access driveway.

f. A traffic impact analysis of the proposal shall be prepared by a traffic engineer or traffic planner when required by the municipality. The study shall identify existing traffic levels on the street, project traffic generated by the restaurant, identify potential problems created by restaurant generated traffic and propose solutions to control and provide safe access to and from the site and maintain an acceptable level of service on the frontage street.

4. Parking requirements

a. One off-street parking space for every two (2) seats, or three (3) off-street parking spaces for every one-hundred (100) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) additional space for each employee of the largest shift.

b. Parking areas shall be setback at least ten (10) feet from any side or rear lot line except when the buffer yard provisions require a greater distance.

c. At least two (2) parking space in close proximity to the entrance to the restaurant shall be reserved for the handicapped. These spaces shall be twelve point five (12.5) feet wide by twenty (20) feet deep.

d. Parking areas shall be paved and shall be subject to all applicable parking lot standards of Section 1509 and the ESRP SALDO

5. Where a drive-in or drive-through window is proposed, a stacking lane shall be provided to serve a minimum of ten (10) cars. The stacking lane shall not be used for parking lot circulation Aisles shall not in any way conflict with through circulation or parking. Drive-in and drive-through windows shall meet the requirements of Section 1509.

6. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant.

7. Service areas provided for delivery trucks shall be screened from the street and adjacent properties. In addition, the service areas shall be so located as not to conflict with patron traffic, either vehicular or pedestrian.

8. There shall be no outdoor storage other than trash which shall be within an enclosed area.

9. The entrance to the restaurant shall be designed to accommodate handicapped persons.

10. A maximum of two (2) outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of forty (40) square feet each if drive-through service is provided, and only if the words on such signs are not readable from beyond the lot line.

11. Lighting:

a. All portion of the parking area shall be adequately lighted during after-dark operating hours.

b. All light standards shall be located on the raised parking islands or planting areas and not on the parking surface.

c. The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.

12. Covered trash receptacles shall be provided outside the restaurant for patron use.

13. All exterior seating and/or play areas shall be enclosed by a minimum three (3) foot high fence.

C. General Restaurant

1. Parking requirements: one (10 per every two (20 seats or one (1) per fifth (50) sq. ft. of customer use, whichever is greater; and one (1) for each employee of the largest shift.

D. Take Out Restaurant

Section 1650. Regulations for Taverns; Nightclubs; Bottle Clubs; After Hours Clubs.

A. Taverns

1. For the purpose of this section, taverns are those facilities as defined in this Ordinance.

2. Taverns may include, but not be limited to, beer gardens, bars, barrooms, pubs, cocktail lounges, saloons, and taprooms. A nightclub, (as defined in this Ordinance) where entertainment is the primary use, shall not be classified in this definition.

3. Taverns shall hold a valid license for the premise in which the establishment is located.

4. All taverns (unless the establishment holds a EHF license) shall only operate between the hours of 7:00 a.m. and 2:30 a.m. the following day.

5. No tavern shall contain less than three hundred (300) square feet of usable floor area.

6. All taverns shall comply with all state and local codes regulating such establishments.

7. Taverns shall not include adult entertainment or adult business of any type.

8. Except in non-residential zoning districts where it is allowed, no tavern shall be located within five hundred (500) feet of another tavern or other PLCB licensed establishment.

9. Except in non-residential zoning districts no tavern shall be located within one thousand (1,000) feet of a school, church, playground, hospital, child day care facility or charitable institution.

10. Accessory Use Entertainment (as defined in this Ordinance) in Taverns shall be allowed subject to the following:

    a. Entertainment Accessory Use may be permitted as an accessory use to taverns in certain residential and commercial zoning districts provided that the use meets the following requirements:

        i. The tavern shall be a permitted, special exception or legal nonconforming use.

        ii. The tavern shall have no more than three (3) Accessory Use Entertainment performances per week (Monday thru Sunday) in any zoning district where it is allowed.

        iii. All Accessory Use Entertainment performances in taverns in residential districts where it is allowed shall begin no earlier than 7:00 a.m. and terminate no later than 12:00 a.m.

        iv. Accessory Use Entertainment performances in taverns in non-residential districts where it is allowed shall begin no earlier than 7:00 a.m. and terminate no later than 1 a.m. of the following day.

11. Parking: one (1) space for every thirty (30) sq. ft. of gross floor area.

B. Nightclubs

1. Nightclubs, as defined, may be permitted by Special Exception in certain zoning districts, provided that the following standards and those in Section 2002 are met as well as any requirements of this Ordinance or those set forth by the Zoning Hearing Board.

2. Except in a non-residential zoning district, no nightclub shall be located within five hundred (500) feet of another nightclub, tavern, or other PLCB licensed establishment.

3. Except in a non-residential zoning district, no nightclub shall be located within one thousand (1000) feet of a school, church, playground, hospital, child day care facility, or charitable institution.

4. All nightclubs shall hold a valid license for the premise in which the establishment is located.

5. All nightclubs shall only operate between the hours of 7:00 p.m. and 2:30 a.m. the following day.

6. No nightclub shall contain less than five hundred (500) square feet of usable floor area.

7. All nightclubs shall comply with all state and local codes regulating such establishments.

8. Parking: one (1) space for every twenty-five sq. ft. of net floor area.

C. Bottle Clubs

1. A bottle club shall be in accordance with and subject to the requirements and limitations provided in Title 18, PA Consolidated Statutes.

2. A site plan and architectural plans, drawn to scale, shall be submitted to the Zoning Hearing Board. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

3. A statement must be presented setting forth the full particulars of the use, including the hours of operation and any proposed entertainment and dancing.

4. The applicant must demonstrate that the proposed use in the intended location will not adversely affect the value, or the safe and comfortable enjoyment of property rights for adjacent property owners.

5. The club shall not be located within one-thousand (1000) feet of any school, church, day or residential care facility, municipal park, playground, recreation facility, adult business, game room, after hour's club, or other bottle club or five-hundred (500) feet to any tavern.

6. Parking requirements shall be met as set forth in this Ordinance.

7. Lighting requirements are per Section 1506.

8. Parking: one (1) for every one hundred (100) sq. ft. of gross floor area.

D. After-Hours Club

1. As a condition of any approval under this Section, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania statutes).

2. A site plan and architectural plans, drawn to scale, shall be submitted to the Zoning Hearing Board. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

3. A statement must be presented setting forth the full particulars of the use, including the hours of operation and any proposed entertainment and dancing.

4. The applicant must demonstrate that the proposes use in the intended location will not adversely affect the value, or the safe and comfortable enjoyment of property right for adjacent property owners.

5. The club shall not be located within on-thousand (1000) feet of any school, church, day or residential care facility, municipal park, playground, recreation facility, adult business, game room, bottle club, other after hours club, or five-hundred (500) feet to any tavern.

6. Parking requirements as set forth in this Ordinance.

7. Lighting requirements are per Section 1506.

Section 1651. through 1658. (Reserved)

Section 1659. Recreation Uses.

A. General Regulations:

1. If the subject property contains more than two acres, it shall front on an arterial or collector road.

2. Those uses involving outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties. All uses must comply with the provisions of this chapter.

3. Structures exceeding the maximum permitted height may be permitted, so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy.

4. The applicant shall furnish qualified evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.

5. Required parking will be determined based upon the types of activities proposed and the schedule listed in this ordinance. In addition, any recreation use not specifically regulated may require an unimproved, grassed, overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of any permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Governing Body determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Governing Body can require the applicant to revise means of access to relieve the undue congestion.

7. Any outside pedestrian waiting lines shall be provided with a means of shade.

8. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved to within 50 feet of said lot line, except for approved driveways or utility crossings.

9. Any accessory use such as restaurants, tavern, retail business activity, etc., shall only be allowed if those uses are permitted in the underlying zoning district and they meet all the requirements for said use.

10. The use shall only be conducted between the hours of 9 a.m. and 10 p.m. unless more restrictive hours are established.

Section 1660. Hunting Lodges and Clubs, Gun Clubs and Archery Clubs; Game Preserves; Wildlife Sanctuary.

A. Hunting Lodges and Clubs; Gun Clubs Archery Clubs

1. Minimum Lot Area: Ten (10) acres
2. Parking: One (1) space for each four (4) seats.
3. Impervious Coverage: Five percent (5%).
4. Firing and Target ranges:
    a. No part of a firing range shall be located within one thousand (1,000) feet from any property line.
    b. Firing Ranges:
        i. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
        ii. May not substantially damage the health, safety, or welfare of the Municipality or its residents and property owners.
        iii. Must comply with all applicable state and local laws, rules, and regulations regarding the discharge of a firearm.
        iv. Shall store ammunition only in an approved secure vault.
        v. Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
        vi. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision.
        vii. Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
        viii. Shall limit firing to the hours between one hour after official sunrise and one hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 10:00 p.m.
    c. A development plan shall identify the safety fan for each firing range. The safety fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The safety fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of beams, overhead baffles, or other safety barriers to contain projectiles to the safety fan.
    d. The firing range, including the entire safety fan, shall be enclosed with a six (6) foot-high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch-tall red letters on a white background shall be posted at a maximum of one-hundred-foot (100') intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"
    e. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the safety fan.
    f. All surfaces located within the safety fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricocheting producing materials.
    g. All shooting rang facilities, including buildings, parking, firing range, and safety fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way;

h. The applicant shall present credible evidence that sounds of shooting in the nearest residential zone do not exceed the ambient noise level.

B. Game Preserves

1. Where game preserves are permitted, all activities and services should be directed at the protection, care and feeding of the animals on the preserve and to ensure that the animals from the preserve do not interfere with the health and welfare of a municipality and neighboring residents or their property. Additionally, game preserves are subject to the following standards:

2. The entire game preserve must be surrounded by a fence of sufficient height to prevent the animals from leaving the game preserve.

3. The keeping of dangerous animals is prohibited.

4. The owner/operator of the game preserve must demonstrate, to the satisfaction of the Municipality that they have the training, experience and knowledge necessary to safely handle those animals what will be kept in the game preserve.

5. The owner/operator will show proof to the Municipality that any and all required Federal, State, and local licenses and permits have been obtained.

6. The game preserve must be a minimum of twenty-five (25) acres.

7. All game preserves shall comply with any and all local, state, and federal regulations governing game preserves.

C. Wildlife Sanctuary

Section 1661. Campground and Recreational Vehicle (RV) Parks.

A. Campground and Recreational Vehicle Parks

1. Intent:

The intent of this section shall be to provide rules, regulations and standards for development of RV parks and campgrounds in the County of Page, ensuring that the public health, safety and general welfare are protected; that orderly growth and development together with the conservation, protection and proper use of land shall be ensured; that proper provisions for all public facilities shall be made; and that local government is given appropriate control over the zoning and location of RV parks and campgrounds in their respective municipalities.

2. Definitions for Section 1661.A:

Accessory Uses — Offices, recreational facilities, convenience stores, gift shops, service buildings, rest rooms, dumping stations, showers, laundry facilities, storage units and other uses and structures customarily a part of the RV park or campground operation for the use of occupants.

Authority Having Jurisdiction — The organization, office or individual responsible for approving equipment, equipment installation, a permit or a procedure.

Cabin/Camping — A hard-sided tent or shelter less than four hundred (400) square feet in area.

Cabin/Housekeeping — A rustic cabin less than four hundred (400) square feet in area providing guests with full service amenities as an alternative to other forms of rental lodging.

Campers — A person or persons participating in RV'ing or camping (also see RV'ers).

Campground/Recreational Vehicle Site — A plot of ground within a recreation vehicle park or campground intended for the accommodation of either a recreation vehicle, tent or other individual camping unit on a temporary basis.

PRIMITIVE — A site where no hookups are providing at the individual sites.
DEVELOPED — A site accessible by vehicular traffic where RV sites are substantially developed with two or more utilities, i.e., sewer, water or electricity.

Camping Unit — A structure, shelter or vehicle designed, and intended for occupancy by persons engaged in RVing or camping. The basic units are recreational vehicle, camping cabin, housekeeping cabin, tent and other rental accommodations for enjoying the outdoor experience.

Density — The number of camping unit sites on a unit of land area.

Greenbelt — A strip of land, containing landscaping or other aesthetic site obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities but not camping units, buildings or recreation areas

Minimum Lot Size — The minimum land area required to accommodate an RV park or campground.

Occupancy — The presence of guest(s) in a camping unit for a site night where rent is received.

Operator — The owner of RV park or campground or his/her designee.

Owner — The owner of an RV park or campground or his/her designee.

Recreation Area — A specific area of the RV park or campground, either of land or an area of water or a combination of land and water, which is designed and intended for the use or enjoyment of guests of the RV park or campground.

Recreational Vehicle (RV) — A vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide travel and destination RV'ing that either has its own mode of power or is mounted on or towed by another vehicle. The basic units are camping trailer, fifth-wheel trailer, motor home, park trailer, travel trailer and truck camper as described below.

Camping Trailer — A recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for use.

Fifth-Wheel Trailer — A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Motor Home — A recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Park Trailer — A recreational vehicle that meets the following criteria:

Built on a single chassis mounted on wheels.
Certified by the manufacturer as complying with ANSI A119.5.

Travel Trailer — A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.

Truck Camper – A recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Recreational Vehicle/Dependent — A recreational vehicle not containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system

Recreational Vehicle/Independent — A recreational vehicle containing sanitary facilities and devices for connecting said facilities to a community waste disposal system. This type of RV is also referred to as a "self-contained recreational vehicle."

Rent — Compensation or other consideration given for a prescribed right, use, possession or occupancy of an RV park or campground.

Rental/On-Site — A camping unit placed within an RV park or campground which is available for rental to guests.

RVers — Individuals who use recreational vehicles for RV'ing and camping, including but not limited to the following categories:

Daily/Overnighter — Typical are the many RV'ers and campers who stay for a short time as an alternative to other types of lodging; the length of stay is specified in this section of the ordinance typically travelers, area visitors or tourists enjoying local attractions of a given area.

Extended Stay — Those who stay in a given recreational vehicle park or campground for an extended period of time; the length of stay is specified in this section of the ordinance. The term "extended stays" is generally used in describing three groups as follows:

Individuals who have selected a recreationally centered lifestyle and who list a specific location for a traditional season.

Individuals who have selected interim lodging during temporary transfer to a new locality or while awaiting construction of conventional housing who list a specific location.

Individuals who frequently relocate for employment purposes who list a specific location.

A type of camper not a period of time.

Service Building — A structure or portion thereof that is used to house sanitary facilities, such as water closets or lavatories. It may include other facilities for the convenience of the RV park or campground guests.

Site — The portion of an RV park or campground where the camping unit is situated.

Tent — A portable shelter, consisting of synthetic fabrics or natural skins stretched over a flexed or rigid framework.

3. Minimum Lot Size: Thirty (30) acres

4. Density and Campground/Recreation Vehicle:

   a. Campgrounds and RV Parks may be used by campers and RV'ers. Campers and RV'ers shall rent Camping Units on Campground/Recreational Vehicle Sites on a daily/overnight basis only and the renters of said Campground/Recreational Vehicle Sites shall remain in the Campground/RV Park for not more fourteen (14) days unless the renters are of the Extended Stay category.

b. Size and separation of Campground/Recreation Vehicle Sites

i. Daily/Overnight: minimum of sixteen hundred (1600) square feet with minimum site width of twenty-five (25) feet.

ii. Extended Stay: minimum of three thousand (3,000) square feet with a minimum site width of fifty (50) feet.

iii. The minimum distance between sites shall be fifteen (15) feet.

c. The maximum number of Campground/Recreation Vehicle Sites per acre shall be fifteen (15).

5. Areas for recreation/open space:

a. A minimum of twenty (20%) percent of the gross area of the campground of which no more than fifty 50) percent ca be a body of water shall be devoted to active and passive recreation areas. Responsibility for maintenance of the recreation area shall be with the landowner.

6. Buildings, structures, and accessory uses:

a. Every campground shall have an office in which shall be located the office of the person responsible for the operation of the campground.

b. "Accessory Uses", as defined in this section are permitted. Such accessory and commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels.

7. Setbacks and Greenbelts:

a. A greenbelt shall be provided between the campground and any abutting property unless natural or physical man-made barriers exist.

b. Any existing healthy trees within any setback shall be preserved, except as needed for entrance roads and utility crossings.

c. Campground Recreation Vehicle Sites shall be located a minimum of one hundred (100) feet from any public street right-of-way; fifty (50) feet from any side or rear property line; and one hundred and fifty 91500 feet from all residential lot lines.

d. No Camping Unit used for sleeping quarters shall be within the one-hundred-year floodplain or on slopes over fifteen (15) percent.

e. Any "Accessory Use" shall be set back a minimum of one hundred (100) feet from any property line.

f. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by register guests and their visitors.

g. Any swimming pools, recreation centers, clubhouses, restrooms, trash receptacles or other similar areas of high use or noise potential shall be located not less than two hundred (200) feet from all property lines, and screened from residential properties

8. Access and circulation:

a. A commercial campground shall include at least one gravel or paved entrance road from a street, with a minimum width of twenty (20) feet. The first one

hundred (100) feet of the campground road from the street cartway shall be paved.

b. Entrances and exits to RV Parks and Campgrounds shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet, where speed limit is less than 45 miles per hour, or one hundred fifty (150) feet, where speed limit is 45 miles per hour or more, or to PennDOT standards, whichever is more restrictive.

c. No entrance or exit from a Campground/RV Park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

d. Except for these surfaces which are required to be paved, exposed ground surfaces in all parts of RV Parks and campgrounds shall be covered with crushed stone or gravel or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

e. Roads within the campground/RV Park shall have a minimum width of 12 feet for one-way streets and 20 feet for two-way streets. Vehicular access to campsites shall be provided only by way of the road network within the campgrounds.

f. A traffic impact study is required subject to the requirements of the ESRP SALDO.

9. Sewage, water, and trash:

a. All drinking water used in the operation of a campground shall be provided from a supply approved by PA DEP.

b. All sewage disposal systems serving a campground shall be approved by PA DEP.

c. Restrooms with toilet and water facilities shall be provided on the premises of each campground for the use of the employees and occupants of the campground. These facilities shall be approved by the PA DEP.

d. Solid waste disposal and vector control shall be the responsibility of the campground landowner and shall be performed in accordance with the requirements of PA DEP.

10. Impervious Coverage:

a. Maximum: Ten (10) percent

11. Signs:

a. A Campground/RV Park may construct one (1) freestanding on-illuminated sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, and at lest twenty-five (25) feet from adjoining lot lines.

12. Lighting:

    a. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

13. Plot Plan:

    a. Every application for the construction, operation, maintenance and occupancy for an RV park or campground shall be accompanied by plans, and specifications, at a minimum scale of one inch to 50 feet fully setting out the trailer spaces, the position of each travel trailer, motor vehicle parking spaces, the interior road giving access thereto, buildings, recreation areas and a plan of landscaping. The plan shall also show adjoining property uses and any structures within fifty (50) feet of any property lines.

14. Occupancy:

    a. Every campground shall have an office in which shall be located the person responsible for operation of the campground. Such person shall maintain a daily registration log of tenants; such registration log shall be maintained for each calendar year. Any caretaker or person responsible for the operation of the campground is subject to Section 1551.

    b. Permanent occupancy prohibited: No Camping Unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve-month period shall be presumed to be permanent occupancy.

15. Zoning Permit/Certificate of Use and Occupancy:

    a. Upon the proper installation of the campground, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months. A fee, in the amount to be set by the Municipality, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit;

    b. Prior to the issuance of renewal of a certificate of use and occupancy, the owner of a campground shall file with a set of campground regulations.

    c. The owner of the campground shall make certain that zoning and building permits are obtained prior to the construction or installation of all structures on the premises. This provision includes structures proposed on camping site other than tents or campers.

    d. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

B. Camps

1. Minimum Lot Area: Twenty (20) acres.

2. Definitions:

   Camp – Those organized camp establishments which provide food or lodging accommodations of tents or cabins for groups of children or adults engaged in organized recreational or educational programs. The term “camp” shall include, but shall not be limited to, camps with special program emphasis, such as horseback riding, conservation, music and sports, as well as “retreat camps”. The term “camp shall not include manufactured home parks, migrant labor camps or recreational vehicle parks.

Campsite – for purposes of this section, "campsites" are those plots of ground in a "camp" which are used for "tents" or "cabins".

Cabins – a rustic fully enclosed structure less than four hundred (400 square feet in area providing shelter and/or cooking and sanitary facilities.

Tent – a soft or hand sided shelter less than four hundred (400) square feet in area used for shelter and sleeping with no fixed cooking or sanitary facilities.

3. Campsite and Density Regulations:

   a. Campsites shall be a minimum of fifteen hundred (1500) square feet with a minimum width of thirty (30) feet.

   b. Cabins and tents shall be placed only on campsites and shall be no closer than five (5) feet to campsite lines

   c. Campsites shall be delineated on the ground.

   d. No more than fifteen (15) campsites per acre shall be allowed.

   e. No campsites shall be permitted on slopes more than fifteen (15) percent.

4. Buildings, Structures, and Accessory Uses

   a. Every camp shall have an office in which shall be located the person responsible for operation of the facility. Such person shall maintain a registration log of guests and staff on the site on a daily basis.

   b. Offices may be a stand along fully enclosed structures are part of fully enclosed a structure, but in no case shall any structure be more than fifteen hundred (1500) square feet (except for caretakers).

   c. No lodging shall be allowed in any structure other than cabins or tents except for living accommodations for a caretaker. Such accommodations shall be no more than nine hundred (900) square feet in size.

   d. Any items sold or provided shall be for the users of a camp.

5. Parking:

   a. Each campsite shall either provide a parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

   b. Required parking will be determined based upon the types of activities proposed and the schedule listed in this Ordinance. In addition, if warranted by the conduct of special events or community gatherings, the Zoning Hearing Board may require an unimproved/grassed overflow parking area for peak use periods. Overflow parking areas may also require fencing to prevent vehicles from crossing adjoining properties.

6. Setbacks and buffers:

   a. No building, off-street parking lot or loading area, athletic field or court, playground, picnic, pavilion, campsite, dumpster or other similar structure shall be located within one hundred (100) feet of a property line.

   b. Those uses involving outdoor activities shall provide sufficient screening and/or measures to mitigate any visual and/or audible impacts on adjoining properties;

   c. Any sanitary and garbage collection/recycling facilities shall be screened from adjoining residentially zoned properties;

   d. No buildings or campsites in a floodplain.

7. Access and circulation:

   a. A commercial campground shall include at least one gravel or paved entrance road from a street, with a minimum width of twenty (20) feet. The first one hundred (100) feet of the camp road from the street cartway shall be paved.

   b. Entrances and exits to the camp shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one hundred (100) feet, where speed limit is less than 45 miles per hour, or one hundred fifty (150) feet, where speed limit is 45 miles per hour or more, or to PennDOT standards, whichever is more restrictive.

   c. No entrance or exit from the camp shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

   d. Except for these surfaces which are required to be paved, exposed ground surfaces in all parts of the camp shall be covered with crushed stone or gravel or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

   e. Roads within the camp shall have a minimum width of 12 feet for one-way streets and 20 feet for two-way streets. Vehicular access to the camp shall be provided only by way of the road network within the campgrounds.

   f. A traffic impact study is required subject to the requirements of the ESRP SALDO.

8. Sewage, water and trash:

   a. All drinking water used in the operation of the camp shall be provided from a supply approved by PA DEP.

   b. All sewage disposal systems serving the camp shall be approved by PA DEP.

   c. Restrooms with toilet and water facilities shall be provided on the premises of the camp for the use of the employees and occupants of the camp. These facilities shall be approved by the PA DEP.

   d. Solid waste disposal and vector control shall be the responsibility of the camp landowner and shall be performed in accordance with the requirements of PA DEP.

9. Impervious Coverage:

   a. Maximum: Five (5) percent

10. Signs:

   a. One (1) freestanding non-illuminated sign containing no more than thirty-two (32) square feet is allowed at the entrance to a camp. It shall be setback at lest ten (10) feet from a road right-of-way line and at least twenty five (25) feet from adjoining lot lines.

   b. An unlimited number of on-site directional and information signs are permitted provided such signs reasonably relate to the number and scale of facilities

contained on the site. Such signs shall be limited to no more than ten (10) square feet of total sign area, with a maximum permitted height of eight (8) feet.

c. The applicant shall provide for adequate safety signs to warn pedestrians and motorists of rail crossings.

11. Lighting:

a. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

12. Plot Plan:

a. Every application for the construction, operation, maintenance and occupancy for the camp shall be accompanied by plans, and specifications, at a minimum scale of one inch to 50 feet fully setting out the trailer spaces, the position of each travel trailer, motor vehicle parking spaces, the interior road giving access thereto, buildings, recreation areas and a plan of landscaping. The plan shall also show adjoining property uses and any structures within fifty (50) feet of any property lines.

b. The Plot Plan shall also show any of the following:

i. One-hundred-year floodplains;

ii. Steep slopes (greater than 15%)

iii. Wetlands, wellhead protection areas, streams, ponds, or other water bodies:

iv. Sinkholes, caves, vistas, or other significant geologic features;

v. Threatened or endangered species habitats;

vi. Archaeological resources;

vii. Historic resources; and

viii. Significant stands of mature trees.

13. Occupancy

a. Occupancy of any campsite shall be limited to no more than one hundred eighty-one (181) consecutive days during any calendar year, except for a caretaker.

14. Zoning Permit/Certificate of Use and Occupancy:

a. Upon the proper installation of the camp, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every 12 months. A fee, in the amount to be set by the Municipality, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit;

b. Prior to the issuance of renewal of a certificate of use and occupancy, the owner of the camp shall file with a set of the camp regulations.

c. The owner of the camp shall make certain that zoning and building permits are obtained prior to the construction or installation of all structures on the premises. This provision includes structures proposed on camping site other than tents or campers.

d. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations, or for the violation of this chapter or other provisions, and the same shall be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 1662. Riding Academy; Riding Stables and Horse Boarding Facilities.

A. "Riding Academies", "Riding Stables", and "Horse Boarding Facilities" are a use by right in the EAP and A-P Zoning Districts if they meet the criteria of "Family Farm Support Business" in the regulations of the EAP and A-P zoning regulations.

B. "Riding Stables" and "Horse Boarding Facilities" in the EAP and A-P Zoning Districts which do not meet the Family Farm Support Business criteria of the EAP and A-P Zoning Districts and which are operated as a commercial use are allowed by special exception. This does not apply to non-commercial agricultural accessory uses in these Zoning Districts.

C. "Riding Stables" and "Horse Boarding Facilities" which operated as a commercial use are allowed by special exception in the R-1 and R-2 Zoning Districts. This does not apply to non-commercial agricultural accessory uses in these Zoning Districts.

D. "Riding Academies" in the EAP and A-P Zoning Districts which do not meet the criteria in subsection 1662.A above, are allowed by special exception. "Riding Academies" are a special exception use in the R-1 and R-2 Zoning District.

E. The aggregate number of horses allowed by right for agricultural uses and the special exception uses of a "Riding Academy" "Riding Stable", and a "Horse Boarding Facility" shall not exceed the number of animal units allowed in Section 456 (EAP Zoning District); and Section 1616 (A-P, R-1 and R-2 Zoning Districts). These Animal Units are determined by Section 1617.

F. In addition to the regulations pertaining to the EAP, A-P, R-1, and R-2 Zoning Districts, as well as General Regulations of this ordinance, the following shall apply:

1. Riding Academies

   a. All stables shall be maintained so as to minimize odors perceptible at the property line.

   b. All outdoor training or show facilities or areas shall be set back one hundred (100) feet from all property lines.

   c. All outdoor training, show, riding, and boarding, areas shall be enclosed by a minimum four-foot-high fence, which will be located at least ten (10) feet from all property lines.

   d. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating occasional parking facilities for any shows preventing the parking environment or movement of vehicles across neighboring properties.

   e. The number of anticipated shows shall be part of any special exception use. It must be shown to the satisfaction of the Zoning Hearing Board there will be adequate parking facilities available for any shows associated with a Riding Academy.

   f. In addition to any other parking requirements for any other uses on the subject property, there shall be one (1) space for each horse stall.

2. Riding Stables and Horse Boarding Facilities

   a. All stables shall be maintained so as to minimize odors perceptible at the property lines.

   b. In addition to any other parking requirements for any other uses on the subject

property, there shall be one (1) space for each horse stall.

Section 1663. Motor Sports Facility.

A. Motor Sports Facilities, when allowed by special exception shall meet the criteria of Section 2002 of this ordinance and shall provide the following to the municipality's Zoning Hearing Board:

1. A conceptual site plan of the property that shows the approximate location, scale and character of all proposed site features and facilities, including, but not limited to, all areas devoted to racing, maintenance, spectator seating, parking, vehicle and pedestrian access and circulation, camping, and concessions. Proposals for site landscaping, buffering and lighting shall be included on the plan. All trails to be used for recreational riding in the list of areas to be included in the site plan.

2. A preliminary grading plan that shows the existing and proposed topography of the site, including the elevations of all proposed facilities and features, and their relationship to the elevation of surrounding properties and uses.

3. A detailed written narrative describing:

   a. All proposed uses of the property, including the frequency of each use proposed and the anticipated hours of operation for each use.

   b. The types of motor sport events proposed and the types of vehicles involved in each event.

   c. Plans for providing safety and security on the property during all proposed events.

   d. Plans for the provision of a public water supply and a public sewerage system to the property, or (if public facilities are not proposed), methods by which potable water shall be provided and sewage shall be disposed.

   e. Plans for the abatement of noise generated by the use and operation of the property, with information on methods to be employed.

   f. Plans for the mitigation of lighting impacts on surrounding and nearby properties.

   g. Plans for the adequate management of traffic generated by the proposed use, including an analysis of existing traffic patterns in the area, and any plans or proposals for off-site traffic improvements.

4. All proposals for Motor Sports Facilities shall meet the following minimum standards; however, stricter standards may be established as a condition of the issuance of a special exception:

   a. A minimum lot size of fifty (50) acres shall be provided.

   b. All proposed uses, structures, and other developed or activity areas shall be located at least two hundred (200) feet from any adjoining property line.

   c. All exterior lighting on the property shall be designed, located and arranged so as not to direct glare on adjoining streets or properties. Lighting intensity at adjoining property lines shall not exceed 0.5 foot candles.

   d. No recurrent or sustained noise generated from the operation of the motor sports facility shall exceed 80dB (A), when measured from any adjoining property line.

Section 1664. Game Room/Video Arcade.

A. A Game Room/Video Arcade shall not be located within five hundred (500) feet of another Game Room/Video Arcade, Adult Business Establishment, church, school or public or private recreational facility.

B. No amusement device shall be audible beyond the premises in which it is situated.

C. Where allowed by special exception it must be proved to the satisfaction of the Zoning Hearing Board that the hours of operation will be compatible with the surrounding neighborhood and that the Game Room/Video Arcade will control loitering outside the establishment.

D. Parking: One (1) off-street parking space for each one hundred (100) square feet of net floor area.

Section 1665. Golf Course.

A. Golf Course

1. A "Golf Course" is as defined in this Ordinance. A nine (9) hole course (or any less than eighteen [18]), and/or "chip and putt" courses and driving ranges are considered outdoor recreation and are regulated as such in this ordinance.

2. Golf courses may include the following accessory uses, provided such uses are reasonably sized and located, so as to provide incidental service to the golf course employees and users:

   a. Clubhouse, which may consist of:

      i. Restaurant, snack bar, lounge, and banquet facilities;

      ii. Locker and restrooms;

      iii. Pro shop;

      iv. Administrative offices;

      v. Golf cart and maintenance equipment storage and service facilities;

      vi. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;

      vii. Baby-sitting rooms and connected fence-enclosed play lots.

   b. Accessory recreation amenities located outside of a building, including:

      i. Driving range, provided that all lighting shall comply with the ESRP SALDO;

      ii. Practice putting greens;

      iii. Swimming pools as regulated in this ordinance, and setback one hundred (100) feet from property line;

      iv. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;

      v. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;

      vi. Picnic pavilions, picnic tables, park benches, and barbeque pits;

      vii. Hiking, biking, horseback riding, and cross-country ski trails; and

viii. Playground equipment and play lot games, including four-square, dodge ball, tetherball, and hopscotch.

c. Freestanding maintenance equipment and supply buildings, and storage areas for items other than maintenance equipment or golf carts. These must be stored in fully enclosed structures.

3. Minimum lot area: thirty (30) acres.

4. The course shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the golf course. The design of the course shall not require a golf ball to be driven across any building, road, or parking lot.

5. Any outdoor lighting shall be located and designed in such a way that it does not produce a glare or direct illumination onto abutting property, and is regulated by the ESRP SALDO and Section 1508 of this Ordinance.

6. All golf course buildings or structures shall be set back seventy-five (75) feet from a street right of way, and one hundred (100) feet from adjoining residential structures.

7. Fairways and greens shall be setback a minimum of fifty (50) feet from any boundary line and a minimum of one hundred (100) feet from a residential structure.

8. Golf paths – Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access of drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path and crossings shall conform with the following:

   a. Each crossing shall be perpendicular to the traffic movements;

   b. Only one (1) street, access drive or driveway may be crossed at each location;

   c. No crossing is permitted between a point fifteen (15) feet and one hundred and fifty (150) feet from the cartway edge of a street, access drive or driveway intersection;

   d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over thirty (30) inches high shall be placed within this area;

   e. Golf path intersections shall be designed to provide adequate site distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by ESRP SALDO.

   f. The golf cart path shall nor exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing;

   g. Golf path crossings shall be signed, warning motorist and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes;

   h. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

Section 1666. Outdoor Motion-Picture Establishment.

A. Outdoor Motion-Picture Establishments may include facilities for the sale and consumption of food and non-alcoholic beverages.

B. The establishment shall have frontage on and direct vehicular access to an arterial street or color street.

C. No structure of the establishment (except for fences) shall be located within one thousand (1,000) feet of a dwelling.

D. The establishment shall provide sufficient stocking area(s) (and/or a marginal access road) to ensure that entering vehicles will have safe turning into the establishment and not to obstruct the flow of traffic on the streets adjacent to the establishment.

E. The motion-picture screen shall be no closer to any property line than one point two five (1.25) times the height of the picture screen or the minimum yard requirements of the zoning district, whichever setback is greater. Other buildings shall be subject to the minimum yard requirements of the zoning district. The motion picture screen shall not be oriented toward an arterial or collector street.

F. The applicant shall provide a plan for buffering and shall meet the standards:

1. The minimum buffer width shall be fifty (50) feet.

2. Along an adjacent property line that is zoned or a property line with an existing residential or institutional use and along any street, there shall be either:

a. A six (6) foot-high solid wooden fence within the fifty (50) foot buffer yard and a one-and-one half (1 1/2) caliper deciduous tree at an average of one (1) tree per forty (40) lineal feet of buffer plus one three (3) foot evergreen tree at an average of one (1) tree per twenty (20) lineal feet of buffer; the trees shall be placed between the fence and the property line.

b. A five (5) foot high berm planted on top as in subsection F.2.a (above) with the plant material listed in subsection F.2.c (below).

c. A one and one half inch (1 ½) deciduous tree at an average of one (1) tree per forty (40) lineal feet of buffer plus a three (3) foot evergreen tree at an average of one (1) tree per twenty (20) lineal feet of buffer plus a three (3) foot deciduous shrub per four (4) lineal feet of buffer.

G. The volume and direction of outdoor speakers shall be regulated to achieve the performance standards in Section 1553.B of this Ordinance.

H. Lighting per Section 1506 of this Ordinance.

I. Minimum Lot Area: Ten (10) acres

J. Maximum Impervious Coverage: Sixty (60) percent.

Section 1667. through 1674. (Reserved)

Section 1675. Kennels; Animal Hospitals/Veterinary Clinic; Animal Shelter.

A. Kennels

1. For the purposes of this section, the word "animal" shall be defined as "non-hoofed animals of a type customarily kept for pets for companionship by persons within the community, except animals customarily used for agricultural purposes".
2. Kennels shall comply with all federal, state, county, and municipal regulations.
3. The minimum lot size for this use shall be five (5) acres. A kennel may be located on the same lot with a single-family residence. In such case the kennel, a commercial use, will be considered the principal use for that lot.
4. The setback distance for all buildings and structures in which animals are housed and all pens and runs shall be at least two hundred (200) feet from lot lines or road lines and three hundred (300) feet any dwelling on adjoining properties.
5. No more than thirty (30) animals shall be housed or boarded at one (1) time.
6. A Kennel License shall be obtained from the Municipality annually after inspection by the Zoning Officer, if required by the Municipality. Each new and renewal license shall be subject to the conditions that the Zoning Officer may impose as a result of complaints that are reasonable, as determined by the Zoning Officer and the Governing Body. Complaints to be considered include, but are not limited to, offensive noise or odors, and animals not confined on the kennel property.
7. All buildings in which animals are housed shall be made soundproof enough that noises from those animals are not heard beyond the lot lines.
8. Animals shall not be allowed in outdoor areas between 7:00 PM and 7:30 AM, local time
9. A visually impenetrable landscape screen or fence at least six (6) feet in height shall be installed such that any pens, runs, and exercise areas are not visible from adjoining lots or public roads. All outdoor areas for animals shall be fully enclosed with a fence at least six (6) feet in height.
10. All animal waste shall be removed from the premises for proper lawful disposal, or processed and disposed of in an on-lot facilities approved by the Municipal Sewage Enforcement Officer
11. Disposal of deceased animals shall not be done on the kennel property.
12. All organic waste, including material from grooming, clipping, or other procedures performed on the animals, shall be lawfully disposed of.
13. The sale of any animal-related products shall remain accessory to the kennel.
14. There shall be no outdoor storage of any materials whatsoever.
15. All loading and unloading of animals and supplies related to the kennel operation shall be accomplished on the kennel property.
16. Parking: one (1) for every four-hundred (400) sq. ft. of Gross Floor Area but not less than four (4).
17. Impervious Coverage: ten (10) percent of Lot Area.

B. Animal Hospital/Veterinary Clinic

1. Minimum Lot Area: Sixty-five thousand (65,000) sq. ft.
2. A Land Development plan per the ESRP SALDO is required.

3. Any structure in which animals are treated or housed shall be a minimum of fifty (50) feet from any lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

4. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runaways shall be located within the rear yard.

5. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet from all property lines and shall be screened from all adjacent properties.

6. Outdoor animal runs may be provided for small animals for use between 7:30 a.m. and 7:00 p.m., provided the runs are at least one hundred and fifty (150) feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

7. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be setback a minimum of twenty-five (25) feet from all property lines.

8. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met for a kennel as well as those in this section.

9. Where permitted by Special Exception, the maximum number of animals shall be determined by the Zoning Hearing Board in accordance with the area of the facility and the nature and character of the surrounding neighborhood.

10. Parking: Four (4) per Veterinarian and one point two (1.2) per employee.

11. Impervious Coverage: fifteen (15) percent of Lot Area.

C. Animal Shelters

1. A Land Development Plan per the ESRP SALDO is required.

2. The minimum lot size for this use shall be five (5) acres: The maximum size in the EAP Zoning District is three (3) acres. An Animal Shelter may be located on the same lot with a single-family residence. In such case the shelter will be considered the principal use for that lot.

3. The setback distance for all buildings and structures in which animals are housed and all pens and runs shall be at least two hundred (200) feet from lot lines or road lines and three hundred (300) feet any dwelling on adjoining properties.

4. A Certificate of Use shall be obtained from the Municipality annually after inspection by the Zoning Officer, if required by the Municipality. The Certificate of use shall be subject to the conditions that the Zoning Officer may impose as a result of complaints that are reasonable, as determined by the Zoning Officer and the Governing Body. Complaints to be considered include, but are not limited to, offensive noise or odors, and animals not confined on t he kennel property.

5. All buildings in which animals are housed shall be made soundproof enough that noises from those animals are not heard beyond the lot lines.

6. Animals shall not be allowed in outdoor areas between 7:00 PM and 7:30 AM, local time.

7. A visually impenetrable landscape screen or fence at least six (6) feet in height shall be installed such that any pens, runs, and exercise areas are not visible from adjoining lots or public roads. All outdoor areas for animals shall be fully enclosed with a fence at least six (6) feet in height.

8. All animal waste shall be removed from the premises for proper lawful disposal, or processed and disposed of in an on-lot facility approved by the Municipal Sewage Enforcement Officer.

9. Disposal of deceased animals shall not be done on the shelter property.

10. All organic waste, including material from grooming, clipping, or other procedures performed on the animals, shall be lawfully disposed of.

11. The sale of any animal-related products shall remain accessory to the shelter.

12. There shall be no outdoor storage of any materials whatsoever.

13. All loading and unloading of animals and supplies related to the shelter operation shall be accomplished on the shelter property.

14. Parking: one (1) for every four hundred (400) sq. ft. of gross floor area but not less than four (4) spaces.

15. Impervious Coverage: Ten (10) percent

Section 1676. Airports; Heliports.

A. Airport Regulations:

1. Tract size and boundary requirements

   a. Minimum tract size shall be 100 acres.

   b. Maximum tract size shall be 250 acres.

   c. Airport boundaries shall be as shown on the official airport layout plan as approved by the Pennsylvania Department of Transportation and the Federal Aviation Administration.

2. Any airport operation shall be conducted under and subject to all licensing, safety and applicable airport design criteria and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation.

3. The operation of all aircraft shall be subject to all applicable state and federal regulations, including control of noise, vibration and emissions.

4. Any building to be constructed within an airport shall be set back at least two hundred (200) feet from any runway and shall conform to all other dimensional standards of this article.

5. Airport uses. In an airport operation, structures, buildings or improvements may be erected or used and the lot area may be used or occupied for any of the following purposes:

   a. Aircraft runways.

   b. Aircraft taxiways.

   c. Aircraft parking and tie-down areas.

   d. Hangars.

   e. The sale, storage, repair, development, installation, fabrication and maintenance of aircraft, aircraft accessories and aircraft parts.

   f. Training for repair and maintenance of aircraft and aircraft accessories.

   g. Flight training facilities.

h. The sale and storage of fuels and lubricants for aircraft and support equipment, in compliance with all applicable state and federal regulations.

i. Facilities for aircraft painting and washing.

j. Terminal facilities.

k. Aircraft rental.

l. Navigational and/or guidance systems.

m. Automobile rental.

n. Restaurant facilities, subject to Section 1649.

o. Administrative offices related to other permitted uses.

Section 1677. Self-Storage Facility.

A. Site Requirements.

1.	Minimum Lot Area:	5 Acres
2.	Minimum Setback From Road:	75 feet
3.	Minimum Setbacks From Property Lines:	50 feet
4.	Minimum lot Width:	150 feet
5.	Maximum Height Storage units:	12 feet
6.	Maximum Height Other Building:	35 feet
7.	Maximum Impervious Surface:	35%

8. Minimum aisle width between buildings shall be twenty-six (26) feet.

B. The storage facilities complex shall be surrounded by a fence at least eight (8) feet in height of a type approved by the municipality.

C. Outdoor storage of automobiles, boats and recreational vehicles is permitted if they are within the fenced area. All such items must be licensed, inspected, in operable condition, and on all weather surfaces. A maximum of two (2) square feet of outdoor storage area shall be permitted for every one (1) square foot of indoor storage area. The parked vehicles shall not interfere with traffic movement through the comple4x and shall meet the minimum setbacks noted in subsection A above.

D. Buffers shall be provided in accordance with the ESRP SALDO. In addition, any parked vehicles which are stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property.

E. One (1) office and one (1) living accommodation unit for a caretaker is allowed.

F. Each structure shall not exceed six thousand (6,000) square feet in size.

G. Minimum Requirements for Lease Restrictions.

1. No business activities other than the leasing of storage units shall be permitted.

2. No trash, garbage or refuse; explosive, toxic, radioactive, hazardous or highly flammable materials; or animals or animal carcasses or skins shall be stored on the property.

H. Parking:

1. One (1) space for each five (5) storage units or, one (1) space for each two thousand (2,000) square feet of total floor area and outside storage area whichever is more. These parking spaces should be distributed equally throughout the storage area.

2. If a manager's living quarters are included, two (2) additional spaces are required.

I. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.

J. Servicing or repairing of boats, vehicles, trailers, lawn mowers or nay similar equipment shall not be permitted.

K. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.

L. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.

Section 1678. Telecommunications Facilities.

A. Purposes. The purposes of this section shall be as follows:

1. To identify a hierarchy of areas where future telecommunication facilities can be located, while minimizing the proliferation of towers and monopoles.

2. To require co-location of telecommunication facilities on existing structures and towers.

3. To attempt to ensure compatibility of telecommunication facilities with nearby land uses.

4. To establish sitting and design criteria to mitigate negative impacts.

5. To establish telecommunication signal removal policies.

6. To establish a process by which an applicant can demonstrate their compliance with these policies.

7. To stay abreast of changing technologies that may reduce the need for new telecommunication signal sites.

8. To avoid potential damage to adjacent properties through engineering and proper siting of telecommunication facilities.

9. To preserve local authority to govern and control telecommunications facilities to the fullest extent allowable by law.

B. Definitions. For the purposes of this section, the following definitions shall apply:

American National Standards Institute (ANSI) – A national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

Antenna – (See Telecommunications Antenna)

Antenna Height – (See Telecommunications Antenna Height)

Area – the extent of surface contained within the boundaries or extremities of land.

Co-location – The utilization of a proposed or existing structure for telecommunication antennae by more than one carrier.

Federal Communications Commission (FCC) – The Federal government agency charged with regulating the national airways.

Telecommunications – The transmission of words, sounds, images or data in the form of electronic or electromagnetic signals or impulses using wire, optical cable, radio, television, microwave, and satellite.

Telecommunications Antenna (or Antenna) - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless telecommunications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the FCC to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Telecommunications Antenna Height (or Antenna Height) – The vertical distance measured from the base of the antenna support structure or tower at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

Telecommunications Equipment Building – An unmanned building or cabinet containing telecommunications equipment required for the operation of Telecommunication Antennas and covering an area on the ground not greater than two hundred and fifty (250) square feet.

Telecommunications Facility - A tract or parcel of land that contains a telecommunication antenna as the principal use, its support structure, accessory building(s), equipment cabinet, and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing at the tract.

Telecommunications Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Telecommunications Tower Height – The vertical distance measured from the ground level to the highest point on a telecommunications support structure, including antennas mounted on the tower.

C. Telecommunication Antennas and Telecommunication Equipment Buildings Attached to Existing Structures.

The following provisions shall apply to Telecommunications Antennas that are attached to an existing building, existing structure or existing Telecommunications Antenna Support Structure.

1. A Telecommunications Antenna that is attached to a pre-existing Telecommunication Antenna Support Structure such as, but not limited to, smoke stacks, water towers, Public Utility Transmission Towers, telephone poles and similar existing utility structures is permitted in all zoning districts. If the antenna is to be mounted on a pre-existing structure, a full site plan shall not be required; however, applicable Zoning Permits and Certificate of Use Permits are required.

   An existing structure, building, or tower is one that physically existed prior to identification of a site for constructing a new antenna.

2. Building-mounted Telecommunications Antennas shall be permitted to exceed the height of the existing structure limitations of the applicable zoning district by no more than twenty (20) feet.

3. Building mounted Telecommunications Antennas shall not be located on any structure housing fully or in part a residential use.

4. Any applicant proposing Telecommunications Antennas to be mounted on a building or other structure shall submit 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 load.

5. Any applicant proposing Telecommunications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the appropriate Municipal Zoning Officer. Any applicant proposing Telecommunications Antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Telecommunications Equipment Building can be accomplished.

6. Telecommunications Antennas shall not cause radio frequency interference with other telecommunications services (including, but not limited to, other towers, transmitting facilities, telecommunications services reception by other property owners, etc.) in accordance with FCC requirements for the applicant's class of service.

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

8. A Telecommunications Equipment Building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. The Telecommunications Equipment Building shall cover an area on the ground of not more than two hundred and fifty (250) square feet.

9. The owner or operator of Telecommunications Antennas shall be licensed by the Federal Communication Commission to operate such antennas.

10. All other uses, such as business offices, maintenance depot, vehicle storage, broadcast studios and vehicle storage unless specifically necessary and ancillary to the operation of the Telecommunications Facility are not permitted unless otherwise permitted in the zoning district in which the telecommunication facility is located. No outside storage is permitted on the Telecommunications Facility.

11. The applicant is required to demonstrate, using technological evidence that the Telecommunications Antenna must go where it is proposed in order to satisfy its functions in the company's grid system.

12. Telecommunications Antennas shall not be lighted unless lighting is required by the FAA, FCC, or other governmental agency which has jurisdiction over such facilities.

D. Standards for the Construction of New Telecommunication Towers With or Without Telecommunications Antenna.

Telecommunications Antennas to be attached to a new building, structure, or new tower must comply with provisions of this Section, as well as those in Subsection 1678.C of this Section and the special exception provisions of the ESRP Region Zoning Ordinance. All references to "telecommunications towers" in this Section shall also be considered to refer to such other new buildings and structures.

1. The construction of new Telecommunications Towers is allowed in all zoning districts by Special Exception.

2. Telecommunications Towers with their Telecommunications Equipment Buildings are a principal use. No other principal use is permitted on a leased lot with a tower.

3. The applicant shall demonstrate that the proposed Telecommunications Tower and Telecommunications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

4. Telecommunications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

5. Any applicant proposing construction of a new Telecommunications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Telecommunications Antennas on existing buildings, Telecommunications Antenna Support Structures or other Telecommunications Towers. These potentially suitable structures include, but may not be limited to, smokestacks, water towers, antenna support structures of other telecommunications companies, other telecommunication towers (fire, police, etc.) and Public Utility transmission towers. A good faith effort shall require that all owners of potentially suitable structures within a two (2) mile radius of the proposed Telecommunications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

    a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

    b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

    c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

    d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.

    e. A commercially reasonable agreement could not be reached with the owners of such structures.

    f. In the event that co-location is found to be not feasible, a written statement of the reasons for the unfeasibility shall be submitted. The Municipality may retain a technical expert in the field to verify if co-location at the site is not feasible, or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.

6. Access shall not be provided to the Telecommunications Tower and Telecommunications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surfaces for its entire length.

7. Recording of a land development plan shall be required for any lot or leased lot on which a Telecommunications Tower is proposed to be constructed.

8. The applicant shall demonstrate that the proposed height of the Telecommunications Tower is the minimum height necessary to perform its function.

9. In all Zoning Districts the maximum height of any Telecommunications Tower shall be two hundred (200) feet.

10. Setbacks from Base of Antenna Telecommunications Tower. If a new antenna support structure or tower is constructed (as opposed to mounting the antenna on an existing structure), the minimum distances between the base of the structure or tower or any guy-wire anchors and any property line or right-of-way line shall be the largest of the following:

    a. Thirty (30) percent of the height of the Antenna Structure or tower.

    b. The minimum front yard setback in the underlying zoning district.

    c. Forty (40) feet.

11. The base of a Telecommunications Tower shall be landscaped so as to screen the foundation and base and Telecommunications Equipment Building from abutting properties. The following landscaping shall be required to 1) screen as much of the tower as possible; 2) screen the fence surrounding these towers; 3) screen any other ground-lever features (such as a building); and 4) in general soften the appearance of the Telecommunication Facilities. The Municipality may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, landscaping shall not be required.

    a. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

    b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

12. The Telecommunications Equipment Building shall comply with the applicable zoning regulations for a non-residential accessory structure.

13. The applicant shall submit:

    a. Certification from a Pennsylvania Registered Professional Engineer that a proposed Telecommunications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Communications Industry Association.

    b. The applicant shall submit a copy of its current Federal Communications license under which the Telecommunication Tower will operate.

    c. The name, address and emergency phone number for the local person(s) responsible for operation of the Telecommunications Tower.

    d. 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 Telecommunications Tower and Telecommunications Antennas.

    e. A statement from the FCC, FAA, and Commonwealth Bureau of Aviation stating that the proposed Telecommunications Tower complies with applicable regulations or is exempt from those regulations.

14. All guy wires associated with guyed Telecommunications Towers shall be clearly marked so as to be visible at all times. Telecommunications towers shall be clearly marked so as to be visible at all times. Telecommunication Towers under two hundred (200) feet in height shall be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Telecommunications Towers may be painted green up to the height of nearby trees. Telecommunications Towers two hundred (200) feet in height or taller shall meet all Federal Aviation Administration (FAA) regulations. No Telecommunication Towers may be artificially lighted except when required by the FAA.

15. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the ESRP Region's Zoning Ordinance, FCC, FAA, or other governmental agency facilities.

16. No signs or lights shall be mounted on a Telecommunications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction over such facilities. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 1.0 initial foot-candles when measured at grade.

17. Telecommunications Towers shall be constructed and maintained in accordance with any requirements imposed by the Municipal Zoning Hearing Board.

18. An applicant or its successors shall remove all unused structures and facilities from a Telecommunication Facility, including towers, within ninety (90) days of the cessation of telecommunication use or the expiration of the ground lease, whichever occurs first, and the site should be restored as closely as possible to it's original condition. A bond or other suitable financial surety to cover the costs of dismantling the tower shall be provided by the applicant, in a form reviewed and approved by the Municipal Solicitor, to the Municipality prior to the filing of an application with the Municipal Zoning Hearing Board for a special exception. A certified letter shall be sent to the Municipality each year, due by January 15th, signed by an officer of the company owning the tower, stating the intention to continue operation. Failure to receive this letter shall be considered the beginning of the ninety (90) day cessation period.

19. At least one off street parking space shall be provided within the fenced area. If the Telecommunication Facility is fully automated, adequate parking shall be required for maintenance workers. If the facility in not automated, the number of required parking spaces shall equal the number or people on the largest shift.

20. A land development plan shall be required for all Telecommunications Facilities showing the antenna, antenna support structure(s), tower, equipment building(s), fencing, vegetative screening, access drive(s) and all other pertinent information required by the ESRP Region Subdivision and Land Development Ordinance. The land development plan shall not be required if the antenna is to be mounted on an existing structure.

21. The site of a Telecommunications Tower, including all structures, guy wires, and guy wire anchors on the site shall be required to be fenced. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, shall completely enclose the antenna, support structure, and related facilities, shall not contain openings greater than nine (9) square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations and maintenance personnel, and shall also conform to the provisions of Section 1511 of this Ordinance. The fence shall be a minimum of ten (10) feet from any structure inside it.

22. The applicant shall demonstrate, by expert testimony and in reports to the satisfaction of the Municipal Zoning Hearing Board, that the proposed Telecommunications Antenna

and Telecommunication Tower 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 Telecommunication Towers shall be fitted with anti-climbing devices, as approved by the manufactures of such devices.

Section 1679. Off-Track Betting Parlor.

A. An Off-Track Betting Parlor shall not be permitted to be located within one thousand (1,000) feet of any other off-track betting parlor.

B. No Off-Track Betting Parlor shall be located within one thousand (1,000) feet of any residentially zoned land.

C. No Off-Track Betting Parlor shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:

1. Adult Business Establishment
2. Amusement Park
3. Camp
4. Child Day Care Facility
5. Place of Worship or other similar location for religious congregation
6. Playground
7. School
8. Other lands where minors congregate

D. The distance between any two (2) Off-Track Betting Parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any Off-Track Betting Parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the Off-Track Betting Parlor to the closest point on the property line of said land uses.

E. No more than one (1) Off-Track Betting Parlor may be located within one (1) building or shopping center.

F. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.

G. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.

H. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

I. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas.

J. All Off-Track Betting Parlors shall comply with the Pennsylvania Horse and/or harness Racing Commission's Rules and Regulations pertaining to non-primary locations, as defined therein.

Section 1680. Adult Business and Adult Establishment.

A. Adult Business and Adult Establishment may include, but is not limited to, the following types of businesses:

Adult arcades;
Adult bookstores;
Adult novelty stores;
Adult video stores;
Adult cabarets;
Adult dance halls;
Adult club;
Adult bar;
Adult tavern;
Adult nightclub;
Adult restaurant or similar adult establishment;
Adult motion picture theatres;
Adult theatres;
Nude model studios
Sexual encounter centers.
Any other type of sexually oriented business.

B. Special Exception Use Provisions. The purpose of these Special Exception Use Provisions is to minimize, where conditions permit, the secondary concerns that often arise with the commencement or Adult Business and Adult Establishment uses in a municipality and, which include difficulties for law enforcement, municipal maintenance, trash, deleterious effects on business and residential property values, increased crime, particularly corruption of the morals of minors and prostitution, and encourage residents and businesses to move elsewhere.

1. In addition to the area and height regulations applicable to the Zoning District where this use is permitted, no Adult Business or Adult Establishment use shall be located within one thousand (1,000) feet of:

   a. a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

   b. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities, school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;

   c. A license premises, licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania;

   d. A boundary of a residential district as defined in this Ordinance;

   e. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Municipality which is under the control, operation, or management of private parties and open and available for use by the general public;

   f. An entertainment business which is oriented primarily towards children and family entertainment.

g. Any use of the same general character as any of the above permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.

2. For the purpose of subsection 1680.B.1 above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 1680.B.1 of this Ordinance. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Subsection 1680.B.1 above.

3. No pornographic material, displays, or words shall be placed in view of persons who are not inside of the Adult Business or Adult Establishment. Definite precautions shall be made to prohibit minors from entering the premises.

4. No such use shall be allowed in combination with the sale of alcoholic beverages.

5. Any signs to be erected on the premises of an Adult Business or an Adult Establishment shall be regulated as follows:

   a. Only two (2) On-Premise Signs are allowed as follows:

      i. One (1) free standing sign, limited to two (2) sides, with each side of said sign being limited to a maximum size of thirty-two (32) square feet.

      ii. One (1) wall sign limited in sign area to fifteen (15) percent of the building face on which the sign is attached.

6. Any lot which is to be used for any Adult Business or Adult Establishment use shall contain screening along property lines. The screening shall be such as to completely screen the adult establishment from adjoining properties containing dwellings or other business establishments. The Municipality may permit any combination of existing vegetation, topography, walls, decorative fences, or other features for screening.

   If the applicant proposes the screening to be landscaping, the screening must at a minimum meet the following:

   a. An evergreen screen shall be required to surround the site. The screen can be either two (2) rows of hedge or two (2) rows of evergreen trees. The hedge and evergreen screen shall be a minimum height of six (6) feet at planting. The evergreen screen shall grow to a minimum of fifteen (15) feet at maturity.

   b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

   c. If the applicant proposes any other landscaping screening different than subsection 1680.B.6.a. and b. above, it must achieve the screening effect as required in Subsection 1680.B.6 of this Ordinance.

   d. The landscape screening shall be maintained permanently and plant material which does not live shall be replaced after one (1) year.

   e. The hedge and evergreen screen plants shall be installed as follows:

      i. The hedge shall be planted three (3) feet on center maximum.

      ii. The evergreen trees shall be planted ten (10) feet on center maximum.

      iii. Each row of hedge and evergreen trees shall be installed so as to "stagger" the individual plants between rows.

iv. The buffer shall be maintained permanently and plant material which does not live shall be replaced within one (1) year.

7. Sufficient additional data shall be submitted to enable the Zoning Hearing Board to determine that the requirements of this and other ordinances of the Municipality relevant to the proposed use have been fulfilled, and that the owners and operators of proposed adult entertainment facilities demonstrate a desire and ability to comply with the ordinances of the Municipality and to prevent their establishments from being used for any illegal activities.

Section 1681. Private Surface Parking Facilities; Parking Garages.

A. Private surface parking facilities are permitted in certain zoning districts provided the following standards and those in Section 2002 are met as well as any other requirements or this Ordinance of those deemed necessary by the Zoning Hearing Board.

1. The facility is to be used solely for the parking of automobiles and light trucks.
2. The facility shall not be used for the sales, long term storage, repair, or servicing of motor vehicles.
3. Entrances to and exists from the facility are to be placed in a location which provided adequate safe sight distance for vehicles entering or existing the facility.
4. Only one (1) advertising sign having a maximum size of fifteen (15) sq. ft. may be located on the facility.
5. There shall be provided a wheel block securely anchored into the ground for each parking space.
6. The parking facility shall be adequately screened from the street and adjoining properties as required
7. All surface parking facilities shall meet the design and construction standards set forth in this Ordinance.

B. Parking Garages (Reserved)

Section 1682. through 1684. (Reserved)

Section 1685. Water Extraction; Forestry.

A. Water Extraction Regulation

1. Water extraction involving removal of an average of more than ten thousand (10,000) gallons per day in any 30 day period including all sources from a lot including all sources for off-site use or consumption is required to be regulated under the provisions of this Section.
2. Minimum Lot Area: one hundred (100) acres.

3. A copy of any permits and approvals, if applicable, issued by the Commonwealth of Pennsylvania Department of Environmental Protection (DEP), Commonwealth of Pennsylvania Department of Agriculture (DA) and the Delaware River Basin Commission (DRBC) for water extraction shall be submitted to the Municipality prior to granting of a Special Exception by the Municipal Zoning Hearing Board. It shall be accompanied by all supporting papers submitted with the applicable application.

4. The application for Special Exception shall include a drawing, to scale, showing the boundaries of the lease or property on which the water extraction facilities are to be located, the proposed location of the water extraction facilities, the location of any roads within or abutting the lease or property, the location of occupied structures on the property and adjacent properties, and septic systems and wells within five hundred (500) feet of the subject property boundary. The drawing shall also show the location of all water bodies located within 500 feet of the extraction point, the precise surveyed location of the extraction point, the existing network of roadways in the vicinity of the extraction point, any proposed new roadways, and any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners or the public from developing a full understanding of the scope and impact of the proposal.

5. The application for Special Exception shall be accompanied by the name of the owner of the surface of the area of operations, the owner of the water rights, the name listed on any DEP, DA or DRBC permits, the proposed operator, and the names of all the proposed haulers.

6. The application for Special Exception shall include a detailed map clearly identifying and delineating the local and state roadways which will be utilized by any trucks, tankers, or similar vehicles to haul or ship the extracted water to the corporate limits of the municipalities. This map shall clearly indicate the name and route number of each affected roadway. The applicant shall provide a written study by a professional traffic engineer. Such study shall analyze the suitability of the area roadway system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Municipality's Zoning Hearing Board that the area roadway network is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic and maintain the quality of life of the residents of the Municipality. Any damage anticipated on Municipal roadways by the applicant's truck traffic, shall require the applicant to furnish a bond to guarantee the repair of such potential damages. Bonding value shall be determined by the Municipal Engineer and in accordance with any Municipal road bonding ordinance.

7. Upon review by the Municipality's Zoning Hearing Board, Water Extraction applicants shall provide a statement of the maximum daily quantity of water proposed to be extracted, from all extraction points identified by the applicant, the specific location of the identified extraction points, the method of extraction and copies of any permits (applied for or existing), approvals or denials issued by any state or federal agency having jurisdiction of the extraction method, including the DEP, DA or DRBC, as may be applicable, the hours of operation, projected traffic volumes relative to the water volumes proposed to be extracted, projected noise volumes, area lighting proposed for the site and any other similar site conditions as may be required by the Zoning Hearing Board. All regulations of the Pennsylvania Department of Environmental Protection, the Delaware River Basin Commission and any other regulatory agency or body with jurisdiction over water extraction shall be complied with.

8. The applicant shall provide a written report by a professional hydrogeologist describing in technical detail within a narrative understandable by a layperson how the proposed operation will affect wells, agricultural activities and surface water levels in the

surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells on neighboring properties, , aquatic habitats of surface waters, or agricultural yields. The written reports shall include but not be limited to the following information:

a. The rates of draw down and recharge of any aquifer or other ground water source as may have been established by a pumping or "stress test" or other similar testing regimen accordance with accepted standards within the geology and engineering professions.

b. The characteristics of the aquifer or other ground source, including rates of draw down and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, impacts on the water table, and impacts on any and all existing water bodies including but not limited to lakes, ponds, rivers, streams, and wetland areas and private wells or other existing extraction locations within the zone of contribution/ influence.

c. Possible effects on the aquifer or other ground water resources that could result in the disturbance or release of existing minerals such as, but not limited to, iron, manganese, arsenic, and uranium, and any health hazards raised by such disturbance(s) or other impacts including issues such as drinking water turbidity, clarity, and odor.

d. Proposed extraction volumes shall be sustainable as demonstrated by the hydrogeological study based upon the applicant's land holdings being significant enough to produce sustainable draw of at least the proposed amount from the applicant's proportional land holdings.

9. Any areas used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 500 feet from any adjacent residential lot.

10. All water extraction wells and principal or accessory structures used in water extraction shall be at least five hundred (500) feet from all properly boundary lines.

11. The applicant shall provide a landscape buffer and adequate screening as determined by the zoning hearing board around any truck loading site, treatment building, or accessory structure to buffer the proposed use from neighboring residential properties.

12. In addition to the costs set forth in the Municipality's fee schedule for a Special Exception Hearing, the applicant shall be responsible for any review and consulting fees incurred by the Municipality to review the application, traffic study, and hydrogeologic reports. Said fees shall be paid prior to the issuance of any zoning permit.

13. The applicant shall provide the Municipality with copies of the well monitoring data and water volume, and the Municipality shall have the right to obtain independent verification of well monitoring figures to confirm the volumes or extraction, including having the Municipal Code Enforcement Officer or designated Municipal Official verify the water meter readings at the property. The applicant shall also provide the Municipality with copies of any (1) notification of noncompliance from any regulatory agency (including DEP, DA and DRBC) and (2) notification of resolution of noncompliance from any regulatory agency received by the applicant regarding the water extraction use.

B. Forestry Regulations

1. In accordance with state law, forestry (as defined in this Ordinance) is permitted, by right, in every zoning district.

2. Logging plan requirements. Every landowner on whose land timber harvesting is to occur shall obtain a Zoning Permit. The applicant shall prepare and submit a written logging plan in the form specified below. No timber harvesting shall occur until a

Zoning Permit has been issued and approval has been received from the Schuylkill County Conservation District. The provisions of the permit shall be followed throughout the operation. The logging plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan and the Zoning Permit.

a. Minimum requirements. At a minimum, the logging plan shall include the following:

   i. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;

   ii. Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;

   iii. Design, construction and maintenance of stream and wetland crossings;

   iv. The general location of the proposed operation in relation to Municipal and State Roads, including any accesses to those roads.

b. Map. Each logging plan shall include a sketch map or drawing containing the following information:

   i. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;

   ii. Significant topographic features related to potential environmental problems;

   iii. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;

   iv. Location of all crossings of waters of the commonwealth;

   v. The general location of the proposed operation to municipal and state roads, including any accesses to those roads.

c. Compliance with state law. The logging plan shall show how it will comply with the requirements of all applicable state regulations, including, but not limited to, the following:

   i. Erosion and sedimentation control regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law.

   ii. Stream crossing and wetlands protection regulations contained in Title 25, Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act.

d. Relationship of state laws, regulations and permits to the logging plan. Any and all permits required by state laws and regulations shall be attached to, and become part of, the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in subsection 2.a and 2.b above provided that all information required by these sections is included or attached.

3. Required forest practices. The following requirements shall apply to all timber harvesting operations:

a. Felling or skidding on, or across, any public road is prohibited without the express written consent of the Municipality, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;

b. No treetops or slash shall be left within twenty-five (25) feet of any public road, or private roadway providing access to adjoining residential property;

c. All tree tops or slash shall between twenty-five (25) feet and fifty (50) feet from a public roadway, or private roadway providing access to adjoining residential property, or within fifty (50) feet of adjoining residential property, shall be lopped to a maximum height of four (4) feet above the ground;

d. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof;

e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

4. Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189; the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Municipal Engineer.

5. A sawmill owned or rented by the property owner for his conduction of forestry practices on lands owned by said property owner is an accessory use to forestry as defined in this Ordinance.

Section 1686. Solid Waste Disposal Facilities.

Solid Waste Disposal Facilities, including Solid Waste Landfills, Resource Recovery Facilities and Low-Level Radioactive Waste Facilities, are permitted by special exception within the General Industrial (G-I) Zoning District. If a special exception is granted by the Zoning Hearing Board, the applicant shall be subject to all conditions, standards, and controls listed under subsections 1686.A, 1686.B, and 1686.C.

A. Solid Waste Landfills

1. For the purposes of this chapter, a "solid waste landfill" shall be defined as a site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

2. If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed below:

a. The minimum lot size shall be fifty (50) acres.

b. The initial application for a Solid Waste Landfill shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Municipal Governing Body at the time of securing a permit for a landfill operated by the municipal authority. The plan shall be in compliance with the prevailing zoning at time of application.

c. The construction and operation of a Solid Waste Landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection and the landfill is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules

and regulations of the Pennsylvania Department of Environmental Protection. Operation of any Solid Waste Landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, and the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of this chapter. In the event that any provisions of this part are less restrictive than any present or future rules or regulations of the Department of Environmental Protection, the more restrictive Department rules and regulations supersede and control in the operation of such Solid Waste Landfill.

d. A Solid Waste Landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.

e. Burning of solid waste is prohibited at a Solid Waste Landfill. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Municipality.

f. Gaseous and particulate emission from the Solid Waste Landfill site shall conform to prevailing federal, state, and local air pollution control codes and regulations.

g. Direct access shall be taken from an arterial or collector highway. No more than one access road shall be constructed to the entrance of the Solid Waste Landfill. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

h. A tire cleaning area shall be provided on site. All tires of trucks leaving the Solid Waste Landfill shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state, and/or Municipal standards.

i. An equipment cleaning area shall be provided on site. All equipment used to grade and compact solid waste at the Solid Waste Landfill shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state, and/or Municipal standards.

j. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every Solid Waste Landfill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.

k. No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the Solid Waste Landfill prior to 6:30 a.m. Overnight parking shall be prohibited.

l. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the Solid Waste Landfill shall be inspected for debris on a daily basis.

m. Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of in a Solid Waste Landfill.

n. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a Solid Waste Landfill.

o. Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightly conditions or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.

p. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill surface, to prevent erosion or washing of the fill surface, to drain off rainwater falling onto the fill surface, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25 of the Pennsylvania Code and applicable Municipal ordinances so that there is no adverse off-site impact from the drainage of surface water. Cracks in, depressions in, and/or erosion of cover shall be repaired daily.

q. Operation of any Solid Waste Landfill shall at times be in full compliance with the Pennsylvania Clean Stream Law, Act 157 of 1980, as amended.

r. An operation permit shall be obtained on an annual basis on or before June 1 from the Pennsylvania Department of Environmental Protection and/or the Municipality if required.

s. A final inspection of the entire site shall be made by the Department of Environmental Protection and the Municipality and their authorized representative to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the Solid Waste Landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two years following completion of the Solid Waste Landfill. A bond shall be posted to ensure that all corrective work is completed.

t. Maximum active dumping area shall be three (3) acres. Continued operation of the Solid Waste Landfill shall be subject to compliance with all state and Municipal regulations pertaining to a Solid Waste Landfill.

u. No operation, activity, use, or occupation of any type for the Solid Waste Landfill shall be carried on within one hundred (100) feet of any property line and/or within one hundred (100) feet of any street right-of-way. In addition, a Solid Waste Landfill shall not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.

v. The storage of fuel to be used on the Solid Waste Landfill site shall be in accordance with all applicable federal, state, and municipal regulations.

w. A chain-link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a Solid Waste Landfill by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

x. A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a Solid Waste Landfill by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the Solid

Waste Landfill, except at entrances. The selected evergreens shall have a minimum height of twelve (12) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified in this section. A landscaping plan shall be submitted to the Municipality for review and approval.

y. The Solid Waste Landfill shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act (Act 101, as amended). All weigh receipts shall be submitted to the Municipality on a quarterly basis.

z. A Land Development Plan for a Solid Waste Landfill must be submitted to the Municipality for review. The Land Development Plan shall demonstrate complete conformity with the requirements specified under this section. Upon approval, the Land Development Plan shall be received in accordance with the provisions stipulated by the Municipality.

B. Resource Recovery Facilities

1. For the purpose of this chapter, the following terms shall be defined as follows:

Resource Recovery Facility – A facility or land that is used for any one or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer.

Composting Facility – A facility for the composting of the organic matter in a manner consistent with local, State, and Federal laws.

Incinerator – A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Municipal Solid Waste – The un-separated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

Recycling Facility – A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

Refuse-Derived Fuel (RDF) Facility – A facility for the extraction of materials from municipal solid waste for recycling or for use as refuse-derived fuel (RDF).

Transfer Station – A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

2. If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed below:

a. The minimum lot size shall be ten (10) acres.

b. Parking areas shall be a minimum of one hundred (100) feet from any property line.

c. Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (PA DEP) and the provisions of this chapter. In the event that any of the provisions of this chapter

are less restrictive than any present or future rules or regulations of PA DEP, the more restrictive PA DEP regulations shall supersede and control.

d. Gaseous and particulate emission from the resource recovery facility site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

e. Direct access shall be taken from an arterial or collector highway. No more than one access road shall be constructed to the entrance of the resource recovery facility. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

f. A tire cleaning area shall be provided on site. All tires of all trucks leaving the resource recovery facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or municipal standards.

g. An equipment cleaning area shall be provided on site. All equipment used at the resource recovery facility shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state, and/or local municipal standards.

h. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.

i. No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the resource recovery facility prior to 6:30 a.m. Overnight parking shall be prohibited.

j. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the resource recovery facility shall be inspected for debris on a daily basis.

k. Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of at the resource recovery facility.

l. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited at the resource recovery facility.

m. All parts of the process unloading, handling and storage of municipal solid waste shall occur within a building. However, certain separated recyclable materials such as glass, aluminum, and other metals may be stored outdoors. The storage of paper shall be within a building. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

n. No municipal solid waste shall be stored at a resource recovery facility longer than state and federal regulations allow.

o. A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the municipality and approved by the Municipal Governing Body.

p. Waste from the Resource Recovery Facility process (such as but not limited to ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least two hundred (200) feet from any property line and stored in leak proof containers. Such process waste shall be disposed of in a sanitary resource recovery facility approved by PA DEP or in another manner approved by PA DEP.

q. Solid waste landfill operations and open burning of any materials are not permitted under this use.

r. No use shall emit noise in such quantity as to be audible beyond its lot lines. In addition, the nuisance standards of this chapter shall be met.

s. An operational permit shall be renewed on an annual basis on or before June 1.

t. No operation, activity, use, or occupation of any type for a Resource Recovery Facility shall be carried on within two hundred (200) feet of any property line and/or within two hundred (200) feet of any street or right-of-way. In addition, a Resource Recovery Facility shall not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.

u. A Resource Recovery Facility shall be under the direction at all times of a responsible individual who is qualified by expertise or training to operate such a facility.

v. The storage of fuel to be used at the Resource Recovery Facility site shall be in accordance with all federal, state, and Municipal regulations.

w. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a Resource Recovery Facility by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

x. A fifty (50) foot buffer yard shall completely surround all areas approved for operational use as a Resource Recovery Facility by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the Resource Recovery Facility, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on ten (10) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified in the ESRP Subdivision and Land Development Ordinance. A landscaping plan shall be submitted to the governing body for review and approval.

y. The Resource Recovery Facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act (Act 101, as amended). All weigh receipts shall be submitted to the Municipality on a quarterly basis.

z. A Land Development Plan for a Resource Recovery Facility must be submitted to the Municipality for review. The Land Development Plan shall demonstrate complete conformity with the requirements specified under this section. Upon

approval, the Land Development Plan shall be recorded in accordance with the provisions stipulated by the Municipality.

C. Low-Level Radioactive Waste Facilities.

1. For the purpose of this section, a "Low-Level Radioactive Waste Facility" shall be defined as a site in which engineering principles are utilized for the disposal of low-level radioactive waste as defined by the United States Environmental Protection Agency and by the Pennsylvania Department of Environmental Protection.

2. If a special exception is granted to permit a Low-Level Radioactive Waste Facility, the applicant and/or the developer for the site shall be subject to all standards and requirements which are specified by the U.S. Environmental Protection Agency, by the Pennsylvania Department of Environmental Protection, and by such other governmental bodies and agencies that may have jurisdiction.

3. If a special exception is granted to permit Low-Level Radioactive Waste Facility, the applicant and/or the developer of the site shall be subject to all standards and requirements which are specified under all local, state, and federal laws, as amended.

4. If a special exception is granted to permit a Low-Level Radioactive Waste Facility, the applicant and/or the developer of the site shall be subject to all standards and requirements which are specified in Section 478 (a).

5. A Land Development Plan for a Low-Level Radioactive Waste Facility must be submitted to the Municipality for review. The Land Development Plan shall demonstrate complete conformity with the requirements specified under this section. Upon approval, the Land Development Plan shall be recorded in accordance with the provisions stipulated by the Municipality.

Section 1687. Mineral Extraction.

A. The activities and residual effects shall not create conditions hazardous or otherwise significantly adverse to the value and customary use of adjacent properties. Adequate and reasonable protection shall be provided to adjacent uses.

B. The site shall be reclaimed in phases to a non-hazardous state permitting some economically productive future use and that extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.

C. Buffer Yard. A buffer yard within the standards of the ESRP Subdivision and Land Development Ordinance and with a width of two hundred (200) feet shall be required between the lot line of any existing residential use and any mineral extraction use.

D. Minimum setback from all exterior lot lines shall be one hundred (100) feet.

E. Minimum setback from any publicly owned recreational land, school, place of worship, creek, river, lake or wetland shall be two hundred (200) feet.

F. The Governing Body may require fencing where it is needed to protect public safety and welfare.

G. Noise and vibration standards, as per Section 1553.

H. The Governing Body may require that the applicant submit a copy of all submitted materials to the Schuylkill Conservation District for a review.

I. The Governing Body may submit an application affecting greater than ten (10) acres to the Municipal Engineer for a review. Such reasonable, necessary and routine review fees as occur shall be paid for by the applicant.

J. The Governing Body may reasonably limit the hours of operation of the use and of related trucking operations to protect the character of adjacent residential areas.

K. The applicant may be required to post such reasonable and necessary bonds to provide for any serious and extraordinary damage that may result from the use of Municipal roads by heavy trucks from the mining operation (The Board may require a traffic impact study of the current and potential traffic in the affected region).

L. The Zoning Hearing Board shall determine that the proposed use will not adversely affect the public health or safety of the community. In reaching this determination, the Board shall consider the following information as supplied by the applicant or any other party to the proceeding:

1. The location of the proposed extraction operation;
2. The anticipated depth of any excavations;
3. The depth of the existing water table;
4. The probable effect of the mining operation on the existing water table or confined aquifer;
5. The relationship of the mine site to surface watercourses and bodies of water;
6. The established water quality of surface waters which may be affected by the mining operations;
7. The probable effect of the mining operation on the quality of those surface waters (The Board may require the applicant to prepare studies of the present water quality of surface or underground water which may be affected by the proposed mining operation, and receive other qualified evidence on water quality.);
8. The nature and content of the overburden to be removed in the course of mining;
9. The underlying strata in which the minerals to be mined are located; and
10. The probable effect of blasting and other excavation methods upon lawful existing and permitted uses in the area surrounding the proposed mine site.

M. The applicant shall submit a complete copy of all application materials to the Governing Body and to the Planning Commission to allow them to make advisory reviews to the Zoning Hearing Board.

N. It is not the intent of this Section to unlawfully preempt any Federal or State law or regulation. Unless a preemption of this Ordinance would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.

O. No mineral extraction use may begin, expand or continue without having in effect all required State and Federal permits and being in compliance with all applicable regulations.

P. Suitability of Roads

1. It is the responsibility of the applicant to prove to the satisfaction of the Board that the public road system to be used will be adequate for the amount of heavy truck traffic to be created.
2. If it is determined that the mineral extraction use would create unusually heavy truck traffic and that the State and Municipal roads to be used would be inadequate to handle this unusually heavy traffic and non-customary traffic; the applicant may be required by the Board to fund such improvements to roads within one (1) mile of the use as are reasonably necessary to handle the heavy truck traffic that will be generated. Such improvements shall be in direction related to the traffic generated by the use. Such improvements may be made in phases and may be handled through posting of bonds.

3. The Board may deny a mineral extraction application if the public roads would be physically unable to handle the heavy truck traffic and if the applicant refused to fund the improvements necessary. The applicant shall not be responsible for routine maintenance of public roads.

Q. Each application for Mineral Extraction covering an area greater than one (1) acre shall contain the following information:

1. Present uses of the land to included in the requested permit.

2. A location map (prepared by a registered professional engineer) showing:

   a. The extent of the area to be excavated;

   b. Boundaries of land to affected by the mineral extraction operation, including the locations of storage sites for overburden, access and haulage roads, storage sites for equipment, and offices and other structures to be used in conjunction with the mining operation;

   c. Boundaries of adjoining lands owned by persons other than the applicant and the existing uses of those adjoining lands;

   d. The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas or other public property on or within four hundred (400) feet of the boundaries of land to be affected by the mineral extraction operation; and

   e. Physical or topographical relationship of the land area encompassed within the boundaries in subsection 1687.Q.2.b to those features described in subsection 1687.Q.2.d.

3. A development plan for the area to be affected by mineral extraction, prepared by a registered professional engineer:

   a. The nature and depth of the various strata of overburden above and between mineral seams to be excavated;

   b. The location and quality of underground water known to be present on the mine site;

   c. The location of known aquifers and the estimated elevation of the water table;

   d. The nature and thickness of minerals above the seam to be mined;

   e. A good faith estimate (prepared by a qualified soils engineer or geologist) of the probable impact of the mining operation upon the community water supply.

4. A detailed land reclamation plan of the area included within the permit, showing:

   a. A proposed use or uses of the land following the mineral extraction operations;

   b. Proposed topography of land following the mineral extraction operations;

   c. Actions to be taken during mining to conserve and replace topsoil removed during mining operations;

   d. The sedimentation and erosion control plan for the operation including the type of vegetation to be planted for soil stabilization purposes;

   e. Proposed location of future roads, private or public rights-of-way, drainage courses and other proposed improvements; and

   f. Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the mineral extracting operations to be covered by the requested permit.

5. Such other information as the Zoning Hearing Board may require by rule and which examination of the application may reveal to be necessary in order to determine that the proposed mineral extraction operation will comply with the requirements of this Zoning Ordinance.

R. Regulation of the Maximum Acreage Available for Active Mineral Extraction.

1. The intent of this Section is to control the pace of mineral extraction operations in a manner commensurate with the Municipality's ability to promote orderly growth and to assimilate development activity created through mineral extraction operations and related activities, to provide necessary public services throughout the Municipality to assure adequate protection of life and property, to provide for coordinated and practical community development, to prevent overcrowding of land, blight, congestion in travel and transportation, loss of life or property from flood or other danger, to encourage expedient reclamation of mined lands, and to provide incentives for the re-mining of inadequately reclaimed lands.

2. No permit for mineral extraction issued under this Section for the conduct of mineral extraction operations shall be deemed to authorize the applicant to begin, or to continue existing, mineral extraction operations on land covered by the permit until the Zoning Officer shall certify that the mineral extraction operation covered by the permit will not cause the total amount of land under active mineral extraction to exceed the maximum gross amount of land which may be affected by mineral extraction at any one time under the provisions of this Section.

3. Land Affected by Mineral Extraction shall, for the purposes of this determination, include land currently under active mineral extraction at the time of the determination, land not adequately reclaimed or backfilled following prior mining operations, land containing waste or spoil piles from existing or prior mining activities, and other land determined to be so affected for reasons set forth in this Ordinance containing the determination required by this provision.

4. It is the responsibility of the applicant to periodically document to the Board that the maximum gross area being mined is less than two hundred and fifty (250) acres, if requested to provide such documentation by the Board.

5. It is the intent of this Ordinance that any surface mining operations that are closely related business ventures and that are being conducted within close proximity to each other shall be considered as one (1) operation within the maximum gross area requirement.

Section 1688. Planned Industrial Park.

A. Permitted Uses.

1. Scientific or Industrial Research
2. Wholesale Business Establishment
3. Printing
4. Contractors
5. Warehousing, subject to Section 1689.
6. Child Day Care Center, subject to Section 1627.
7. Bank or Financial Establishment

8. General Restaurant, subject to Section 1649.

9. Fitness/Health Center

B. At least seventy percent (70%) of the total floor space of the park shall be utilized for Industrial uses.

C. Dimensional Regulations.

1. Site Regulations

Minimum Site Area:	5 acres
Minimum Site Width (at right-of-way line):	200 feet
Minimum Setbacks:	75 feet (from site boundaries)
Maximum Impervious Coverage:	80%

2. Minimum Lot Regulations

Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Front Yard:	50 feet
Minimum Side Yard:	20 feet (50 feet from corner side yards)
Minimum Rear Yard:	30 feet
Minimum Building Spacing:	35 feet

3. Maximum Lot Regulations

Maximum Building Height:	40 feet
Maximum Impervious Coverage	60%

D. All uses within the park shall take access from an interior roadway. Access for the park shall be from an arterial or collector street.

E. Interior roadways shall have street trees set on forty (40) foot centers

F. All parking and loading facilities shall be located to the rear or side of buildings.

G. The buffer requirements of the ESRP SALDO shall be met.

H. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

I. The display of materials or goods is not permitted within a park.

J. A Traffic Impact Study shall be required per the ESRP SALDO.

K. Individual uses may be located in detached and attached structures and on either fee simple lots or leased parcels.

L. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act or other ownership arrangement reviewed by the Governing Body's Solicitor.

M. The applicant shall submit a plan for the overall design and improvements for the park to the Zoning Hearing Board.

N. No use shall emit noise in such quantity as to be audible beyond its lot lines. The standards of Section 1520 shall be met.

O. Parking areas must be adequately screened per the ESRP SALDO when situated within fifty (50) feet of land zoned for or in residential use.

Section 1689. Truck Terminal; Warehousing; Distribution Center; Truck Stop.

A. Truck Terminal

1. The truck terminal shall be licensed by the Public Utilities Commission.

2. Dimensional Requirements.

a.	Minimum Lots Area:	10 acres
b.	Minimum Lot Width:	300 feet
c.	Minimum Front yard:	100 feet
d.	Minimum Side Yard:	100 feet
e.	Minimum Rear Yard:	100 feet
f.	Maximum Building Height:	35 feet
g.	Minimum Setback for parking Lots:	50 feet (public street); 100 feet (residential use or zoned land)
h.	Minimum Building spacing:	50 feet
i.	Maximum Impervious Surface:	60%

3. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least two hundred (200) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so t hat, when fueling, trucks must be parallel to street.

4. Not structure, including parking areas and access driveways shall be located closer than two hundred (200) feet to any residential use property line or any property line of a School Child Day Care Facility, Healthcare Facility, hospital, park or playground.

5. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.

6. Access driveways shall be a minimum or twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred and fifty (150) feet from one another, as measured from closest points of cartway edges.

Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

7. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.

8. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

9. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.

10. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

11. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable state and federal regulations.

12. Parking: one (1) off-street parking space for each employee or one (1) space for every five hundred (500) square feet of total floor area, which ever requires the greater number of spaces; plus one (1) space for each company vehicle normally stored on the premises.

13. The applicant shall furnish a traffic impact report, prepared by a professional traffic engineer, in accordance with the ESRP SALDO.

B. Warehousing

1. Dimensional Requirements.

a.	Minimum Lot6s Area:	10 acres
b.	Minimum Lot Width:	300 feet
c.	Minimum Front yard:	100 feet
d.	Minimum Side Yard:	100 feet
e.	Minimum Rear Yard:	100 feet
f.	Maximum Building Height:	35 feet
g.	Minimum Setback for parking Lots:	50 feet (public street); 100 feet (residential use or zoned land)
h.	Minimum Building spacing:	50 feet
i.	Maximum Impervious Surface:	60%

2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.

c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

d. A traffic impact report prepared in accordance with the ESRP SALDO.

3. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred and fifty (15) feet from one another, as measured from closest points of cartway edges.

4. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

5. Parking of Trucks shall be limited to those trucks picking up or delivering warehouse or wholesale materials twenty-four (24) hours prior to or after said pickup or delivery.

6. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

7. ~~The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.~~

8. ~~The applicant shall designate and reserve sufficient space on the sire to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than five percent (5%) of the projected maximum number of trips per day.~~

9. ~~No structure including parking areas and access driveways shall be located closer than two hundred (200) feet to any residential use property line or any property line of a school Child Day Care Facility, Healthcare Facility, hospital, park, or playground.~~

Section 1689. Truck Terminal; Warehouses; Distribution Center

The following regulations shall apply to Truck Terminals, Warehouses and Distribution Centers.

A. Dimensional Requirements for Truck Terminals, Warehouses and Distribution Centers.

1.	Minimum Lots Area:	10 acres
2.	Minimum Lot Width:	300 feet
3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet
6.	Maximum Building Height:	55 feet
7.	Minimum Setback for parking Lots:	50 feet (public street); 200 feet (residential use or zoned land)
8.	Minimum Building spacing:	50 feet
9.	Maximum Impervious Surface:	60%

B. General Regulations for Truck Terminals, Warehouses and Distribution Centers

1. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred and fifty (150) feet from one another, as measured from closest points of cartway edges.

2. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

3. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right-of-way width of 50 feet that is part of a major system and servicing thru-traffic needs.

4. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility, tractor trailers shall not be routed through residential neighborhoods.

5. No structure including parking areas and access driveways shall be located closer than two hundred (200) feet to any residential use property line or any property line of a School, Child Day Care Facility, Healthcare Facility, Hospital, park, or playground.

6. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

7. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.

8. The applicant shall establish that the proposed location and proposed intensity of the use will not cause substantial amounts of unmitigated (by traffic controls and the like) tractor-trailer truck traffic that will adversely affect residential neighborhoods, as reflected in the report required in subsection 10.d. below.

9. All outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal carcasses or similar items shall be enclosed, and no outdoor storage of these items or any inventory or raw materials shall be permitted in a front yard.

10. The applicant shall provide a detailed description of the proposed use in each of the following topics:

    a. It is understood that the warehousing and truck terminal development industry is speculative. To the extent reasonably known, the applicant shall provide a narrative regarding the nature of the on-site activities and the general scale of the operation(s), the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations. To the extent unknown, the applicant shall provide information applicable to the average warehouse or truck terminal end-user, or provide such information if it becomes available.

    b. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

    c. The applicant shall present credible evidence that the number of off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the warehouse activities.

    d. The applicant shall furnish a traffic impact report, prepared by a professional traffic engineer, in accordance with the ESRP SALDO and in accordance with PennDOT Publication 282 to identify the projected volumes of vehicular and truck traffic. The study shall include the analysis of reasonable affected nearby neighborhoods.

C. Truck Terminals

1. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least two hundred (200) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.

2. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.

3. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.

4. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

5. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable state and federal regulations.

D. Warehousing; Distribution Center

1. Parking of Trucks shall be limited to those trucks picking up or delivering warehouse or wholesale materials twenty-four (24) hours prior to or after said pickup or delivery.

2. The applicant shall designate and reserve sufficient space on the site to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than five percent (5%) of the projected maximum number of trips per day.

E. Off-Street Loading for Truck Terminals; Warehouses and Distribution Center Uses

1. Each use shall provide off-street loading facilities which meet the minimum requirements of this Section and are sufficient to accommodate the maximum demand generated by the use. At the time of site plan or land development review, the applicant shall provide evidence to the municipality of whether the use will have a sufficient number and sizes of loading facilities.

2. A minimum of one off-street loading space per loading dock must be provided. Spaces for tractor trailers must measure at least 12 feet by 80 feet.

3. Each loading space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas and street rights-of-way.

4. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the lot.

6. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the municipal Fire Marshal (or other duly designated emergency services official serving the municipality).

7. All access and parking areas shall be paved.

F. Additional requirements for Warehouse/Truck Terminal Uses

1. In addition to off-street loading facilities, each use shall provide one and one half (1.5) off-street parking space for each employee on the largest shift or one (1) space for every 4,000 square feet of gross building footprint, whichever is greater; plus one (1) space for each company vehicle normally stored on the premises.

G. Buffer Yard for Truck Terminals; Warehouse and Distribution Centers

1. Such uses where vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use by a residential use or residential zoning district shall be screened by a 50 feet wide/deep buffer yard; provided further that for any parcel/lot with existing woodland (an area of land that trees and bushy undergrowth cover and form a screen) within the front yard setback, such woodland shall either be preserved to the extent possible, or, if removed or disturbed during construction, shall be replaced with the buffer described herein below regardless of the neighboring use or zoning district. This buffer yard shall include a dense landscape buffer consisting of all of the following:

a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species: large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 % inch caliper at the time of planting

c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight feet in height for multi-stemmed varieties, or 2 % inch caliper at the time of planting for single-stemmed varieties.

d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

2. Plant material within buffer plantings shall meet the following requirements:

a. Be resistant to diesel exhaust;

b. Not be identified on the most current PA DCNR invasive species or watch lists; and;

c. Be hardy within the applicable USDA hardiness Zone.

d. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).

e. Shall be planted on the top and the exterior of any berm in order to provide effective screening.

f. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.

g. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

3. Proposed plantings shall be reviewed and approved by the municipality.

4. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

H. Berms for Truck Terminals; Warehouse and Distribution Centers

Vehicle parking, outdoor storage, loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines shall be separated from such lot lines by an earthen berm; except no earthen berm shall be required where the exterior lot line abuts an interstate highway, a right-of-way separating a parcel/lot or parcels/lots within the same land development, or a parcel/lot on which at the time of plan submission for the project is woodland (an area of land that trees and bushy undergrowth cover and form a screen). Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

I. Amenities for Truck Terminal Uses

Each and every building containing a Truck Terminal use shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site employees. The following provision shall apply.

1. The amenities shall include, at a minimum, a suitable lounge for drivers/operators, with restroom facilities, including at least three sinks, stalls, etc. per restroom, and dispensing machines or other facilities to provide food and beverages.

2. At least one amenity shall be provided for every thirty (30) truck loading/unloading docks/doorways of the use.

3. The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one seat per ten (10) docks/doorways, with a minimum area to accommodate six seats and one four-person table.

4. Parking for the amenity shall be provided in close proximity to the amenity and in a suitable, safe, and separately defined location. There shall be at least one twelve-foot by eighty-foot truck parking space per each required lounge seat of the amenity provided.

5. Trucks parked in amenity parking spaces shall not leave engines idling unless permitted by State or Federal law. Electrical outlets shall be included in parking areas fortrucks to utilize.

6. All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.

7. This use shall reserve a minimum of 5% of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.

Section 1690. Junk Yard.

A. Junk Yard

1. Minimum Lot Area: Five (5) acres

2. Junk Yard materials shall not be located within five hundred (500) feet of any residence other than that owned by the owner of the premises or any residential or business districts or one thousand (1,000) feet from a lake, river or stream. No junk or salvage operation shall be carried on within one hundred (100) feet of any highway right-of-way. No Junk Yard or salvage material or accessory structures shall be placed in the front, side or rear setbacks.

3. Junk Yard materials shall not be located in a wetland or floodplain.

4. Junk Yard materials shall be enclosed by a suitable fence or vegetative screening so that the materials are not visible from other property in the vicinity of the Junk Yard nor from a public road or from navigable water. The fence or vegetative screen shall be a minimum of eight (8) feet in height and shall be property maintained to satisfy the obscuring objective.

5. Junk Yard materials shall not be piled higher than the height of the fence or vegetative screen.

6. All junk shall be stored or arranged to permit access by emergency equipment and personnel, and to minimize the accumulation of water. For fire protection, an unobstructed firebreak shall be maintained fifteen (15) feet in width and completely surrounding the Junk Yard.

7. At the site, appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease or other contaminants. At a minimum, there shall be five (5) feet of soil between the water table or bedrock.

8. Any junkyard shall be maintained in such a manner to minimize public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

Section 1691. Commercial Slaughterhouse.

A. Commercial Slaughterhouse

1. Minimum lot area: Five (5) acres.

2. The subject site shall have access to a collector or arterial road.

3. A public sewerage system and public water supplies shall be utilized.

4. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely enclosed building.

5. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.

6. The applicant shall furnish a working plan for animal containment and for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.

7. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.

8. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals.

9. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.

10. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

11. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line of a residential, retail business, professional service, personal service or institutional use; or any Place of Worship or Playground.

12. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot-wide landscape strip.

13. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination, by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines.

14. Where wastewater pretreatment is required by the EAP or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors.

In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.

15. Public water supplies shall be tested for water potability prior to approval, and annually thereafter, the results of which shall be regularly submitted to the USDA.

16. All unusable animal by-products shall be stored indoors in leak-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.

17. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, state and federal standards and regulations.

18. The use shall provide sufficiently long stacking lanes and on-site loading/unloading area, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.

19. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.

20. All access drives onto the site shall have a paved minimum thirty-five (35) foot-wide cartway for a distance of at least one hundred (100) feet from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a one-hundred-fifty (150) foot long gravel section of driveway shall be placed just beyond the preceding two-hundred (200) foot paved section, to help collect any mud that may have attached to a vehicle's wheels.

21. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer in accordance with the ESRP SALDO.

Section 1692. Commercial and Small Wind Energy Facilities.

A. Purpose.

The purpose of the section is to provide for the construction and operation of both commercial and individual small Wind Energy Facilities in The ESRP Region, subject to reasonable conditions that will protect the public health, safety and welfare.

B. Definitions. For the purposes of this section, the following definitions shall apply:

Applicant - The person or entity filing an application under this Ordinance.

Facility Owner - The entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

Operator - The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Hub Height - The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Occupied Building - A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

Turbine Height - The distance measured from the surface of the tower or pedestal foundation to the highest point of the turbine rotor plane.

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

Commercial Wind Energy Facility - An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Small Wind Energy Facility- A wind energy conversion system consisting of a wind turbine, a tower or pedestal, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power for both residential and small commercial/industrial applications. Although the formation of a business entity may be required for interconnection to the power grid, the operation of a small wind energy facility in compliance with the Zoning Ordinance servicing a single family residence shall not be considered a commercial use, no-impact home based business or home occupation.

Non-Participating Landowner - Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

C. Applicability

8. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.

9. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

D. Permitted Use

A Commercial Wind Energy Facility and a Small Wind Energy System shall be considered a permitted use By Right in the AP and EAP Zoning Districts. A Commercial Wind Energy Facility shall be a use by Special Exception in the GI-1 and GI-2 Zoning Districts. A Small Wind Energy System shall be a use permitted by Special Exception in all other Zoning Districts.

E. Permit Requirement

1. No Commercial or Small Wind Energy Facility, or addition of a Wind Turbine to an existing Commercial or Small Wind Energy Facility, shall be constructed or located within the ESRP Region unless all applicable Local, State, and Federal permits have been issued to the Facility Owner or Operator approving construction of the facility.

2. The permit application or amended permit application shall be accompanied with a fee to be established by the Municipality in which the Commercial or Small Wind Energy Facility is located.

3. Any physical modification to an existing and permitted Commercial or Small Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

Section 1692.1 Commercial Wind Energy Facilities.

A. Permit Application

Among other things, the application shall contain the following:

1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

5. Documents related to decommissioning.

6. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the ESRP Region to ensure compliance with all applicable ordinances.

B. Design and Installation

1. Design Safety Certification

The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

2. Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142.

3. Controls and Brakes

All Wind Energy Facilities shall be equipped with a redundant braking **or clutch** system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

4. Electrical Components

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

5. Visual Appearance; Power Lines

a. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

b. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

c. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

d. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

6. Warnings

a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

7. Climb Prevention/Locks

a. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

b. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

C. Setbacks

1. Occupied Buildings

a. Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building

b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

2. Property lines:

All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

3. Public Roads:

All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

D. Waiver of Setbacks

1. Property owners may waive the setback requirements in 9(A)(2) (Occupied Buildings on Non-participating Landowner's property) and 9(B) (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.

2. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

3. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

4. Upon application, the municipality may waive the setback requirement for public roads for good cause.

E. Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within the municipality to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

2. The municipality's engineer or a qualified third party engineer hired by the municipality and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The municipality may bond the road in compliance with state regulations.

4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

F. Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

G. Noise and Shadow Flicker

1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

H. Waiver of Noise and Shadow Flicker Provisions

1. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.

2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.

3. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

I. Signal Interference

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

J. Liability Insurance

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to the municipality upon request.

K. Decommissioning

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the [*municipality*] after the first year of operation and every fifth year thereafter.

5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the [*municipality*].

6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the [*municipality*].

7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 1692 O.1., then the landowner shall have six (6) months to complete decommissioning.

8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then the [*municipality*] may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the [*municipality*] shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the [*municipality*] may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been

satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

L. Public Inquiries and Complaints

1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

M. Remedies

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

2. If the municipality determines that a violation of the Ordinance or the permit has occurred, the municipality shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the municipality and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

3. If after thirty (30) days from the date of the notice of violation the municipality determines, in its discretion, that the parties have not resolved the alleged violation, the municipality may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

Section 1692.2 Small Wind Energy Facilities.

A. Tower Height: For property sizes between ½ acre and one acre the tower height shall be limited to 35 ft. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations

B. Set-back: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

C. Noise**:** Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

D. Compliance with PA Uniform Construction Code (PA UCC)**:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the PA UCC and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the PA UCC Code. This information is frequently supplied by the manufacturer.

E. Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports

F. Utility Notification: No small wind energy system shall be installed until evidence has been

given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

G. No more than two towers shall be located upon a property or serve a single commercial/industrial or residential structure.

H. Decommissioning

1. Any official designated by the affected municipality may cause the owner to remove the system and all appurtenances thereto, if the system or systems are not maintained in operational condition for a period of 180 days or more.

2. The non-operational system and all appurtenances shall be removed from the property and to a legal disposal area within sixty days of notification.

Section 1693. Ethanol Production Facilities.

A. Ethanol Production Facility

1. For the purposes of this chapter, an "Ethanol Production Facility" shall be defined as a site on which engineering principles are utilized including, but not limited to fermenting, milling, and distilling from feed stocks (such as but not limited to grain, sorghum, wheat, corn, sugarcane barley, or potatoes) for the purposes of making ethanol fuel.

2. If a special exception is granted, then the applicant is subject to all conditions, standards, and controls below:

a. Minimum lot size: 10 acres

b. Maximum Building Height: 100ft.

c. Ethanol Production Facilities are allowed in the EAP and AP Zoning Districts by Special Exception only.

d. A Land Development Plan for an Ethanol Production Facility must be submitted to the Municipality for review. The Land Development Plan shall demonstrate complete conformity with the requirements specified under this section. Upon approval, the Land Development Plan shall be received in accordance with the provisions stipulated by the Municipality.

e. An Emergency Management Plan shall be filed in accordance with all applicable local, state, and federal agencies.

f. The initial Land Development Plan for an Ethanol Production Facility shall be accompanied by traffic, hydrogeologic, and environmental impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Municipal Governing Body at the time of securing a Land Development Plan for an Ethanol Production Facility. The plan shall be in compliance with the prevailing zoning at time of application.

g. The construction and operation of an Ethanol Production Facility shall not be permitted unless a permit for such Ethanol Production Facility has been issued by the Pennsylvania Department of Environmental Protection and/or Federal Environmental Protection Agency (EPA) and the Ethanol Production Facility is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection and Federal EPA. Operation of any Ethanol Production Facility shall at all times be in full

compliance with the statutes of the Commonwealth of Pennsylvania, and the rules and regulations of the Pennsylvania Department of Environmental Protection, Federal EPA and the provisions of this chapter. In the event that any provisions of this part are less restrictive than any present or future rules or regulations of the Department of Environmental Protection and/or Federal EPA, the more restrictive Department rules and regulations supersede and control in the operation of such Ethanol Production Facility.

h. An Ethanol Production Facility shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate an Ethanol Production Facility.

i. No site activity shall be permitted on Sundays or legal holidays. Operations shall be permitted only between hours of 5:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the facility prior to 5:00 a.m. Overnight parking shall be prohibited.

j. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the ethanol production facility shall be inspected for debris on a weekly basis.

k. Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of at the Ethanol Production Facility.

l. No operation, activity, use, or occupation of any type for the Ethanol Production Facility shall be carried on within three (300) feet of any property line and/or within three hundred (300) feet of any street right-of-way. In addition, an Ethanol Production Facility shall not be located within one thousand (1000) feet of any residential zoning district or occupied residential dwelling unit.

m. A chain-link fence with a minimum height of eight (8) feet shall be erected along all boundary lines of the area which is approved for operational use as an Ethanol Production Facility by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

n. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields.

Section 1694. Solar Energy.

A. The purpose of this Section is to promote the effective and efficient residential and commercial or industrial use of solar energy systems or any similar apparatus to convert solar energy into power generally and heating conversion systems.

B. A solar panel or solar collector shall mean a panel or series of panels or pipes, which convert solar energy into a useable form of energy or to produce a heated fluid. The panel or collector

includes all parts of the system and the transmission equipment and internal material, which may only be installed in an area of periodic, open sun.

C. Solar commercial energy operations, not meeting the parameters of Section D. are permitted as a Special Exception Use in all Zoning Districts except the R-1, R-2, R-3, R-4, R-5 and shall conform to the following regulations as well as the requirements of systems permitted as accessory uses in Section D.

1. A special exception for a panel shall not cause substantial injury to the value of other properties in the area where it is to be located and shall comply with all setback requirements applicable to the Zoning district in which it is located.

2. Solar commercial energy operations shall be subject to review and approval of land development plans, conforming to requirements of the Subdivision and Land Development Ordinance, by the municipal planning commission and governing body.

3. A solar energy system adjoining a residential use property at the time of erecting the system shall be screened from the adjoining property in compliance with requirements of Section 1505 of the Zoning Ordinance.

4. The applicant shall provide evidence of the approval for the proposed interconnection by the Public Utility Company involved.

5. In addition to requirements of the Subdivision and Land Development Ordinance the land development plan shall include:

   a. The location of the solar energy system and all appurtenances on-site.

   b. All existing and proposed utility lines.

   c. Structural support design specifications.

D. ~~Permitted by Special Exception or as an Accessory Use~~ Permitted by Right, Special Exception or as an Accessory Use

1. ~~The installation of solar panels or solar collectors shall be permitted as a Special Exception within the R-4 and R-5 Zoning District and by right within all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, R-1, R-2 & R-3) subject to the following regulations.~~ The installation of Roof/Structure Mounted Solar Energy Systems shall be permitted by Right within the R-4 and R- 5 Zoning Districts, the installation of Ground Mounted Solar Energy Systems shall be permitted by Special Exception within the R-4 and R-5 Zoning Districts, and the installation of both Roof/Structure Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems shall be permitted by Right in all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, , R-l, R-2 & R-3) subject to the following regulations.

   a. The primary purpose of the solar energy system will be to provide power for the primary use of the property wherein said system is to be located and shall not be for the generation of power for commercial purposes; although, this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a solar energy system designed to meet the energy needs of the principal use. The sale of excess power shall be limited so that in no event an energy system is generating more energy for sale on an annual basis than what is otherwise necessary to power the principal use of the property.

   b. Although the formation or an additional business entity may be required for interconnection to the power grid, the operation of solar panels or solar collectors in compliance with this section of the Zoning Ordinance shall not be considered a principal or additional commercial use or in the case of a residential use structure

it shall not be considered a commercial use, no-impact home based business or home occupation.

c. All solar energy systems shall comply with all applicable building codes.

d. All solar panels and solar energy collectors shall be located so as not to cast glare upon adjoining parcels, including roadways.

e. If the solar energy system is to be connected to an electric utility distribution system the applicant shall provide evidence of the approval for the proposed interconnection by the Public Utility Company involved.

f. Roof/Structure Mounted Solar Energy Systems shall comply with the following.

i. The height of roof-mounted systems shall not extend more than 3 feet above the finished roof of the structure to which it is attached and shall not violate the maximum height for the building to which they are attached.

g. Ground Mounted Solar Energy Systems shall comply with the following.

i. Ground mounted solar energy systems erected on residential use parcels shall not be located in the required front yard and shall meet side and rear yard setbacks for residential accessory structures.

ii. Ground mounted solar energy systems on commercial or industrial use parcels shall meet the principal building setback requirements of the zoning district for which it is located.

iii. All wiring interconnections and system wiring from the system location to the building entrance must be underground.

iv. No more than 20 percent of the lot may be covered with a ground mounted solar energy system.

v. Ground mounted energy systems shall not be calculated as part of a parcels lot or impervious coverage total.

vi. Panels located in yards shall be screened from adjacent properties and landscaped in accordance with Section 1505 or as determined by the Zoning Hearing board.

E. Abandonment

1. Any official designated by the affected municipality may cause the owner or operator to remove the system and all appurtenances thereto, if the system or systems are not maintained in operational condition for a period of 120 days or more.

2. The non-operational system shall be removed from the property and to a safe and legal disposal area within sixty days of notification.

3. The former panel site shall be restored to it original conditional within thirty days of removal of the system.

Section 1695. Gas and Oil Development.

A. Purpose

The purpose of this ordinance is to provide for the health, safety and welfare of the residents of the Eastern Schuylkill Regional Planning, through zoning for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of

the municipalities' residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the municipalities. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the municipalities.

B. Definitions

Acoustical Blanket – A fabric placed around a site or object that assists in the abatement of noise and acts as an absorbent and noise blocker. The fabric is resin coated to withstand weather, moisture and the more demanding outdoor applications.

Applicant - Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

Building - Any structure, including principal or accessory structures, comprised of any combination of building materials, which is erected upon the ground, upon a foundation or piers, and which may be permanently affixed thereto. This definition includes buildings which are designed, intended, or arranged for the housing, shelter, enclosure, or storage of persons, animals, goods, materials, or property of any kind.

Collector Street - A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

Department - The Department of Environmental Protection of the Commonwealth.

Derrick - Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling – Means any digging or boring of a new or existing well to explore, develop, or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid or substance into the earth.

Drilling Equipment – Means the derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling.

Drilling pad - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Exhaust Muffler – a tubular acoustic device inserted in the exhaust system that is designed to reduce noise.

Fracking - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Groundwater – Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for agricultural, municipal, industrial, and other beneficial uses.

Lift Compressor – a device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.

Line Compressor – a device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

Local Street - A public street or road designed to provide access to abutting lots and to discourage through traffic.

Oil and Gas - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development - The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or Gas Well Site - The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

Operator - The person designated as the well operator on the permit application or well registration.

Owner - A person, who owns, manages, leases, controls or possesses an oil or gas well.

Protected Structure – A protected structure is any full-time occupied residence, school, religious institution or other public building that may be impacted by activity associated with oil and gas well development and/or natural gas compressor station or processing plant. This term shall not include any structure (i) owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a Natural Gas Compressor Station or Processing Plant, or (ii) whose owner (or occupants) has (have) signed a waiver relieving the Operator(s) from implementation of the measures established in this Ordinance or the owner's (occupants') benefit.

Natural Gas Compressor Station – A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection for such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

Natural Gas Processing Plant – A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

Natural Gas Liquids (NGL) – Components of natural gas that are liquid at surface in field facilities or in gas-processing plants. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline) and high (liquefied petroleum gas) vapor pressure. Natural gas liquids include propane, butane, pentane, hexane, and heptanes, but not methane and ethane, since these hydrocarbons need refrigeration to be liquefied. The term is commonly abbreviated as NGL.

Sound Wall – A wall constructed around a site or object that assists in the abatement of noise.

Storage well - A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Surface Water – Water collecting on the ground or in a creek, stream, river, pond, lake, wetland, or ocean; it is related to water collecting as groundwater or atmospheric water.

Water Supply – A supply of water for human consumption or use, or for agricultural, commercial, industrial, recreation, or other legitimate beneficial uses.

* All other terms will be as defined in Pennsylvania's Oil and Gas Act (Act 223) Title 58, Oil and Gas, Chapter 11, Oil and Gas Act.

C. Conditional Use

Subject to the provisions of this section:

1. An oil or gas well site, or a natural gas compressor station, or a natural gas processing plant, or any similar facilities performing the equivalent functions shall be considered a Conditional Use within the GI-1 (General Industrial – 1) and GI-2 (General Industrial – 2) Zoning Districts.
2. An oil or gas well site and/or use, natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions shall be prohibited in residential and commercial zones.
3. An oil or gas well site and/or use, natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions shall be located 2000 feet from any preexisting residential building which is located off the property.
4. Conditional Use applications shall be accepted and reviewed as outlined by this Ordinance and The Pennsylvania Municipalities Code. An application for Conditional Use shall be accompanied by the required fee, pursuant to the municipality's fee schedule, to the municipality.

D. Applicability

1. The provisions of Section 1695 apply to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of the ordinance.
2. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. The Eastern Schuylkill Regional Planning member municipalities acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

E. Conditional Use and Permit Requirements

1. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located the Eastern Schuylkill Regional Planning area unless a Conditional Use has been granted and a permit has been issued by the municipality to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
2. The permit application, or amended permit application, shall be accompanied by a fee as established in the municipality's schedule of fees. Said fee schedule shall include a well closure/plugging bonding equal to $15,000.00 per well.

3. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

F. Pre-application Conference (Optional)

1. Purpose

a. Before submitting an application the applicant is strongly encouraged to meet with the municipal staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the municipal staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

2. Process

a. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the municipality to approve any application for a permit or to act within any time limit relative to the date of such conference.

G. Permit Application

1. The applicant shall provide to the municipality at the time of permit application and prior to the approval of a Conditional Use:

a. Written permission from the property owner(s) who has legal or equitable title in and to the surface of the drill site or a court order recognizing the applicant's authority to occupy the surface for the purpose of mineral extraction.

b. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, proposed vertical and horizontal extents of the well and the location, and number and description of equipment and structures to the extent known.

c. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

d. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the municipality or county for information of Emergency Responders.

e. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Municipality and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Municipality and all Emergency Providers.

f. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the

transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.

g. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.

h. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

i. A certification or evidence satisfactory to the municipality that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a municipality roadway maintenance and repair agreement with the municipality, in a form acceptable to the municipal solicitor, regarding the maintenance and repair of the municipal streets that are to be used by vehicles for site construction, drilling activities and site operations.

j. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Municipal streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

k. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Municipality and all Emergency Responders.

l. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Municipality and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.

m. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.

n. A copy of the documents submitted to the department, or if no document has been submitted to the department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.

o. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.

p. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

q. Evidence of conformance to, but not limited to, PA Title 25 PA Code 78, 95, 102, 105 shall be submitted with the permit application.

r. Information as required by Section K & L shall be completed prior to permit issuance.

2. Within 30 business days after receipt of a permit application and the required fee, the Municipality will determine whether the application is complete and adequate and advise the applicant accordingly.

3. If the application is complete and fulfills the requirements of this ordinance, the Municipality shall issue or deny a permit within 45 days following the date the complete application was submitted.

4. If the application is incomplete and/or inadequate the municipality will notify the applicant of the missing or inadequate material and, upon receiving said material, issue or deny the permit within 30 days following receipt.

H. Design and Installation

1. Access.

a. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.

b. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

2. Structure Height.

a. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

b. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

c. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.

i. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.

ii. Provided further the time period of such drilling and exemption shall not exceed 6 months.

iii. The operator shall give the Municipality prior written notice of the beginning date for its exercise of the exemption.

3. Setbacks.

a. Drilling rigs shall be located a minimum setback distance of 2.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

b. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.

c. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

d. Exemption from the standards established in this subsection may be granted by the Municipality upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.

e. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 1500 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

4. Screening and Fencing.

a. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided.

b. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

c. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.

d. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.

e. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

f. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

5. Lighting.

a. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.

b. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

6. Noise.

a. The applicant shall take the following steps to minimize, to the extent possible, noise prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this

ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

b. The applicant shall provide the municipality documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

c. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection (2) by more than:

i. 5 decibels during drilling activities,

ii. 10 decibels during hydraulic fracturing operations.

iii. 5 decibels for a gas compressor station or a natural gas processing plant.

iv. Allowable increase in subsection c shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period.

d. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

e. Exemption from the standards established in this subsection may be granted by the Municipality during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the municipality.

f. Complaints received by the municipality shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the municipality and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

g. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

I. Prohibitions.

1. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.

2. Oil and gas drilling in the 100 year Floodplain is discouraged but may be permitted by the Municipality in its discretion if the following provisions are met.

a. If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other then a location within the floodplain.

b. An adequate Emergency Evacuation Plan shall have been produced by the

applicant and filed with the municipality.

c. No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Municipality if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-year flood; and further provides security to the Municipality assuring the applicant's ability to remedy any damage or injury that may occur.

d. Only necessary and needed structures will be permitted within the floodplain.

e. All structures within the flood zone shall be designed to withstand a 100-year storm event.

f. An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Municipality.

J. Responsibility for road maintenance and repair; road bonding.

1. Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Municipal roads caused by traffic associated with the Oil and Gas Development to the extent the damage is in excess of that caused by normal traffic and may be required to furnish a bond to guarantee the repair of such damages.

2. On roads which will be impacted by Oil and Gas Development truck traffic which have not been posted for weight limit, the operator/land owner will be responsible for the costs incurred by the municipality to post a weight limit on the road. These costs include engineering and traffic studies, legal fees for ordinance drafting and advertising and the costs associated with signage.

3. After the road is posted, each hauler will enter into an excess maintenance agreement with the Municipality and obtain a permit once security bonding is in place. Generally the amount to be secured is $6000.00 per linear mile for unpaved roads and $12,500.00 per linear mile for paved roads in cases wherein the hauler agrees not to downgrade the road. Where the Municipality and the hauler agree that the road can be downgraded during hauling and restored after hauling ceases, the amount of security required is $50,000.00 per linear mile.

4. Inspections will be conducted by the Municipality at the expense of the hauler to determine its condition. After hauling begins, the Municipality will monitor the condition of the road and notify the hauler of necessary repairs. If the Municipality is responsible to initiate the repairs they will bill the hauler for the costs.

K. Pre-Drilling, Post-Hydraulic Fracturing, and Baseline Water Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing all existing water supplies (surface and groundwater) 1,000 feet beyond the horizontal extents of the well. The purpose of testing is to determine the baseline quality and quantity of surface water and groundwater surrounding the proposed well site and address resultant changes that may occur or have an impact on the water supply of the site and surrounding area. If a landowner refuses to allow the Operator access to conduct a survey the Operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78, §78.52 (f). In addition, prior to drilling, the Operator will be required to drill a test well outside of the limits of the well pad but no more than 750 feet from the well location for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. All testing shall adhere to the following;

1. Pre-drilling testing results, both from existing water supplies and from the Operator-

drilled test well, shall be submitted as part of the Conditional Use application.

2. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.

3. The post-hydraulic fracturing test results, both from existing water supplies and from the Operator-drilled test well, shall be submitted to the Township, Pa DEP and residents within the baseline area of the well location in addition to and in accordance with PA Code Title 25, Chapter 78, §78.52 "Predrilling or prealteration survey" within ten (10) days of their receipt.

4. The Operator shall be responsible for all costs associated with drilling and testing and testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.

5. Water Quantity Test – The Operator shall hire a consultant (hydrogeologist) agreed upon by the Township to conduct water quantity testing. The consultant shall submit a pre-testing and pre-drilling plan to be approved by the Township. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all water wells via draw down tests or other suitable means. The results shall be certified by the hydrogeologist.

6. Water Quality Test – Operators shall test for the following list of parameters for all surface water and groundwater. The list is not exhaustive and the Township reserves the right to add additional parameters.

Analyte				
Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/E.Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron			Total Organic Compounds
Hardness	Magnesium			Nitrate
Oil and Grease	Manganese			Radionuclides gross alpha, radium
Ph	Potassium			Radon
Sulfate	Sodium			Lead
Total Dissolved Solids	Strontium			
Residue - Filterable	Arsenic			
Total Suspended Solids				
Residue – Non Filterable				

L. Pre-drilling and Post-Hydraulic Fracturing Soil Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing soil conditions within one-hundred (100) feet of the limits of disturbance as defined by the Erosion and Sedimentation Plan. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.

1. Pre-drilling testing results shall be submitted as part of the Conditional Use application.

2. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.

3. The results shall be submitted to the Township and PA DEP within ten (10) days of their receipt.

4. The Operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by Background Groundwater Testing and Monitoring

Section 1696. Medical Marijuana Dispensary.

A. The lot or property line of such business shall not be located within 1,000 feet of the lot or property line of a public, private or parochial school or day-care center, as provided for by 35 P.S. §10231.802. Only the Department of Health through the dispensary permitting process may adjust or waive this prohibition.

B. Provide a copy of the permit for medical marijuana dispensary issued by the Pennsylvania Department of Health.

C. Provide a copy of the security information for the dispensary permit issued by the Pennsylvania Department of Health.

Section 1697. Medical Marijuana Grower/Processor.

A. Provide a copy of the permit for medical marijuana growing/processing issued by the Pennsylvania Department of Health.

B. Provide a copy of the security information forthe growing/processing permit issued by the Pennsylvania Department ofHealth.

Section 1698. Data Centers.

The following regulations shall apply to Data Centers and Data Center Accessory Facilities.

A. Dimensional Requirements

1.	Minimum Lots Area:	30 acres
2.	Minimum Lot Width:	300 feet
3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet
6.	Maximum Building Height:	50 feet

7. Minimum Setback for parking Lots: 50 feet (public street);

200 feet (residential use or zoned land)

8. Minimum Building spacing: 50 feet

9. Maximum Impervious Surface: 60%

B. Buffer Yard

1. Where such uses, vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use shall be screened by a 50 feet wide/deep buffer yard. This buffer yard shall include a dense landscape buffer consisting of all of the following:

a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species : large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 % inch caliper at time of planting.

c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 % inch caliper at the time of planting for single-stemmed varieties.

d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

e. Plant material within buffer plantings shall meet the following requirements:

i. Be resistant to diesel exhaust;

ii. Not be identified on the most current PA DCNR invasive species or watch lists; and

iii. Be hardy within the applicable USDA hardiness Zone.

iv. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).

v. Shall be planted on the top and the exterior of any berm in order to provide effective screening.

vi. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.

vii. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

f. Proposed plantings shall be prepared by a registered Landscape Architect and shall be reviewed and approved by the municipality.

g. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

C. Berm

Where such uses, vehicle or tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from an area within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

D. Additional Requirements

1. All access and parking areas shall be paved.

2. The use shall not be approved unless the applicant demonstrates that procedures for fire protection, suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare, and shall comply with National Fire Protection Association (NFPA) standards.

3. Fire Lanes shall be provided where required by state and federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Municipality's Fire Marshal (or other duly designated emergency services officials serving the Municipality).

4. The applicant shall submit an emergency response plan which shall be reviewed by the local fire department and emergency management coordinator at least 30 days prior to the conditional use hearing, shall include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency vehicles, and shall include detailed procedures for fire suppression, containment, ventilation and evacuation. The applicant shall provide training to the fire department providing emergency services to the Data Center or the Data Center Accessory Facilities at the reasonable request of the Municipality. There shall also be provisions made for annual fire safety inspections performed by a qualified person approved by the Municipality with the costs paid by the facility operator.

5. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right of way width of at least 50 feet that is part of a major system servicing through traffic needs.

6. Where gates, guard shacks or check points are proposed at such facilities, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.

7. A minimum of three (3) loading spaces shall be required. The applicant may request, within their Conditional Use application, fewer loading spaces, subject to review and approval by the Municipality, in consideration of whether vehicle queuing impairs the ability of first responders to access the property.

8. The minimum number of parking spaces shall be twice the maximum number of employees on site during the largest shift.

9. No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances or similar items shall be permitted.

10. External security fencing is required and shall not exceed 12 feet in height. No barbed wire or chain-line fencing shall be permitted. Such fencing shall be wrought iron/metal or a similar style of fence approved by the Municipality.

11. The applicant shall provide a general description of the on-site activities and operations.

12. The applicant shall provide a general description of the scale of the use in terms of its allocated floor space for each activity.

13. The applicant shall submit a detailed description of the type of cooling system including all sourced components required for the system to be used as part of the operation.

14. The applicant shall provide an interconnection or other agreement from the electric service provider indicating that capacity is available and the Data Center or Data Center Accessory Facilities will be served by such sources. If the applicant proposes to connect the Data Center or the Data Center Accessory Facilities to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the project. Any known impacts on electric rates or availability for other uses directly attributable to the project shall be noted.

    a. Any energy generation system designed or used to supply power directly to the project during normal operations, including but not limited to wind, solar, fossil fuel, or nuclear energy generating systems shall be considered to be a different use and shall require compliance with all zoning regulations applicable to such use.

    b. The anticipated usage of standby generators must be identified. Standby generators are subject to maximum noise level requirements of item 15.

15. Applicant shall provide a sound study conducted by an independent professional acoustical expert that the installation of one or more sound reducing materials or systems will effectively reduce the sound generated by the Data Center or the Data Center Accessory Facilities during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to, generators running)

to a maximum daytime (7:00am to 8:00 pm Monday - Friday) decibel level of 75 dB(A) and a maximum nighttime (8:00pm to 7:00am Monday -Friday and the 48 - hour period of Saturday and Sunday) decibel level of 57 dB(A) as measured from the property lines of the parcel(s) on which the Data Center or the Data Center Accessory Facilities are located. Sound from the use shall not exceed such levels, except for the operation of emergency equipment and routine testing and maintenance of emergency equipment (that occurs monthly during daytime hours).

16. An as-built sound study shall be conducted by the applicant subject to review of the Municipality six months after issuance of the certificate of occupancy for any Data Center and associated Data Center Accessory Facilities, and prior to the final escrow release for any land development phase, to ensure compliance with required decibel levels.

17. Any sound measurements shall be conducted using sound level meters described in ASA/ANSI SI. 4-2014 and using generally accepted criteria.

18. The applicant shall demonstrate that adequate means of wastewater treatment and disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, are provided to ensure protection of the public health, safety and welfare. Any required approvals form the municipal sewer enforcement officer and the Pennsylvania Department of Environmental Protection shall be obtained.

19. Applicant shall prepare and submit a traffic impact study in accordance with PennDOT Publication 282 to identify the projected volumes of vehicular and truck traffic during construction and operation.

20. The Applicant shall provide an environmental impact study containing a description of any environmental impacts that are likely to be generated in the areas of odor, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, or solid waste from the Data Center or the Data Center Accessory Facilities, and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the project fall within acceptable levels, as regulated by applicable laws and ordinances.

21. In order to provide protection to the local water supply the applicant shall submit the following items:

    a. An analysis of water needs (groundwater or surface water) from either private or public sources indicating the quantity and frequency of water required.

    b. If the water source is from a municipal or public system, the applicant shall submit documentation that the supplier has the capacity to meet water consumption requirements of the proposed development.

    c. Identification of how water will be recycled, treated and disposed of.

    d. If the water source is from a private supplier, the applicant shall submit information relating to said supplier including its name and a copy of any contract or agreement.

e. If any water source is from an on-site well, the applicant shall submit a water feasibility study. The purpose of the study shall be to determine if there is an adequate supply of water for the Data Center and the Data Center Accessory Facilities and to estimate the impact of the project on existing wells in the vicinity. The water feasibility study shall include the following minimum information:

i. Calculations of the projected water needs;

ii. A geologic map of the area with a radius of at least one mile from the site of the Data Center and the Data Center Accessory Facilities;

iii. The location of all existing and proposed wells within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities, with a notation of the capacity of all existing and proposed wells;

iv. The location of all streams within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities and its water source;

v. The long-term yield of the on-site water source shall be determined based on the geological formations underlying the site of the Data Center and the Data Center Accessory Facilities;

vi. An analysis and determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table;

vii. Identification of how water will be recycled, treated and disposed of.; and

vii. The water supply analysis shall be prepared by a Hydrogeologist, licensed in the Commonwealth of Pennsylvania and shall include a statement of the qualification(s) and the signature(s) of the person(s) preparing the study.

Section 1699. (Reserved)

CHAPTER VII. GOVERNMENT AND UTILITY USES

Section 1700. Regulations for Municipal, State, and Federal Uses.

A. Municipal Uses

1. In all zoning districts, municipal uses shall be exempt from lot area, width and depth regulations. Municipal uses shall not be required to comply with regulations concerning yard areas, setback or lot coverage.

Section 1701. Public Utilities Corporation Exemption Criteria: Public Utilities Regulations.

A. Public Utilities Exemption Criteria

1. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of said public utility corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

2. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Municipality have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

B. Public Utilities Regulations

1. If it shows the Public Utility is not exempt in subsection A, above:

   a. The use shall be licensed by the Pennsylvania Public Utilities commission.

   b. The proposed installation in a specific location is necessary for efficient service to the public in the neighborhood or area in which the particular use is to be located.

   c. The design of any building in connection with such facility, as approved by the Zoning Hearing Board, shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights.

   d. Approved fencing and other security devices shall be provided.

   e. A buffer strip ten (10) feet in width and screening are provided and shall be continually maintained as well as any landscaping requirements of the ESRP SALDO.

   f. Adequate off-street parking is required as per Section 1509 of this Ordinance.

   g. All area yard and building coverage requirements of the zoning district in which the use is located shall be met.

CHAPTER XVIII. NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS

Section 1800. Statement of Intent.

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.

Section 1801. Non-Conforming Lots of Record.

A. Lots Included in Approved Plans. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for the use indicated on the subdivision plan provided that all yard, height and open space requirements of the Zoning District in which it is located shall be met. Provided that when a subdivider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years from the date of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) year period shall be counted from the date of preliminary approval.

B. Lots Held in Single and Separate Ownership. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height and open space requirements are met. Provided that if two (2) or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 1802. Abandonment.

A non-conforming use may not be re-established if the use is discontinued for a continuous twenty-four (24) month period, unless during that twenty-four (24) month period the owner informs the Municipality of their intention not to abandon the use. Proper notification shall be considered to be the filing of a written “Statement of Intent to Continue” with the Municipal Zoning Officer. Vacation of land or buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

If, after the filing of a written "Statement of Intent to Continue", the non-conforming use is not commenced within one (1) year from the end of the original twenty-four (24) month period, the non-conforming use shall be considered abandoned and shall not be re-established.

Section 1803. Change.

A non-conforming use may be changed to a conforming use by right. A non-conforming use, if changed to a conforming use, shall not be changed back to a non-conforming use. A non-conforming use may not be changed to any other non-conforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be of the same or more restricted classification than the existing use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a Special Exception.

Section 1804. Expansion.

A. A single-family detached dwelling in any zoning district which is a nonconforming use or structure (other than a dimensionally nonconforming structure) may by permitted to expand by right, provided that all yard and coverage requirements of the district in which the single-family detached dwelling is located are met or that the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the street, whichever restriction is lesser. The total expansion of a single family detached dwelling shall not exceed twenty-five (25) percent of the area occupied by the dwelling at the effective date of this Ordinance.

B. Any non-conforming use that was a use permitted by right under a municipal or county zoning ordinance adopted and enforced prior to October 30, 2009 shall be permitted to be expanded 100%. This provision shall only apply to expansion of the use on the parcel of land under ownership, as of October 30, 2009, that the current non-conforming activity occurs.

   Expansion of activities and structures erected for conducting the activities must comply with all current zoning and subdivision and land development ordinances as they would apply to any and all by right activities in the applicable zoning district.

   The burden of proof under this section shall be on the applicant and reviewed by the zoning officer and any other person(s) deemed necessary by the zoning officer to very conformance.

C. Except for subsection 1804.A. and B. above, a non-conforming use, building or structure may not be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board.

D. Non-Conforming Uses

   1. Except for subsection 1804.A. and B. above, a non-conforming use shall not be expanded or intensified unless such expansion has been approved as a Special Exception by the Zoning Hearing Board.

   2. If expansion is permitted by the Zoning Hearing Board, the following regulations shall apply:

      a. A non-conforming use shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.

      b. Any additional uses established in connection with an existing non-conforming use shall meet all the regulations of this Zoning Ordinance.

c. Expansion of that portion of a non-conforming use carried on outside a building or structure (if so allowed) shall be in accordance with all the regulations of this Ordinance.

d. A non-conforming use may be expanded within a building containing that non-conforming use at the effective date of this Ordinance, provided that the non-conforming use shall not occupy a portion of the building which contained a conforming use at the effective date of this Ordinance. A non-conforming use may also be expanded into a new building or extension of an existing building containing the use.

e. Total expansion of a non-conforming use shall not exceed twenty-five percent (25%) of the area occupied by the use at the time of the effective date of this Ordinance.

E. Non-conforming Buildings and Structures

1. Except for subsection 1804.A. and B. above, a non-conforming building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional structures or buildings erected or established in connection with an existing non-conforming use shall meet all the Area, Yard, and Height Regulations of the applicable zoning district and all General Regulations of this Zoning Ordinance.
3. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any applicable Area, Yard, or Height regulation imposed by this Ordinance.

Section 1805. Repair, Movement and Replacement.

A. Non-conforming buildings and structures, and building and structures containing non-conforming uses, may be repaired and maintained provided that no repairs or maintenance shall be made which will further extend the violation of any requirements of this Ordinance.

B. A building or structure containing a non-conforming use or a non-conforming building or structure may be replaced by a new building or moved to another location on the same lot provided that the new or relocated building or structure complies with all coverage, yard and height requirements and general regulations applicable to the zoning district in which it is located.

Section 1806. Damage or Destruction.

A. Any non-conforming building or structure, or a building or structure containing a non-conforming use, of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same non-conforming use or a non-conforming use of a more restricted classification. Any subsequent building, structure or use of the land shall not be more non-conforming in any respect than the building, structure or use of the land which was destroyed. Application for reconstruction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.

B. A non-conforming building or structure, or a building or structure containing a non-conforming use, of which the basic structural elements are partially destroyed or which is partially destroyed but which has all basic structural elements remaining may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed.

CHAPTER XIX. ADMINISTRATION AND ENFORCEMENT

Section 1900. Zoning Officer.

A. Appointment. A Zoning Officer shall be appointed by the Municipal Governing Body to administer and enforce this Zoning Ordinance. Compensation of the Municipal Zoning Officer shall be established by the Municipal Governing Body. A Zoning Officer shall not hold any elective office in the Municipality and shall meet qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Municipality a working knowledge of municipal zoning.

B. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to:

1. Receive applications for Zoning Permits and issue Zoning Permits as set forth in this Ordinance.
2. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain.
3. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the landowner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.
4. Issue Zoning Permits for buildings, structures and land uses, for which Subdivision and Land Development approval is required, only after all necessary approvals have been secured and plans recorded.
5. Issue Zoning Permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Municipal Sewage Enforcement Officer.
6. Issue Zoning Permits for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
7. Issue Zoning Permits for conditional uses only after a conditional use has been approved by the Municipal Supervisors.
8. Issue Zoning Permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured.
9. Issue Zoning Permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
10. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
11. Issue Zoning Certificates of Use and Occupancy in accordance with the terms of this Ordinance.

12. Determination of preliminary opinions in accordance with Section 1907.

13. Submit a monthly report of his/her activities to the Municipal Governing Body.

14. When directed by the Municipal Governing Body, send enforcement notices as provided in the Pennsylvania Municipalities Planning Code, as amended.

15. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Zoning Officer's employment, when authorized by the Municipal Governing Body.

Section 1901. Zoning Permits.

A. Requirements. No building or structure, except temporary fences such as snow fences or fences around construction sites and farm buildings as noted below, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or additional use or have their use changed without a Zoning Permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction.

B. Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall include two (2) sets of at least the following information:

1. A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.

2. The use, height, length, width and proportion of the total lot size covered of all proposed and existing buildings and structures and additions or alterations to buildings or structures.

3. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.

4. The location, dimensions and design of parking and loading areas, including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting.

5. The location of all utility lines, the method of proposed water supply and sewage disposal, and the location of any on-lot facilities.

6. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

C. Approval or Disapproval. Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Municipal ordinances. Within thirty (30) days from the day the Zoning Officer receives a completed application including any and all required fees, the Zoning Officer shall either approve

or disapprove the application and return one (1) copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

D. Issuance and Posting of Zoning Permit. Upon approval of the completed application by the Zoning Officer and following the payment of the fees established from time to time by resolution of the Municipal Governing Body, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations. A Zoning Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within one (1) year of issuance of the permit. If the activity for which the Zoning Permit was issued has been started but has not been completed (such as, but limited to, construction of structures associated with the use) within one (1) year from the date of approval by the Zoning Officer it may be extended at the discretion of the Zoning Officer.

E. Rights of Zoning Permit Holders. The Zoning Permit is an indication that the proposed use, building, or structure is in accordance with the Zoning Ordinance. The Zoning Officer shall revoke a Zoning Permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based on for any other cause set forth in the Zoning Ordinance.

Section 1902. Zoning Certificate of Use and Occupancy.

A. Requirements. It shall be unlawful to use and/or occupy any building, structure, land or portion thereof for which a Zoning Permit is required until a Zoning Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Zoning Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance regarding the use of the building, structure, or land and other rules, regulations and ordinances of the Municipality have been complied with.

B. Issuance. Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all ordinances of the Municipality. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Zoning Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Zoning Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Municipal records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Zoning Certificate of use and Occupancy and give the reasons therefore in writing and inform the permit holder of his rights of appeal.

For uses for which performance standards are imposed by this Ordinance, no Zoning Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the Zoning Certificate of Use and Occupancy is permanent, or that the use is not in compliance and that the Zoning Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

C. Temporary Certificate of Use and Occupancy. Upon request of the holder of a Zoning and/or Building Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for certain structures, signs or land. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered however, no Temporary Certificate of Use and Occupancy shall be issued prior to the completion of any required inspections of any County, State or Federal entities or any required inspections which are required as part of any Township adopted Building Code(s).

D. Temporary Use. The Zoning Officer may also issue a Temporary Zoning Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, and for the use of land for religious and other public and semi-public purposes or other temporary use and/or occupancy. A Certificate for such uses and/or structures may be issued if the life and the public health, safety, morals and general welfare of the residents and the inhabitants of the Municipality are not endangered. Such temporary Zoning Certificates shall be for a period of time as stated in this Zoning Ordinance, or is to be determined by the Zoning Officer at the time of application, but in no case shall any certificates, except those for uses on construction sites, be issued for more than one (1) year.

1. Temporary sales uses. The following provisions shall regulate temporary or seasonal retail sales of Christmas trees, flowers, legal fireworks and similar items:

   a. Such sales shall only be permitted in a district permitting retail sales or as accessory to a lawful nonconforming principal commercial use.

   b. An application for a temporary sales use permit shall be submitted on a form prepared by the Zoning Officer. The application fee shall be established and revised by resolution of the Board of Supervisors.

   c. The retail sales use shall be limited to three time periods per lot per year. A permit for the sales of Christmas trees may extend for twenty-five (25) days, while any other permit shall be limited to a maximum of fourteen (14) days.

   d. The retail sales shall meet setback requirements of the applicable zoning district and shall not obstruct sight triangles.

   e. Only two sign faces shall be permitted which shall each have a maximum sign area of six square feet. Such sign shall not be illuminated.

   f. The applicant shall prove to the Zoning Officer that adequate parking and traffic control will be available for both the temporary sales and any other use of the property. The Zoning Officer may place conditions upon the permit to address parking and traffic control.

2. Carnivals. The following provisions shall regulate temporary seasonal carnivals:

   a. Such use shall only be permitted in a commercial district, or another district permitting such use, or on a lot occupied or owned by an established place of worship, fire company, or similar community service use granted nonprofit status by the Internal Revenue Service.

   b. The carnival shall be limited to two time periods per lot per year. Each time period shall not exceed seven days in length. A temporary use permit shall be obtained from the Zoning Officer.

   c. The carnival shall not obstruct sight triangles.

   d. Temporary signs are not regulated during the carnival.

e. The applicant shall prove to the Zoning Officer that adequate parking and traffic control will be available for both the carnival and any other use of the property. The Zoning Officer may place conditions upon the permit to address parking and traffic control.

f. Any existing carnival or similar event shall be considered an existing non-conforming use, and is regulated in Section 1801 of the ESRP Joint Zoning Ordinance.

Section 1903. Schedule of Fees, Charges and Expenses.

The Municipal Governing Body shall establish by resolution, a schedule of fees and charges for requests for Zoning and/or Building Permits, Certificates of Use and Occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

Section 1904. Amendments.

The provisions of this Zoning Ordinance and the Official Zoning Map may, from time to time, be amended, supplemented or changed by the governing boards, pursuant to the inter-municipal agreement.

A. Procedure. The following procedures shall be observed prior to making any amendment or change request to this Zoning Ordinance or parts thereof, including the Official Zoning Map:

1. Every proposed amendment or change initiated by ESRP Regional Planning Commission shall be referred to the each Municipal Planning Commission at least thirty (30) days prior to the date of the public hearing by each Municipal Governing Body on the amendment to provide each Municipal Planning Commission an opportunity to submit recommendations prior to the hearing. Each Municipal Planning Commission shall review each amendment against the Comprehensive Plan for the ESRP Region.

2. All proposed amendments to this Zoning Ordinance shall be submitted to the County Panning Commission for their recommendations.

B. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Zoning Map, or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Municipal Governing Body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The Municipal Governing Body shall commence a hearing thereon within sixty (60) days of the request, as provided for in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the County and the Municipal Planning Commission and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended.

2. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, as amended, and all references therein to the Zoning Hearing Board shall, for the purpose of this section, be referenced to the Board of Supervisors. If the Township does not accept the landowner's curative amendment

brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of validity for the entire Zoning Ordinance and Zoning Map, but only for those provisions which specifically related to the landowner's curative amendment and challenge.

3. If the Municipal Governing Body determines that a validity challenge has merit, the Municipality may accept the landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the challenged defects. The Municipal Governing Body shall consider the curative amendments, plans and explanatory materials submitted by the landowner and shall also consider:

   a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

   b. If the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Zoning Ordinance and Zoning Map.

   c. The suitability of the site for the intensity of use aquifers, natural resources and other natural features.

   d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

   e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

C. Procedure for Municipal Curative Amendments. If the Municipal Governing Body determines that this Zoning Ordinance or any portion hereof is substantially invalid, it shall take the following actions:

1. The Municipal Governing Body, by formal action, shall declare this Zoning Ordinance or any portion hereof substantially invalid, and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Municipal Governing Body shall:

   a. By resolution make specific findings setting forth the declared invalidity of this Zoning Ordinance which may include: 1) reference to specific uses which are either not permitted or not permitted in sufficient quantity, 2) reference to a class of use or uses which requires revision, or 3) reference the entire ordinance which requires revision.

   b. Begin to prepare and consider a curative amendment to this Zoning Ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Municipal Governing Body shall enact a curative amendment to invalidate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, as amended, in order to cure the declared invalidity of this Zoning Ordinance.

3. Upon the initiation of the procedures, as set forth in subsection 1904.C.1, the Municipal Governing Body shall not be required to entertain or consider any landowner's curative amendment filed under Section 1904.B nor shall the Zoning Hearing Board be required to give report requested under Sections 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code, as amended, subsequent to the declaration and proposal based upon the

grounds identical to or substantially similar to those specified in the resolution required by Subsection 1904.C.1. Upon completion of the procedures as set forth in Subsections 1904.C.2 and 1904.C.2 above, no rights to cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

4. The Municipal Governing Body, having utilized the procedures as set forth in Subsections 1904.C.1 and 1904.C.2 may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to Subsection 1904.C.2 provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Municipal Governing Body may utilize the provision of this section to prepare a curative amendment to this Zoning Ordinance to fulfill said duty or obligation.

D. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Municipal Planning Commission or Municipal Governing Body, a statement indicating the impact of the zoning change on the Municipality shall be submitted with the application for rezoning. The statement shall compare the impact on the Municipality resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

1. Environmental Impact. The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.

2. Traffic Impact. The impact on traffic generated per day at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change and shall be prepared.

3. Services Impact. The demand for school, police, sewer, water, sanitation and road maintenance services.

E. Public Hearing. The Municipal Governing Body shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously Municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the hearing. If, after any public hearing held upon an amendment or change, the proposed amendment or change is changed substantially or is revised to include land previously not affected by it, the Municipal Governing Body shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Municipal Governing Body shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Code, as amended.

Once a public hearing has been advertised regarding an individual property, a notice shall be posted on each side of the affected property which faces a street in such a position that such notice is readily readable. The notice shall state the following:

1. That an application for amendment to this Zoning Ordinance has been requested.

2. The proposed use of this property.

3. The existing Zoning District and the proposed Zoning District

4. The name of the applicant and the owner of the property.

5. The date, time and place of the public hearing.

F. Publication, Advertisement, and Availability of Ordinances.

1. Proposed amendments shall not be enacted unless notice of the proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered and a reference to a place within the Municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Municipal Governing Body shall publish the proposed amendment once in one (1) newspaper of general circulation in the Municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and a brief summary, prepared by the Municipal Solicitor and setting forth all of the provisions in reasonable detail. If the full text is not included:

a. A copy thereof shall be supplied to a newspaper of general circulation in the Municipality at the time the public notice is published.

b. An attested copy of the proposed ordinance shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.

2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Municipality shall, at least ten (10) days prior to enactment, re-advertise, in one (1) newspaper of general circulation in the ESRP Region, a brief summary setting forth all provisions in reasonable detail together with a summary of the amendment.

Section 1905. Enforcement Notice.

A. If it appears to the Municipal Governing Body that a violation of this Zoning Ordinance has occurred, the Municipality shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Municipality intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Zoning Ordinance and the Municipalities Planning Code, as amended.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanction clearly described.

Section 1906. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than Five Hundred Dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Municipality.

B. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this section

Section 1907. Procedure to Obtain Preliminary Opinion.

In order not to unreasonably delay the time during which a landowner secures assurance that the Zoning Ordinance or Zoning Map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his/her development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the applicable Zoning Ordinance or Zoning Map will run under Section 914.1 of the Pennsylvania Municipalities Planning Codes, as amended, by the following procedures:

A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for preliminary opinion as to their compliance with the applicable Zoning Ordinance and Zoning Map.

B. If the Zoning Officer's preliminary opinion is that the use or development complies with the applicable Zoning Ordinance or Zoning Map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 914.1 of the Pennsylvania Municipalities Planning Code, as amended, and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

Section 1908. Appeals.

Proceedings for securing review of any ordinance or any decision, determination or order of the Municipal Governing Body, their agencies, the Zoning Hearing Board or the Zoning Officer issued pursuant to this Zoning Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

CHAPTER XX. ZONING HEARING BOARD

Section 2000. Creation; Appointment; Organization.

A. Creation of Board. The Municipal Governing Body hereby creates a Zoning Hearing Board, herein referred to as the "Board", consisting of not less than three (3) nor more than seven (7) members who shall be residents of the Municipality appointed by the Municipal Governing Body pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed by resolution and serve and shall perform all of the duties and have all of the powers as prescribed by said Code and as herein provided.

B. Organization. The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other ordinances of the Municipality and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

C. Meetings. Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

D. Minutes and Records. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Municipal Secretary of the Municipal Governing Body and shall be the property of the Municipality. The Board shall submit a report of its activities as requested by the Municipal Governing Body.

Section 2001. Hearings.

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but where two (2) members are disqualified to act in a particular matter the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive decisions or findings by the Board and accept the definition of the hearing officer as final as provided in the Pennsylvania Municipalities Planning Code, as amended.

The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended, and the rules of the Board.

The Zoning Hearing Board shall fix a reasonable time for the hearing of the appeal. Public notice shall be given and reasonable written notice shall be given to the applicant, the Zoning Officer, such other persons as the Municipal Governing Body shall designate by ordinance and any person who has made timely request for the same. Notice of all matters coming before the Zoning Hearing Board shall be sent by first class mail or as may be required by this Zoning Ordinance or the Pennsylvania Municipalities Planning Code, as amended from time to time. Said notice shall be sent out by the Secretary of the Zoning Hearing Board or his designee. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided for herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Hearings shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

Section 2002. Functions of the Zoning Hearing Board.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A. Appeals and Challenges

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Municipal Governing Body pursuant to Section 609.1 and 916.1.A.2 of the Pennsylvania Municipalities Planning Code, as amended.

2. Challenges to the validity of a land use ordinance procedural question or alleged defect in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

3. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application thereof, the issuance of any cease and desist order.

4. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinances or such provisions within a land use ordinance.

5. Appeals from the Zoning Officer's determination under Section 1707 of this Ordinance.

6. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development.

7. Application for variance from the terms of this Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to subsection 2002.B, below of this Ordinance.

8. Application for special exception under this Zoning Ordinance or flood plain or flood hazard ordinances or such provisions within a land use ordinance, pursuant to Section 1802.C of this Ordinance.

B. Variance. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of the application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following are made were relevant in a given case:

1. That where are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance if authorized will represent the minimum variance that will afford relief and will represent that least modification possible of the regulation in issue;

5. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

6. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, as amended, and this Zoning Ordinance.

C. Special Exceptions. To issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria:

1. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.

2. Such Special Exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.

3. Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety or residents or workers an adjacent properties and in the general neighborhood.

4. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

5. Such use shall not conflict with the direction of building development in accordance with and Comprehensive Plan or portion thereof which has been adopted by the Municipal Governing Body.

6. Services and utilities are available to adequately service the proposed use.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

D. To exercise any other power specifically granted to the Board under the terms of this Ordinance.

Section 2003. Procedures for Application to the Zoning Hearing Board.

The Board shall act in strict accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

Applications and appeals, together with the required filing fee as established by the Municipal Governing Body, shall be submitted to the Secretary of the Zoning Hearing Board.

A. Parties Appellant Before the Zoning Hearing Board. Appeals under subsections 2002.A.1, 2002.A.2 , 2002.A.3, 2002.A.4, 2002.A.5, 2002.A.6 of this Ordinance may be filed with the Board in writing by the landowner affected, by any officer or agency of the Municipality, or any person aggrieved. Requests for a variance under Section 2002.B and for a special exception

under Section 1802.C may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. Time Limitations. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Municipality, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

In the case of a planned residential development, the failure of anyone other then the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section ***916.1*** of the Pennsylvania Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 2004. Conditional Use Procedures.

A. Application

1. Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Municipal Secretary. Such application shall include all information specified for a zoning permit application in Section 1901 of this Ordinance and any other information necessary to allow the Municipal Governing Body to determine that all requirements of this ordinance have been met.

B. Review

1. After receiving an application, the Municipal Governing Body shall refer one (1) copy of the application to the Municipal Planning Commission for its review and one (1) copy to the Municipal Zoning Officer for his review. The application shall be reviewed at one (1) or more advertised meetings of the Municipal Governing Body, and the Municipal Governing Body shall either approve or deny the application within ninety (90) days after the date of the application is received by the Municipal Secretary. The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the ESRP Region Subdivision and Land Development Ordinance (SALDO).

C. Standards

1. Conditional uses shall meet the specific standards established for each use by this Ordinance and all other applicable zoning district requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

    a. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.

    b. Services and utilities shall be made available to adequately service the proposed use.

c. The use will not generate traffic such that hazardous or unduly congested conditions will result.

d. The use is appropriate to the site in question.

e. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

2. The applicant shall demonstrate, as a condition to approval of their application, that the standards in Section 1804.c and those specified elsewhere in this Ordinance for the use in question will be met.

3. The Municipal Governing Body may impose such additional safeguards as are necessary to protect the public health, safety, and welfare.

Section 2005. Stay of Proceedings.

A. Upon filing of any proceeding referred to in section 804(a) and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than be a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove that the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him/her if an appeal is taken from a final decision of the court.

CHAPTER XXI. MISCELLANEOUS

Section 2100. Severability.

B. Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

C. The Governing bodies hereby declares that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

Section 2101. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances together with the amendments and supplements thereto are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 2102. Effective Date.

This Ordinance shall become effective ten (10) days after the date of its enactment.

The Eastern Schuylkill Regional Planning Joint Zoning Ordinance #204

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment.

Duly enacted by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, this 20 day of June, 2019 in lawful session duly assembled.

TOWNSHIP OF RUSH

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary

The Eastern Schuylkill Regional Planning Joint Zoning Ordinance

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment.

Duly enacted by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, this 3rd day of June, 2019 in lawful session duly assembled.

TOWNSHIP OF SCHUYLKILL

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary/Treasurer

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment.

Duly enacted by the Board of Supervisors of the Township of Walker, Schuylkill County, Pennsylvania, this 6 day of June, 2019 in lawful session duly assembled.

TOWNSHIP OF WALKER

BY: Christine M. Thorell
CHAIRMAN

BY: Craig Wagner
VICE-CHAIRMAN

BY: William R. McMullen
MEMBER

Attest: Ann Ostergaard
Secretary/Treasurer

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment.

Duly enacted by the Borough Council of the Borough of Tamaqua, Schuylkill County, Pennsylvania, this 18th day of June, 2019 in lawful session duly assembled.

BOROUGH OF TAMAQUA

BY: David E. Mace
PRESIDENT

BY: _____
VICE-PRESIDENT

BY: _____
MEMBER

BY: _____
MEMBER

BY: _____
MEMBER

BY: _____
MEMBER

Attest: Leonora Depasquale
Secretary

Municipal Adoption Documents
August 2022 Amendment

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 211

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING (ESRP) GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE (2019 EDITION) BY AMENDING THE FOLLOWING SECTIONS OR PARTS THEREOF: 201 (AS RELATES TO THE DEFINITIONS OF "AGRICULTURE, INTENSIVE", "ANIMAL HUSBANDRY", "ACCESSORY USE" AND "ADJOINING LOT"); 452; 453; 455; 555; 702; 703; 752; 753; 954; 1004; 1507H; 1507K; 1615C; 1615D; 1615S; 1615T; 1616; 1617; AND 1694.

WHEREAS, zoning in this Municipality is regulated by a Joint Municipal Zoning Ordinance, specifically the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), effective July 1, 2019, which covers the municipalities of Rush Township, Tamaqua Borough, Schuylkill Township and Walker Township, all in Schuylkill County, Commonwealth of Pennsylvania;

WHEREAS, one of the municipal members of the joint zoning group received a letter from Robert A. Willig, Senior Deputy Attorney General of the Commonwealth of Pennsylvania, dated August 7, 2018 which alleged defects in certain provisions of the then current Eastern Schuylkill Regional Planning Zoning Ordinance, which alleged defects were re-iterated as to the current 2019 Edition of the Eastern Schuylkill Regional Planning Zoning Ordinance via an email from Attorney General Willig dated October 30, 2020, the alleged defects concerning violations of the ACRE law (Act 38 of 2005) by certain provisions of the Eastern Schuylkill Regional Planning Zoning Ordinance;

WHEREAS, this Municipality, along with the other members of the Joint Municipal Zoning group, desires to undertake an amendment to the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), which does not constitute a comprehensive re-zoning, but rather makes a few minor amendments, including the amendments requested by the Attorney General; and

WHEREAS, all requirements of the Commonwealth of Pennsylvania's Municipalities Planning Code, the Commonwealth of Pennsylvania's Second Class Township and Borough Codes, and the Eastern Schuylkill Regional Planning Zoning Ordinance relating to amendments to a zoning ordinance have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. The definition of "Agriculture, Intensive" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Throughout this Ordinance the terms "Agriculture, Intensive" or "Intensive Agriculture" shall be synonymous with and shall refer to either a Concentrated Animal Operation (CAO) (See 25 Pa.Code Section 83.201 and 262) which is an agricultural operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre on an annualized basis, or a Concentrated Animal Feeding Operation (CAFO) (See 25 Pa.Code Secton 92a.2.) which is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

Section 2. Section 1615C of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any and all Intensive Agriculture activities shall be conducted on lands that are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

Section 3. Section 1615D of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any Intensive Agriculture use shall require a Special Exception approved by the Zoning Hearing Board.

Section 4. Section 1615S of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to remove and delete the requirement that all Intensive Agricultural uses and activities be reviewed and/or permitted by the Schuylkill County Cooperative Extension and the Schuylkill County Conservation District.

Section 5. Section 1615T of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to be deleted in its entirety.

Section 6. Section 1617 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Prior to October 1, 2019, the standard animal weights listed in the Penn State Extension's 2010 *Agronomy Facts* 54 must be used to calculate animal equivalent units (AEU's). From October 1, 2019 onward, the standard animal weights listed in the Penn State Extension's 2017 *Agronomy Facts* 54 must be used to calculate AEU's for newly identified forms of Intensive Agriculture. The newly approved standard animal weights will become effective for existing forms of Intensive Agriculture and voluntary animal operations whenever those existing Nutrient Management Plans are due to be amended during the triannual review.

Section 7. Section 555 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition), which regulates area, yard, and height regulations for the R-1 District, is hereby amended to change the minimum side yard (one side) setback requirement from the current 50 feet to 25 feet, and the minimum side yard (Total) setback requirement from the current 100 feet to 50 feet.

Section 8. The definition of "Animal Husbandry" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting the final clause of the definition which reads "but shall be considered as intensive agriculture."

Section 9. Section 452 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting sub-part B, Intensive Agriculture, subject to Section 1615, as a permitted use in the EAP District.

Section 10. Section 453 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by adding a sub-part L, Intensive Agriculture, subject to Section 1615, as a special exception use in the EAP District.

Section 11. Section 1616 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: the 2nd sentence of sub-section A2, which begins "Those Intensive Agricultural Activities allowed...", is deleted; the phrase in parenthesis in sub-section A6 shall be changed from "excluding mink which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section A7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the paragraph following the asterisk in sub-section A8 which begins "Any concentration of animal units..." is deleted; sub-section A10 is deleted; sub-section A14 is deleted; the phrase in parenthesis in sub-section B6 shall be changed from "excluding mink farms which are an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section B7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; sub-section B10 is deleted; and Section C is deleted.

Section 12. Section 455 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: in the box containing the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", under "MINIMUM REQUIREMENTS", under "Lot Size*", in the category "Single Family Dwelling Lots ("SFD Lots"), the reference to "1 1/2 Acres" is amended to "1 Acre", under "Lot Width* At Street Line", in both the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", the reference to "200 Feet" is amended to "100 Feet", and under "Side Yard* Total and One Side", in the category "EAP

Agricultural Lot", the Total "200 Feet" is amended to "40 Feet", and the One Side "100 Feet" is amended to "20 Feet".

Section 13. Section 702 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"Z. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 14. Section 703 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Use Permitted by Special Exception as follows:
"S. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 15. Section 752 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"TT. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 16. Section 753 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Uses Permitted by Special Exception as follows:
"O. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 17. Section 1694 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: Section D. is amended to read "Permitted by Right, Special Exception or as an Accessory Use"; Section D.1. is amended to read "The installation of Roof/Structure Mounted Solar Energy Systems shall be permitted by Right within the R-4 and R-5 Zoning Districts, the installation of Ground Mounted Solar Energy Systems shall be permitted by Special Exception within the R-4 and R-5 Zoning Districts, and the installation of both Roof/Structure Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems shall be permitted by Right in all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, R-1, R-2 & R-3) subject to the following regulations."

Section 18. The definition of "Accessory Use" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:
"A use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or principal structure is located or on an adjoining lot".

Section 19. A definition of "Adjoining Lot" is added to the Definitions stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) to read as follows: "A lot which is next to the principal lot, and which shares a common border, however small, with the principal lot. This definition includes a lot which would share a common border, however small, with a principal lot but for the lots being separated by a public right-of-way."

Section 20. Section 1004 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-part "S. Motorsport Facility, subject to Section 1663" as a Special Exception Use in the GI-2 Zoning District.

Section 21. Section 954 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Special Exception Use in the GI-1 Zoning District to read as follows:
"V. Motorsport Facility, or Motor Sports Facility, subject to Section 1663".

Section 22. Section 1507H of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to apply also apply to the G-C Zoning District, and to have the opening line or heading read as follows:
"Signs Permitted in the H-C, L-I, GI-1, GI-2 and G-C Zoning Districts".

Section 23. Section 1507K of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-parts 2 through 6.

Section 24. The remainder of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) not amended by this Ordinance shall remain in full force and effect.

Section 25. This Ordinance shall be effective 5 days after enactment by the last participating municipality (Rush Township, Walker Township, Schuylkill Township and Tamaqua Borough) to enact it.

ORDAINED and enacted this 15th day of August, 2022.

ATTEST

RUSH TOWNSHIP BOARD OF SUPERVISORS

SCHUYLKILL TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2022-3

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING (ESRP) GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE (2019 EDITION) BY AMENDING THE FOLLOWING SECTIONS OR PARTS THEREOF: 201 (AS RELATES TO THE DEFINITIONS OF "AGRICULTURE, INTENSIVE", "ANIMAL HUSBANDRY", "ACCESSORY USE" AND "ADJOINING LOT"); 452; 453; 455; 555; 702; 703; 752; 753; 954; 1004; 1507H; 1507K; 1615C; 1615D; 1615S; 1615T; 1616; 1617; AND 1694.

WHEREAS, zoning in this Municipality is regulated by a Joint Municipal Zoning Ordinance, specifically the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), effective July 1, 2019, which covers the municipalities of Rush Township, Tamaqua Borough, Schuylkill Township and Walker Township, all in Schuylkill County, Commonwealth of Pennsylvania;

WHEREAS, one of the municipal members of the joint zoning group received a letter from Robert A. Willig, Senior Deputy Attorney General of the Commonwealth of Pennsylvania, dated August 7, 2018 which alleged defects in certain provisions of the then current Eastern Schuylkill Regional Planning Zoning Ordinance, which alleged defects were re-iterated as to the current 2019 Edition of the Eastern Schuylkill Regional Planning Zoning Ordinance via an email from Attorney General Willig dated October 30, 2020, the alleged defects concerning violations of the ACRE law (Act 38 of 2005) by certain provisions of the Eastern Schuylkill Regional Planning Zoning Ordinance;

WHEREAS, this Municipality, along with the other members of the Joint Municipal Zoning group, desires to undertake an amendment to the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), which does not constitute a comprehensive re-zoning, but rather makes a few minor amendments, including the amendments requested by the Attorney General; and

WHEREAS, all requirements of the Commonwealth of Pennsylvania's Municipalities Planning Code, the Commonwealth of Pennsylvania's Second Class Township and Borough Codes, and the Eastern Schuylkill Regional Planning Zoning Ordinance relating to amendments to a zoning ordinance have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. The definition of "Agriculture, Intensive" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Throughout this Ordinance the terms "Agriculture, Intensive" or "Intensive Agriculture" shall be synonymous with and shall refer to either a Concentrated Animal Operation (CAO) (See 25 Pa.Code Section 83.201 and 262) which is an agricultural operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre on an annualized basis, or a Concentrated Animal Feeding Operation (CAFO) (See 25 Pa.Code Secton 92a.2.) which is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

Section 2. Section 1615C of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any and all Intensive Agriculture activities shall be conducted on lands that are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

Section 3. Section 1615D of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any Intensive Agriculture use shall require a Special Exception approved by the Zoning Hearing Board.

Section 4. Section 1615S of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to remove and delete the requirement that all Intensive Agricultural uses and activities be reviewed and/or permitted by the Schuylkill County Cooperative Extension and the Schuylkill County Conservation District.

Section 5. Section 1615T of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to be deleted in its entirety.

Section 6. Section 1617 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Prior to October 1, 2019, the standard animal weights listed in the Penn State Extension's 2010 *Agronomy Facts* 54 must be used to calculate animal equivalent units (AEU's). From October 1, 2019 onward, the standard animal weights listed in the Penn State Extension's 2017 *Agronomy Facts* 54 must be used to calculate AEU's for newly identified forms of Intensive Agriculture. The newly approved standard animal weights will become effective for existing forms of Intensive Agriculture and voluntary animal operations whenever those existing Nutrient Management Plans are due to be amended during the triannual review.

Section 7. Section 555 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition), which regulates area, yard, and height regulations for the R-1 District, is hereby amended to change the minimum side yard (one side) setback requirement from the current 50 feet to 25 feet, and the minimum side yard (Total) setback requirement from the current 100 feet to 50 feet.

Section 8. The definition of "Animal Husbandry" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting the final clause of the definition which reads "but shall be considered as intensive agriculture."

Section 9. Section 452 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting sub-part B, Intensive Agriculture, subject to Section 1615, as a permitted use in the EAP District.

Section 10. Section 453 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by adding a sub-part L, Intensive Agriculture, subject to Section 1615, as a special exception use in the EAP District.

Section 11. Section 1616 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: the 2nd sentence of sub-section A2, which begins "Those Intensive Agricultural Activities allowed...", is deleted; the phrase in parenthesis in sub-section A6 shall be changed from "excluding mink which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section A7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the paragraph following the asterisk in sub-section A8 which begins "Any concentration of animal units..." is deleted; sub-section A10 is deleted; sub-section A14 is deleted; the phrase in parenthesis in sub-section B6 shall be changed from "excluding mink farms which are an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section B7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; sub-section B10 is deleted; and Section C is deleted.

Section 12. Section 455 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: in the box containing the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", under "MINIMUM REQUIREMENTS", under "Lot Size*", in the category "Single Family Dwelling Lots ("SFD Lots"), the reference to "1 1/2 Acres" is amended to "1 Acre", under "Lot Width* At Street Line", in both the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", the reference to "200 Feet" is amended to "100 Feet", and under "Side Yard* Total and One Side", in the category "EAP

Agricultural Lot", the Total "200 Feet" is amended to "40 Feet", and the One Side "100 Feet" is amended to "20 Feet".

Section 13. Section 702 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"Z. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 14. Section 703 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Use Permitted by Special Exception as follows:
"S. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 15. Section 752 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"TT. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 16. Section 753 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Uses Permitted by Special Exception as follows:
"O. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 17. Section 1694 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: Section D. is amended to read "Permitted by Right, Special Exception or as an Accessory Use"; Section D.1. is amended to read "The installation of Roof/Structure Mounted Solar Energy Systems shall be permitted by Right within the R-4 and R-5 Zoning Districts, the installation of Ground Mounted Solar Energy Systems shall be permitted by Special Exception within the R-4 and R-5 Zoning Districts, and the installation of both Roof/Structure Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems shall be permitted by Right in all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, R-1, R-2 & R-3) subject to the following regulations."

Section 18. The definition of "Accessory Use" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:
"A use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or principal structure is located or on an adjoining lot".

Section 19. A definition of "Adjoining Lot" is added to the Definitions stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) to read as follows: "A lot which is next to the principal lot, and which shares a common border, however small, with the principal lot. This definition includes a lot which would share a common border, however small, with a principal lot but for the lots being separated by a public right-of-way."

Section 20. Section 1004 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-part "S. Motorsport Facility, subject to Section 1663" as a Special Exception Use in the GI-2 Zoning District.

Section 21. Section 954 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Special Exception Use in the GI-1 Zoning District to read as follows:
"V. Motorsport Facility, or Motor Sports Facility, subject to Section 1663".

Section 22. Section 1507H of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to apply also apply to the G-C Zoning District, and to have the opening line or heading read as follows:
"Signs Permitted in the H-C, I-I, GI-1, GI-2 and G-C Zoning Districts".

Section 23. Section 1507K of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-parts 2 through 6.

Section 24. The remainder of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) not amended by this Ordinance shall remain in full force and effect.

Section 25. This Ordinance shall be effective 5 days after enactment by the last participating municipality (Rush Township, Walker Township, Schuylkill Township and Tamaqua Borough) to enact it.

ORDAINED and enacted this 1st day of August, 2022.

ATTEST

Denise Hill

SCHUYLKILL TOWNSHIP BOARD OF SUPERVISORS

TAMAQUA BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 732

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING (ESRP) GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE (2019 EDITION) BY AMENDING THE FOLLOWING SECTIONS OR PARTS THEREOF: 201 (AS RELATES TO THE DEFINITIONS OF "AGRICULTURE, INTENSIVE", "ANIMAL HUSBANDRY", "ACCESSORY USE" AND "ADJOINING LOT"); 452; 453; 455; 555; 702; 703; 752; 753; 954; 1004; 1507H; 1507K; 1615C; 1615D; 1615S; 1615T; 1616; 1617; AND 1694.

WHEREAS, zoning in this Municipality is regulated by a Joint Municipal Zoning Ordinance, specifically the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), effective July 1, 2019, which covers the municipalities of Rush Township, Tamaqua Borough, Schuylkill Township and Walker Township, all in Schuylkill County, Commonwealth of Pennsylvania;

WHEREAS, one of the municipal members of the joint zoning group received a letter from Robert A. Willig, Senior Deputy Attorney General of the Commonwealth of Pennsylvania, dated August 7, 2018 which alleged defects in certain provisions of the then current Eastern Schuylkill Regional Planning Zoning Ordinance, which alleged defects were re-iterated as to the current 2019 Edition of the Eastern Schuylkill Regional Planning Zoning Ordinance via an email from Attorney General Willig dated October 30, 2020, the alleged defects concerning violations of the ACRE law (Act 38 of 2005) by certain provisions of the Eastern Schuylkill Regional Planning Zoning Ordinance;

WHEREAS, this Municipality, along with the other members of the Joint Municipal Zoning group, desires to undertake an amendment to the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), which does not constitute a comprehensive re-zoning, but rather makes a few minor amendments, including the amendments requested by the Attorney General; and

WHEREAS, all requirements of the Commonwealth of Pennsylvania's Municipalities Planning Code, the Commonwealth of Pennsylvania's Second Class Township and Borough Codes, and the Eastern Schuylkill Regional Planning Zoning Ordinance relating to amendments to a zoning ordinance have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. The definition of "Agriculture, Intensive" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Throughout this Ordinance the terms "Agriculture, Intensive" or "Intensive Agriculture" shall be synonymous with and shall refer to either a Concentrated Animal Operation (CAO) (See 25 Pa.Code Section 83.201 and 262) which is an agricultural operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre on an annualized basis, or a Concentrated Animal Feeding Operation (CAFO) (See 25 Pa.Code Secton 92a.2.) which is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

Section 2. Section 1615C of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any and all Intensive Agriculture activities shall be conducted on lands that are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

Section 3. Section 1615D of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any Intensive Agriculture use shall require a Special Exception approved by the Zoning Hearing Board.

Section 4. Section 1615S of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to remove and delete the requirement that all Intensive Agricultural uses and activities be reviewed and/or permitted by the Schuylkill County Cooperative Extension and the Schuylkill County Conservation District.

Section 5. Section 1615T of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to be deleted in its entirety.

Section 6. Section 1617 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Prior to October 1, 2019, the standard animal weights listed in the Penn State Extension's 2010 *Agronomy Facts* 54 must be used to calculate animal equivalent units (AEU's). From October 1, 2019 onward, the standard animal weights listed in the Penn State Extension's 2017 *Agronomy Facts* 54 must be used to calculate AEU's for newly identified forms of Intensive Agriculture. The newly approved standard animal weights will become effective for existing forms of Intensive Agriculture and voluntary animal operations whenever those existing Nutrient Management Plans are due to be amended during the triannual review.

Section 7. Section 555 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition), which regulates area, yard, and height regulations for the R-1 District, is hereby amended to change the minimum side yard (one side) setback requirement from the current 50 feet to 25 feet, and the minimum side yard (Total) setback requirement from the current 100 feet to 50 feet.

Section 8. The definition of "Animal Husbandry" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting the final clause of the definition which reads "but shall be considered as intensive agriculture."

Section 9. Section 452 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting sub-part B, Intensive Agriculture, subject to Section 1615, as a permitted use in the EAP District.

Section 10. Section 453 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by adding a sub-part L, Intensive Agriculture, subject to Section 1615, as a special exception use in the EAP District.

Section 11. Section 1616 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: the 2nd sentence of sub-section A2, which begins "Those Intensive Agricultural Activities allowed...", is deleted; the phrase in parenthesis in sub-section A6 shall be changed from "excluding mink which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section A7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the paragraph following the asterisk in sub-section A8 which begins "Any concentration of animal units..." is deleted; sub-section A10 is deleted; sub-section A14 is deleted; the phrase in parenthesis in sub-section B6 shall be changed from "excluding mink farms which are an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section B7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; sub-section B10 is deleted; and Section C is deleted.

Section 12. Section 455 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: in the box containing the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", under "MINIMUM REQUIREMENTS", under "Lot Size*", in the category "Single Family Dwelling Lots ("SFD Lots"), the reference to "1 1/2 Acres" is amended to "1 Acre", under "Lot Width* At Street Line", in both the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", the reference to "200 Feet" is amended to "100 Feet", and under "Side Yard* Total and One Side", in the category "EAP

Agricultural Lot", the Total "200 Feet" is amended to "40 Feet", and the One Side "100 Feet" is amended to "20 Feet".

Section 13. Section 702 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"Z. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 14. Section 703 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Use Permitted by Special Exception as follows:
"S. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 15. Section 752 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"TT. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 16. Section 753 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Uses Permitted by Special Exception as follows:
"O. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 17. Section 1694 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: Section D. is amended to read "Permitted by Right, Special Exception or as an Accessory Use"; Section D.1. is amended to read "The installation of Roof/Structure Mounted Solar Energy Systems shall be permitted by Right within the R-4 and R-5 Zoning Districts, the installation of Ground Mounted Solar Energy Systems shall be permitted by Special Exception within the R-4 and R-5 Zoning Districts, and the installation of both Roof/Structure Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems shall be permitted by Right in all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, R-1, R-2 & R-3) subject to the following regulations."

Section 18. The definition of "Accessory Use" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:
"A use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or principal structure is located or on an adjoining lot".

Section 19. A definition of "Adjoining Lot" is added to the Definitions stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) to read as follows: "A lot which is next to the principal lot, and which shares a common border, however small, with the principal lot. This definition includes a lot which would share a common border, however small, with a principal lot but for the lots being separated by a public right-of-way."

Section 20. Section 1004 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-part "S. Motorsport Facility, subject to Section 1663" as a Special Exception Use in the GI-2 Zoning District.

Section 21. Section 954 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Special Exception Use in the GI-1 Zoning District to read as follows:
"V. Motorsport Facility, or Motor Sports Facility, subject to Section 1663".

Section 22. Section 1507H of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to apply also apply to the G-C Zoning District, and to have the opening line or heading read as follows:
"Signs Permitted in the H-C, L-I, GI-1, GI-2 and G-C Zoning Districts".

Section 23. Section 1507K of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-parts 2 through 6.

Section 24. The remainder of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) not amended by this Ordinance shall remain in full force and effect.

Section 25. This Ordinance shall be effective 5 days after enactment by the last participating municipality (Rush Township, Walker Township, Schuylkill Township and Tamaqua Borough) to enact it.

ORDAINED and enacted this 11th day of August, 2022.

Tamaqua Borough

BY: _____
Council President

Attest: _____

Approved: _____
Mayor

WALKER TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 02-2022

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND THE BOROUGH OF TAMAQUA, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING (ESRP) GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE (2019 EDITION) BY AMENDING THE FOLLOWING SECTIONS OR PARTS THEREOF: 201 (AS RELATES TO THE DEFINITIONS OF "AGRICULTURE, INTENSIVE", "ANIMAL HUSBANDRY", "ACCESSORY USE" AND "ADJOINING LOT"); 452; 453; 455; 555; 702; 703; 752; 753; 954; 1004; 1507H; 1507K; 1615C; 1615D; 1615S; 1615T; 1616; 1617; AND 1694.

WHEREAS, zoning in this Municipality is regulated by a Joint Municipal Zoning Ordinance, specifically the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), effective July 1, 2019, which covers the municipalities of Rush Township, Tamaqua Borough, Schuylkill Township and Walker Township, all in Schuylkill County, Commonwealth of Pennsylvania;

WHEREAS, one of the municipal members of the joint zoning group received a letter from Robert A. Willig, Senior Deputy Attorney General of the Commonwealth of Pennsylvania, dated August 7, 2018 which alleged defects in certain provisions of the then current Eastern Schuylkill Regional Planning Zoning Ordinance, which alleged defects were re-iterated as to the current 2019 Edition of the Eastern Schuylkill Regional Planning Zoning Ordinance via an email from Attorney General Willig dated October 30, 2020, the alleged defects concerning violations of the ACRE law (Act 38 of 2005) by certain provisions of the Eastern Schuylkill Regional Planning Zoning Ordinance;

WHEREAS, this Municipality, along with the other members of the Joint Municipal Zoning group, desires to undertake an amendment to the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), which does not constitute a comprehensive re-zoning, but rather makes a few minor amendments, including the amendments requested by the Attorney General; and

WHEREAS, all requirements of the Commonwealth of Pennsylvania's Municipalities Planning Code, the Commonwealth of Pennsylvania's Second Class Township and Borough Codes, and the Eastern Schuylkill Regional Planning Zoning Ordinance relating to amendments to a zoning ordinance have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. The definition of "Agriculture, Intensive" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Throughout this Ordinance the terms "Agriculture, Intensive" or "Intensive Agriculture" shall be synonymous with and shall refer to either a Concentrated Animal Operation (CAO) (See 25 Pa.Code Section 83.201 and 262) which is an agricultural operation with eight or more animal equivalent units (AEU's) where the animal density exceeds two AEU's per acre on an annualized basis, or a Concentrated Animal Feeding Operation (CAFO) (See 25 Pa.Code Secton 92a.2.) which is a CAO with greater than 300 AEU's, any agricultural operation with greater than 1,000 AEU's, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

Section 2. Section 1615C of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any and all Intensive Agriculture activities shall be conducted on lands that are located in the EAP or AP Zoning Districts. Standard animal weights, which must be used to calculate animal units, are found within Section 1617 of this Ordinance.

Section 3. Section 1615D of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Any Intensive Agriculture use shall require a Special Exception approved by the Zoning Hearing Board.

Section 4. Section 1615S of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to remove and delete the requirement that all Intensive Agricultural uses and activities be reviewed and/or permitted by the Schuylkill County Cooperative Extension and the Schuylkill County Conservation District.

Section 5. Section 1615T of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to be deleted in its entirety.

Section 6. Section 1617 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) is hereby amended to read as follows:

Prior to October 1, 2019, the standard animal weights listed in the Penn State Extension's 2010 *Agronomy Facts* 54 must be used to calculate animal equivalent units (AEU's). From October 1, 2019 onward, the standard animal weights listed in the Penn State Extension's 2017 *Agronomy Facts* 54 must be used to calculate AEU's for newly identified forms of Intensive Agriculture. The newly approved standard animal weights will become effective for existing forms of Intensive Agriculture and voluntary animal operations whenever those existing Nutrient Management Plans are due to be amended during the triannual review.

Section 7. Section 555 of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition), which regulates area, yard, and height regulations for the R-1 District, is hereby amended to change the minimum side yard (one side) setback requirement from the current 50 feet to 25 feet, and the minimum side yard (Total) setback requirement from the current 100 feet to 50 feet.

Section 8. The definition of "Animal Husbandry" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting the final clause of the definition which reads "but shall be considered as intensive agriculture."

Section 9. Section 452 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by deleting sub-part B, Intensive Agriculture, subject to Section 1615, as a permitted use in the EAP District.

Section 10. Section 453 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended by adding a sub-part L, Intensive Agriculture, subject to Section 1615, as a special exception use in the EAP District.

Section 11. Section 1616 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: the 2nd sentence of sub-section A2, which begins "Those Intensive Agricultural Activities allowed...", is deleted; the phrase in parenthesis in sub-section A6 shall be changed from "excluding mink which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section A7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the paragraph following the asterisk in sub-section A8 which begins "Any concentration of animal units..." is deleted; sub-section A10 is deleted; sub-section A14 is deleted; the phrase in parenthesis in sub-section B6 shall be changed from "excluding mink farms which are an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; the phrase in parenthesis in sub-section B7 shall be changed from "except swine over one thousand (1,000) pounds/acre which is an Intensive Agricultural Activity" to "except those that are Intensive Agriculture"; sub-section B10 is deleted; and Section C is deleted.

Section 12. Section 455 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: in the box containing the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", under "MINIMUM REQUIREMENTS", under "Lot Size*", in the category "Single Family Dwelling Lots ("SFD Lots"), the reference to "1 1/2 Acres" is amended to "1 Acre", under "Lot Width* At Street Line", in both the categories "EAP Agricultural Lot" and "Single Family Dwelling Lots ("SFD Lots")", the reference to "200 Feet" is amended to "100 Feet", and under "Side Yard* Total and One Side", in the category "EAP

Agricultural Lot", the Total "200 Feet" is amended to "40 Feet", and the One Side "100 Feet" is amended to "20 Feet".

Section 13. Section 702 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"Z. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 14. Section 703 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Use Permitted by Special Exception as follows:
"S. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 15. Section 752 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Uses Permitted by Right as follows:
"TT. Roof/Structure Mounted Solar Energy Systems, subject to Section 1694D.1. a. through f."

Section 16. Section 753 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to modify a Uses Permitted by Special Exception as follows:
"O. Ground Mounted Solar Energy Systems, subject to Section 1694.D.1. a. through e., and g."

Section 17. Section 1694 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended as follows: Section D. is amended to read "Permitted by Right, Special Exception or as an Accessory Use"; Section D.1. is amended to read "The installation of Roof/Structure Mounted Solar Energy Systems shall be permitted by Right within the R-4 and R-5 Zoning Districts, the installation of Ground Mounted Solar Energy Systems shall be permitted by Special Exception within the R-4 and R-5 Zoning Districts, and the installation of both Roof/Structure Mounted Solar Energy Systems and Ground Mounted Solar Energy Systems shall be permitted by Right in all other non-commercial Zoning Districts in the ESRP Region (WP, EAP, A-P, R-1, R-2 & R-3) subject to the following regulations."

Section 18. The definition of "Accessory Use" as stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to read as follows:
"A use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or principal structure is located or on an adjoining lot".

Section 19. A definition of "Adjoining Lot" is added to the Definitions stated in Section 201 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) to read as follows: "A lot which is next to the principal lot, and which shares a common border, however small, with the principal lot. This definition includes a lot which would share a common border, however small, with a principal lot but for the lots being separated by a public right-of-way."

Section 20. Section 1004 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-part "S. Motorsport Facility, subject to Section 1663" as a Special Exception Use in the GI-2 Zoning District.

Section 21. Section 954 of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to add a new Special Exception Use in the GI-1 Zoning District to read as follows:
"V. Motorsport Facility, or Motor Sports Facility, subject to Section 1663".

Section 22. Section 1507H of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to apply also apply to the G-C Zoning District, and to have the opening line or heading read as follows:
"Signs Permitted in the H-C, L-I, GI-1, GI-2 and G-C Zoning Districts".

Section 23. Section 1507K of the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition) is hereby amended to remove and redact sub-parts 2 through 6.

Section 24. The remainder of the Eastern Schuylkill Regional Planning Commission Zoning Ordinance (2019 Edition) not amended by this Ordinance shall remain in full force and effect.

Section 25. This Ordinance shall be effective 5 days after enactment by the last participating municipality (Rush Township, Walker Township, Schuylkill Township and Tamaqua Borough) to enact it.

ORDAINED and enacted this 4 day of August, 2022.

ATTEST

WALKER TOWNSHIP BOARD OF SUPERVISORS

Rush Township, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. ESRP 2026-1

THE MUNICIPALITIES OF RUSH TOWNSHIP, WALKER TOWNSHIP, SCHUYLKILL TOWNSHIP AND TAMAQUA BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, JOINTLY COMPRISING THE EASTERN SCHUYLKILL REGIONAL PLANNING GROUP, EACH AND INDIVIDUALLY HEREBY ENACT THIS ORDINANCE AMENDING THE EASTERN SCHUYLKILL REGIONAL PLANNING ZONING ORDINANCE TO: ADD DEFINITIONS OF DATA CENTER, DATA CENTER ACCESSORY FACILITIES, AND SHORT TERM RENTAL UNITS; AMEND DEFINITION OF MOTOR SPORTS FACILITY; ADD SHORT TERM RENTAL UNITS AS SPECIAL EXCEPTION USES IN THE W-P, A-P, R-1, R-2,R-3, R-4, G-C AND H-C ZONING DISTRICTS; DELETE WAREHOUSING AS A USE PERMITTED BY RIGHT IN THE L-I, GI-1 AND GI-2 ZONING DISTRICTS; ADD WAREHOUSES AND TRUCK TERMINALS AS CONDITIONAL USES IN THE GI-1 AND GI-2 ZONING DISTRICTS; AMENDING THE MAXIMUM IMPERVIOUS COVERAGE IN THE GI-1 and GI-2 ZONING DISTRICTS TO 70%; AMENDING THE MAXIMUM BUILDING COVERAGE IN THE GI-2 ZONING DISTRICT TO 50%; CREATE A NEW I – INDUSTRIAL ZONING DISTRCT MIRRORING THE GI-2 ZONING DISTRICT BUT IN WHICH WAREHOUSES AND TRUCK TERMINALS AND DATA CENTERS AND DATA CENTER ACCESSORY FACILITIES ARE CONDITIONAL USES; ADD A SECTION 1632 ESTABLISHING REGULATIONS FOR SHORT TERM RENTAL UNITS; REVISING SECTION 1663 REGULATIONS FOR MOTOR SPORTS FACILITY; REVISING SECTION 1689 REGULATIONS FOR TRUCK TERMINALS, WAREHOUSES AND DISTRIBUTION CENTERS; ADD A SECTION 1698 ESTABLISHING REGULATIONS FOR DATA CENTERS AND DATA CENTER ACCESSORY FACILITIES; CONTAIN REPEALER, SEVERABILITY AND EFFECTIVE DATE PROVISIONS; AND ADOPT A NEW ZONING MAP.

WHEREAS, the municipalities of Tamaqua Borough, Rush Township, Schuylkill Township, and Walker Township, (hereinafter "Participating Municipalities"), all located in Schuylkill County, Commonwealth of Pennsylvania, have joined together in a grouping titled the Eastern Schuylkill Regional Planning group (hereinafter "ESRP") to enact a common and shared Zoning Ordinance which distributes the various land uses among the Participating Municipalities;

WHEREAS, the Participating Municipalities each maintain their own individual Zoning Hearing Boards;

WHEREAS, the current version of the Zoning Ordinance is a 2019 Edition, amended and modified by amending ordinances enacted by each of the Participating Municipalities in 2022 (the 2019 Edition and the 2022 amendments shall hereinafter be jointly referred to as "Zoning Ordinance");

WHEREAS, in April and May, 2026, the Participating Municipalities have all enacted Resolutions pursuant to Section 609.2(1) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC") declaring an invalidity of the Zoning Ordinance due to the Zoning

Ordinance's failure to account for Data Centers, Warehouses and Short-term Rentals among its various land uses;

WHEREAS, each Participating Municipality desires to undertake an amendment to the Zoning Ordinance, which includes amendments to the ESRP Zoning Map(s); and

WHEREAS, all requirements of MPC, the Pennsylvania Second-Class Township Code, the Pennsylvania Borough Code, the Pennsylvania Sunshine Law, and the Zoning Ordinance, have been complied with;

NOW, THEREFORE, be it ORDAINED:

Section 1. Section 201 of the Zoning Ordinance is amended to include the following definitions:

Data Center(s): A building or group of buildings used primarily for the housing, operation or colocation of computers, computer equipment, and/or telecommunications and related equipment, including but not limited to hard drives, servers, server racks and data storage devices, for the handling, storing and backing up of electronic data, or for the processing, transferring and/or storing of digital information primarily to and from offsite locations. This use does not include computers or telecommunications equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, artificial intelligence uses, blockchain transactions processing, and server farms. A Data Center may include Data Center Accessory Facilities.

Data Center Accessory Facilities: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to utilities, utility lines, electrical substations, pump stations, water towers and holding tanks, wastewater treatment facilities, mechanical equipment and environmental controls, such as air conditioning or cooling towers and fire suppression systems, redundant/backup power supplies such as generators, redundant/backup data communications connections and security systems when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

Motor Sports Facility – Any facility or parcel(s) of land dedicated to the operation of on-road or off-road automobiles, trucks, motorcycles, all-terrain vehicles, utility vehicles, side-by-side vehicles or any other motorized vehicles or machinery and used in any of the following ways: recreational purposes where fees are charged for a membership or use of the facility or parcel(s); for recreational use for riding by non-owners of the parcel(s); where fees are charged to spectators of events; where fees are charged for food or beverages on-site; to stage competitive events; or to contain racing events, including practicing, training or instruction therefor.

Short Term Rental Unit: The lease or rental of a Dwelling or Dwelling Unit or a portion thereof by the owner(s) or person in control of said Dwelling or Dwelling Unit to a person or group of

people, whether related or not, who lease or rent the Dwelling or Dwelling Unit for a period of time not to exceed 30 consecutive days. A Short Term Rental is synonymous with the common understanding of an Airbnb or VRBO.

These definitions shall be used whether the term is capitalized or not, unless the context of the use of the term clearly implies a different meaning. The singular of the term shall include the plural, and vice versa.

Section 2. Section 403 (Uses Permitted By Special Exception in the W-P Zoning District) of the Zoning Ordinance is amended to add:

I. Short Term Rental Units, subject to Section 1632.

Section 3. Section 503 (Uses Permitted By Special Exception in the A-P Zoning District) of the Zoning Ordinance is revised to add the following:

Q. Short Term Rental Units, subject to Section 1632.

Section 4. Section 553 (Uses Permitted By Special Exception in the R-1 Zoning District) of the Zoning Ordinance is revised to add the following:

F. Short Term Rental Units, subject to Section 1632.

Section 5. Section 603 (Uses Permitted By Special Exception in the R-2 Zoning District) of the Zoning Ordinance is revised to add the following:

G. Short Term Rental Units, subject to Section 1632.

Section 6. Section 653 (Uses Permitted By Special Exception in the R-3 Zoning District) of the Zoning Ordinance is revised to add the following:

M. Short Term Rental Units, subject to Section 1632.

Section 7. Section 703 (Uses Permitted By Special Exception in the R-4 Zoning District) of the Zoning Ordinance is revised to add the following:

T. Short Term Rental Units, subject to Section 1632.

Section 8. Section 803 (Uses Permitted By Special Exception in the G-C Zoning District) of the Zoning Ordinance is revised to add the following:

K. Short Term Rental Units, subject to Section 1632.

Section 9. Section 853 (Uses Permitted By Special Exception in the H-C Zoning District) of the Zoning Ordinance is revised to add the following:

P. Short Term Rental Units, subject to Section 1632.

Section 10. Sections 902.Q., 952.Y., and 1002.Y. of the Zoning Ordinance, relating to Warehousing as a use permitted by right in the L-I, GI-1, and GI-2 Zoning Districts respectively, are deleted.

Section 11. Section 955 (Conditional Uses within the GI-1 Zoning District) of the Zoning Ordinance is revised to add the following:

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 12. Section 956 (Area, Yard, and Height Regulations for the GI-1 Zoning District) shall be revised as follows:

MAXIMUM PERMITTED

Impervious Coverage	70 Percent

Section 13. Section 1005 (Conditional Uses within the GI-2 Zoning District) of the Zoning Ordinance is revised to add the following:

B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.

Section 14. Section 1006 (Area, Yard, and Height Regulations for the GI-2 Zoning District for uses excepting Permitted Uses CC through HH) shall be revised as follows:

MAXIMUM PERMITTED

Impervious Coverage	70 Percent

Section 15. Section 1007 (Area, Yard, and Height Regulations for the GI-2 Zoning District for Permitted Uses CC through HH) shall be revised as follows:

MAXIMUM PERMITTED

Building Coverage	50 Percent
Impervious Coverage	70 Percent

Section 16. The following Sections 1100. through 1107. (relating to a newly added hereby I – Industrial Zoning District), along with Section 1108 (reserved for General Regulations) and Sections 1109. through 1499. (reserved) are added to the Zoning Ordinance as follows:

Section 1100. I – Industrial Zoning District

Section 1101. Specific Intent.

The purpose of the I Zoning District is to provide an area for heavy industry such as the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties; and serviced by a modest volume of trucks or other vehicles, and to provide areas which are suitable for extractive industry, warehouses and data centers.

Section 1102. Uses Permitted by Right.

The following, as a principal use, their accessory uses and no other, are permitted in the I Zoning District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Assembly and Packaging Establishment

B. Automobile Service Station – Minor and Major repairs, subject to Section 1645.

C. Bakeries

D. Bottling

E. Pottery and ceramics (using only previously pulverized clay and kilns fired only by gas or electricity)

F. Bulk photo processing

G. Commercial/Industrial machinery sales/service

H. Construction or building trades company

I. Fuel oil company, subject to applicable federal, state and local fire protection standards.

J. Furniture manufacturing

K. Metal fabrication/processing

L. Millwork or other wood product manufacturing

M. Self-Storage Facility, subject to Section 1677.

N. Municipal use, subject to Section 1700.

O. (Reserved)

P. Plastics/Rubber products industry

Q. Printing, publishing, binding establishments

R. Research, engineering, or testing laboratories

S. Scientific/electronic instruments manufacturing

T. Storage of fireworks and explosives in accordance with Pennsylvania Code, Title 34. Labor and Industry. Chapter 5 Blasting, Demolition, Fireworks and Explosives, Subchapter "C". Fireworks. and Subchapter "D". Explosives.

U. Telecommunication Antennas and Telecommunication Equipment Buildings attached to existing structures, subject to Section 1678.C.

V. Textile/garment manufacturing

W. Textile bleaching

X. Car and Vehicle Washing Facility, subject to Section 1664.

Y. No-impact Home-based Business subject to Section 1601.

Z. Forestry, subject to Section 1685.

AA. New Telecommunications Towers with or without Telecommunication Antennas, subject to Section 1678.D.

BB. Mineral extraction (Not subject to Specific Use Regulation Section 1687).

CC. Mine reclamation.

DD. Preparation Plant/Breakers.

EE. On site and open air storage of coal products and byproducts.

FF. Prepared coal storage and staging.

GG. The placement and removal of refuse (culm) banks.

HH. The following uses shall be considered permitted uses in conjunction with permitted principal uses BB. through GG. on the same parcel or individually provided however that the uses are contiguous to lands under ownership and used for principal uses BB. through GG.

1. Administrative and business offices
2. Structures for the maintenance, repair, and storage of equipment and motor vehicles
3. Rail sidings
4. Scales, scalehouses
5. Equipment and truck wash facilities

Section 1103. Accessory Uses.

A. Heliport pads, Subject to Section 1676

B. Mine water treatment and discharge

C. Soil sedimentation and erosion control

D. Off street parking

E. Installation of Solar Panels or Collectors, subject to Section 1694.D.

F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use (Excepting provisions of Section 1002 II.) and customarily appurtenant to a principal permitted use

Section 1104. Special Exception Uses.

The following uses are permitted in the GI-2 Zoning District when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in the sections of the Ordinance indicated below as well as Section 2002 of this Ordinance.

A. Asphalt manufacturers

B. Automobile Dismantling Facilities, subject to Section 1690.

C. Breweries

D. Cement plants

E. Chemical products industry

F. Fertilizer manufacturing

G. Flour mills

H. Food processing

I. Airport/Heliport, subject to Section 1676.

J. Paint manufacturing

K. Paper/Pulp mill

L. Slaughter house (commercial), subject to Section 1691.

M. Soap manufacturing

N. Solid Waste Disposal Facility, subject to Section 1686.

O. Tank farm.

P. Tanning, curing or storage of leather and skins

Q. Junkyards, subject to 1690.

R. Campgrounds and recreational vehicle parks, subject to Section 1661

S. (Reserved)

T. Coal gasification and liquefaction facilities.

U. Renewable energy production and generation, including but not limited to geothermal, hydroelectric, and solar energy, subject to pertinent Sections for the specific use.

V. Wind Energy Facility, subject to Section 1692

W. Renewable/Alternative energy source facilities, subject to Sections for the specific use.

X. Solar Energy, subject to 1694.

Section 1105. Conditional Use.

The following uses are permitted in the I Zoning District when a Conditional Use is granted by the Governing Body. Standards to be used in determining whether a Conditional Use should be granted are found in the sections of the Ordinance indicated below as well as Section 2004 of this Ordinance.

A. Gas and Oil Development, subject to Section 1695.
B. Truck Terminals, Warehouses and Distribution Centers, subject to Section 1689.
C. Data Centers, subject to Section 1698.
D. Data Center Accessory Facilities, subject to Section 1698.

Section 1106. Area, Yard, and Height Regulations for the I Zoning District.

(For uses excepting Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	50 Feet
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size	2 Acre
Lot Width	200 Feet
Building Setback Line	50 Feet
Rear Yard	50 Feet
Side Yard	
One Side	50 Feet
Total	100 Feet
Improvements Setback Line	25 Feet
Distance between Highway Access Points	75 Feet

Section 1107. Area, Yard, and Height Regulations for the I Zoning District.

(For Permitted Uses BB. through GG.)

MAXIMUM PERMITTED

Building Height	100 Feet
Building Coverage	50 Percent
Impervious Coverage	70 Percent

MINIMUM REQUIREMENTS

Lot Size — 5 acres for Principal Permitted Uses (Section 1002) CC. through HH. unless otherwise stated for the Specific Use.

1 Acre for Principal Permitted Uses Section 1002 II.

Minimum Lot Size for Uses By Special Exception shall be determined by the Zoning Hearing Board unless otherwise stated for the Specific Use.

Width	150'(i)
Building Setback Line	35'
Rear Yard	25'
Side Yard, Each	*10'

(i) Lots with central water and sewer; Minimum lot width shall be 50' at the street

(*) For pre-existing non-conforming lots:

If lot width is less than 50' side setback is 5'on both sides.

Section 1108. General Regulations. (Reserved)

Section 1109. through 1499. (Reserved).

Section 17. Section 1632. is added to the Zoning Ordinance as follows:

Section 1632. Short Term Rental Units.

The following regulations shall apply to a Short Term Rental Unit (the word "Owner" shall mean the record owner, occupier, or person having control over the property on which the Short Term Rental Unit is located).

A. The Owner shall obtain a municipal permit prior to renting or leasing the Short Term Rental Unit, which may set occupancy limits or parking restrictions taking into consideration the size and location of the Short Term Rental Unit;
B. The Owner shall provide a municipal official with an emergency contact number where they can be contacted at any hour of the day or night at the time of permit application, and shall keep said information up-to-date;

C. There shall be the greater of either one off-street parking space available for each vehicle used by a renter or lessee of the Short Term Rental Unit or two parking spaces per sleeping room (bedroom);
D. The Owner shall post in a conspicuous location inside the Short Term Rental Unit the Owner's name, the manager's name if applicable, and up-to-date emergency contact information for the Owner/manager, the maximum number of guests permitted at any one time per municipal regulations or requirements; the maximum number of vehicles permitted and all applicable parking restrictions; and the trash pick-up day.
E. The exterior portions of the property hosting the Short Term Rental Unit shall be kept free of trash and debris;
F. The permit is subject to revocation if there are more than three (3) bona fide complaints about noise or disruptive behavior to the peace and quiet enjoyment of the neighborhood within any 6-month span, or three (3) bona fide violations of any of the regulations of this Section in any 6-month span;
G. No weddings, receptions or other special events shall be permitted in the Short Term Rental Unit in a manner that would exceed the occupancy limits set in any permit;
H. If the Owner resides more than 10 miles outside of the host municipality, he/she shall appoint a person as manager of the Short Term Rental Unit who does reside within 10 miles of the host municipality, and said manager must sign the permit application acknowledging acceptance of responsibility and liability for all violations of municipal ordinances at the Short Term Rental Unit.
I. All Short Term renal owners and/or agents must provide a State or Federal issued identification or driver's license, with photo,

Section 18. Section 1663 of the Zoning Ordinance, and more specifically Section 1663 A.1., is amended to include all trails to be used for recreational riding in the list of areas to be included in the site plan.

Section 19. Section 1689. of the Zoning Ordinance is amended as follows:

Section 1689. Truck Terminal; Warehouses; Distribution Center

The following regulations shall apply to Truck Terminals, Warehouses and Distribution Centers.

A. Dimensional Requirements for Truck Terminals, Warehouses and Distribution Centers.

1.	Minimum Lots Area:	10 acres
2.	Minimum Lot Width:	300 feet
3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet

6.	Maximum Building Height:	55 feet
7.	Minimum Setback for parking Lots:	50 feet (public street); 200 feet (residential use or zoned land)
8.	Minimum Building spacing:	50 feet
9.	Maximum Impervious Surface:	60%

B. General Regulations for Truck Terminals, Warehouses and Distribution Centers

1. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred and fifty (150) feet from one another, as measured from closest points of cartway edges.

2. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

3. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right-of-way width of 50 feet that is part of a major system and servicing thru-traffic needs.

4. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility, tractor trailers shall not be routed through residential neighborhoods.

5. No structure including parking areas and access driveways shall be located closer than two hundred (200) feet to any residential use property line or any property line of a School, Child Day Care Facility, Healthcare Facility, Hospital, park, or playground.

6. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.

7. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.

8. The applicant shall establish that the proposed location and proposed intensity of the use will not cause substantial amounts of unmitigated (by traffic controls and the like) tractor-trailer truck traffic that will adversely affect residential neighborhoods, as reflected in the report required in subsection 10.d. below.

9. All outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal carcasses or similar items shall be enclosed, and no outdoor storage of these items or any inventory or raw materials shall be permitted in a front yard.

10. The applicant shall provide a detailed description of the proposed use in each of the following topics:

a. It is understood that the warehousing and truck terminal development industry is speculative. To the extent reasonably known, the applicant shall provide a narrative regarding the nature of the on-site activities and the general scale of the operation(s), the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations. To the extent unknown, the applicant shall provide information applicable to the average warehouse or truck terminal end-user, or provide such information if it becomes available.

b. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

c. The applicant shall present credible evidence that the number of off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the warehouse activities.

d. The applicant shall furnish a traffic impact report, prepared by a professional traffic engineer, in accordance with the ESRP SALDO and in accordance with PennDOT Publication 282 to identify the projected volumes pof vehicular and truck traffic. The study shall include the analysis of reasonable affected nearby neighborhoods.

C. Truck Terminals

1. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least two hundred (200) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.

2. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.

3. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment lubricants, fuels, or

other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.

4. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

5. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable state and federal regulations.

D. Warehousing; Distribution Center

1. Parking of Trucks shall be limited to those trucks picking up or delivering warehouse or wholesale materials twenty-four (24) hours prior to or after said pickup or delivery.

2. The applicant shall designate and reserve sufficient space on the site to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than five percent (5%) of the projected maximum number of trips per day.

E. Off-Street Loading for Truck Terminals; Warehouses and Distribution Center Uses

1. Each use shall provide off-street loading facilities which meet the minimum requirements of this Section and are sufficient to accommodate the maximum demand generated by the use. At the time of site plan or land development review, the applicant shall provide evidence to the municipality of whether the use will have a sufficient number and sizes of loading facilities.

2. A minimum of one off-street loading space per loading dock must be provided. Spaces for tractor trailers must measure at least 12 feet by 80 feet.

3. Each loading space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas and street rights-of-way.

4. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the lot.

6. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the municipal Fire Marshal (or other duly designated emergency services official serving the municipality).

7. All access and parking areas shall be paved.

F. Additional requirements for Warehouse/Truck Terminal Uses

1. In addition to off-street loading facilities, each use shall provide one and one half (1.5) off-street parking space for each employee on the largest shift or one (1) space for every 4,000 square feet of gross building footprint, whichever is greater; plus one (1) space for each company vehicle normally stored on the premises.

G. Buffer Yard for Truck Terminals; Warehouse and Distribution Centers

1. Such uses where vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use by a residential use or residential zoning district shall be screened by a 50 feet wide/deep buffer yard; provided further that for any parcel/lot with existing woodland (an area of land that trees and bushy undergrowth cover and form a screen) within the front yard setback, such woodland shall either be preserved to the extent possible, or, if removed or disturbed during construction, shall be replaced with the buffer described herein below regardless of the neighboring use or zoning district. This buffer yard shall include a dense landscape buffer consisting of all of the following:

   a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species: large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

   b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting

   c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

2. Plant material within buffer plantings shall meet the following requirements:

   a. Be resistant to diesel exhaust;

b. Not be identified on the most current PA DCNR invasive species or watch lists; and;
c. Be hardy within the applicable USDA hardiness Zone.
d. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).
e. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
f. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.
g. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

3. Proposed plantings shall be reviewed and approved by the municipality.

4. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

H. Berms for Truck Terminals; Warehouse and Distribution Centers

Vehicle parking, outdoor storage, loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines shall be separated from such lot lines by an earthen berm; except no earthen berm shall be required where the exterior lot line abuts an interstate highway, a right-of-way separating a parcel/lot or parcels/lots within the same land development, or a parcel/lot on which at the time of plan submission for the project is woodland (an area of land that trees and bushy undergrowth cover and form a screen). Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

I. Amenities for Truck Terminal Uses

Each and every building containing a Truck Terminal use shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site employees. The following provision shall apply:

1. The amenities shall include, at a minimum, a suitable lounge for drivers/operators, with restroom facilities, including at least three sinks, stalls, etc. per restroom, and dispensing machines or other facilities to provide food and beverages.

2. At least one amenity shall be provided for every thirty (30) truck loading/unloading docks/doorways of the use.

3. The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one seat per ten (10) docks/doorways, with a minimum area to accommodate six seats and one four-person table.

4. Parking for the amenity shall be provided in close proximity to the amenity and in a suitable, safe, and separately defined location. There shall be at least one twelve-foot by eighty-foot truck parking space per each required lounge seat of the amenity provided.

5. Trucks parked in amenity parking spaces shall not leave engines idling unless permitted by State or Federal law. Electrical outlets shall be included in parking areas for trucks to utilize.

6. All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.
7. This use shall reserve a minimum of 5% of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.

Section 20. Section 1698. Is added to the Zoning Ordinance as follows:

Section 1698. Data Centers.

The following regulations shall apply to Data Centers and Data Center Accessory Facilities.

A. Dimensional Requirements

1.	Minimum Lots Area:	30 acres
2.	Minimum Lot Width:	300 feet

3.	Minimum Front yard:	100 feet
4.	Minimum Side Yard:	100 feet
5.	Minimum Rear Yard:	100 feet
6.	Maximum Building Height:	50 feet
7.	Minimum Setback for parking Lots:	50 feet (public street); 200 feet (residential use or zoned land)
8.	Minimum Building spacing:	50 feet
9.	Maximum Impervious Surface:	60%

B. Buffer Yard

1. Where such uses, vehicle parking, outdoor storage and/or loading/unloading areas are visible from beyond the exterior lot lines of the use shall be screened by a 50 feet wide/deep buffer yard. This buffer yard shall include a dense landscape buffer consisting of all of the following:

   a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1 (narrow species : large evergreen). No more than 25% of total required large evergreen species can be substituted with narrow/upright species.

   b. One canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at time of planting.

   c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.

   d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

   e. Plant material within buffer plantings shall meet the following requirements:

i. Be resistant to diesel exhaust;
ii. Not be identified on the most current PA DCNR invasive species or watch lists; and
iii. Be hardy within the applicable USDA hardiness Zone.
iv. Shall be planted on the exterior of any required berm (or exterior side of a wall or fence if permitted in lieu of a berm).
v. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
vi. Shall be arranged in groupings to allow for ease of maintenance and to provide a naturalized appearance.
vii. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

f. Proposed plantings shall be prepared by a registered Landscape Architect and shall be reviewed and approved by the municipality.

g. Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

C. Berm

Where such uses, vehicle or tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from an area within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:

1. A minimum of five (5) feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

2. The top of the berm shall be a minimum of 5' wide.

3. Have a maximum side slope of three horizontal to one vertical.

4. Be covered by a well-maintained all season natural ground cover, such as grass.

D. Additional Requirements

1. All access and parking areas shall be paved.

2. The use shall not be approved unless the applicant demonstrates that procedures for fire protection, suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare, and shall comply with National Fire Protection Association (NFPA) standards.

3. Fire Lanes shall be provided where required by state and federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Municipality's Fire Marshal (or other duly designated emergency services officials serving the Municipality).

4. The applicant shall submit an emergency response plan which shall be reviewed by the local fire department and emergency management coordinator at least 30 days prior to the conditional use hearing, shall include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency vehicles, and shall include detailed procedures for fire suppression, containment, ventilation and evacuation. The applicant shall provide training to the fire department providing emergency services to the Data Center or the Data Center Accessory Facilities at the reasonable request of the Municipality. There shall also be provisions made for annual fire safety inspections performed by a qualified person approved by the Municipality with the costs paid by the facility operator.

5. The use shall have direct access to an arterial street, defined as a street with an existing or proposed right of way width of at least 50 feet that is part of a major system servicing through traffic needs.

6. Where gates, guard shacks or check points are proposed at such facilities, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.

7. A minimum of three (3) loading spaces shall be required. The applicant may request, within their Conditional Use application, fewer loading spaces, subject to review and approval by the Municipality, in consideration of whether vehicle queuing impairs the ability of first responders to access the property.

8. The minimum number of parking spaces shall be twice the maximum number of employees on site during the largest shift.

9. No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances or similar items shall be permitted.

10. External security fencing is required and shall not exceed 12 feet in height. No barbed wire or chain-line fencing shall be permitted. Such fencing shall be wrought iron/metal or a similar style of fence approved by the Municipality.

11. The applicant shall provide a general description of the on-site activities and operations.

12. The applicant shall provide a general description of the scale of the use in terms of its allocated floor space for each activity.

13. The applicant shall submit a detailed description of the type of cooling system including all sourced components required for the system to be used as part of the operation.

14. The applicant shall provide an interconnection or other agreement from the electric service provider indicating that capacity is available and the Data Center or Data Center Accessory Facilities will be served by such sources. If the applicant proposes to connect the Data Center or the Data Center Accessory Facilities to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the project. Any known impacts on electric rates or availability for other uses directly attributable to the project shall be noted.

    a. Any energy generation system designed or used to supply power directly to the project during normal operations, including but not limited to wind, solar, fossil fuel, or nuclear energy generating systems shall be considered to be a different use and shall require compliance with all zoning regulations applicable to such use.

    b. The anticipated usage of standby generators must be identified. Standby generators are subject to maximum noise level requirements of item 15.

15. Applicant shall provide a sound study conducted by an independent professional acoustical expert that the installation of one or more sound reducing materials or systems will effectively reduce the sound generated by the Data Center or the Data Center Accessory Facilities during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to, generators running) to a maximum daytime (7:00am to 8:00 pm Monday – Friday) decibel level of 75 dB(A) and a maximum nighttime (8:00pm to 7:00am Monday – Friday and the 48 – hour period of Saturday and Sunday) decibel level of 57 dB(A) as measured from the property lines of the parcel(s) on which the Data Center or the Data Center Accessory Facilities are located. Sound from the use shall not exceed such levels, except for the operation of emergency equipment and routine testing and maintenance of emergency equipment (that occurs monthly during daytime hours).

16. An as-built sound study shall be conducted by the applicant subject to review of the Municipality six months after issuance of the certificate of occupancy for any Data Center and associated Data Center Accessory Facilities, and prior to the final escrow release for any land development phase, to ensure compliance with required decibel levels.

17. Any sound measurements shall be conducted using sound level meters described in ASA/ANSI S1.4-2014 and using generally accepted criteria.

18. The applicant shall demonstrate that adequate means of wastewater treatment and disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, are provided to ensure protection of the public health, safety and welfare. Any required approvals form the municipal sewer enforcement officer and the Pennsylvania Department of Environmental Protection shall be obtained.

19. Applicant shall prepare and submit a traffic impact study in accordance with PennDOT Publication 282 to identify the projected volumes of vehicular and truck traffic during construction and operation.

20. The Applicant shall provide an environmental impact study containing a description of any environmental impacts that are likely to be generated in the areas of odor, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, or solid waste from the Data Center or the Data Center Accessory Facilities, and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the project fall within acceptable levels, as regulated by applicable laws and ordinances.

21. In order to provide protection to the local water supply the applicant shall submit the following items:

    a. An analysis of water needs (groundwater or surface water) from either private or public sources indicating the quantity and frequency of water required.

    b. If the water source is from a municipal or public system, the applicant shall submit documentation that the supplier has the capacity to meet water consumption requirements of the proposed development.

    c. Identification of how water will be recycled, treated and disposed of.

    d. If the water source is from a private supplier, the applicant shall submit information relating to said supplier including its name and a copy of any contract or agreement.

    e. If any water source is from an on-site well, the applicant shall submit a water feasibility study. The purpose of the study shall be to determine if there is an adequate supply of water for the Data Center and the Data Center Accessory Facilities and to estimate the impact of the project on existing wells in the vicinity. The water feasibility study shall include the following minimum information:

        i. Calculations of the projected water needs;
        ii. A geologic map of the area with a radius of at least one mile from the site of the Data Center and the Data Center Accessory Facilities;

iii. The location of all existing and proposed wells within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities, with a notation of the capacity of all existing and proposed wells;

iv. The location of all streams within 1,000 feet of the site of the Data Center and the Data Center Accessory Facilities and its water source;

v. The long-term yield of the on-site water source shall be determined based on the geological formations underlying the site of the Data Center and the Data Center Accessory Facilities;

vi. An analysis and determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table;

vii. Identification of how water will be recycled, treated and disposed of.; and

viii. The water supply analysis shall be prepared by a Hydrogeologist, licensed in the Commonwealth of Pennsylvania and shall include a statement of the qualification(s) and the signature(s) of the person(s) preparing the study.

Section 21. The Zoning Map referenced by the date August 7, 2026, prepared by the Schuylkill County Planning, Zoning & GIS, is adopted as the new Zoning Map of the Municipality.

Section 22. The Zoning Ordinance (both the 2019 Edition and the 2022 amendments) remains in full force and effect except to the extent necessary to give effect to the provisions of this Ordinance.

Section 23. If any part or provision of this Ordinance is found illegal or unenforceable by a court of competent jurisdiction or an entity empowered by law to make such a determination, the rest and remainder of this Ordinance shall remain in full force and effect as if enacted without the part or provision found illegal or unenforceable.

Section 24. This Ordinance shall be effective immediately upon the enactment of the version of it by the last of the Participating Municipalities to enact it.

ORDINANCE ENACTMENT – RUSH TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, this 6 day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF RUSH

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary

ORDINANCE ENACTMENT – BOROUGH OF TAMAQUA

Duly enacted by the Borough Council of the Borough of Tamaqua, Schuylkill County, Pennsylvania, this 12 day of October 2026 in lawful session duly assembled.

BOROUGH OF TAMAQUA

BY: _____
PRESIDENT

BY: _____
MAYOR

Attest: _____
Secretary

ORDINANCE ENACTMENT – WALKER TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Walker, Schuylkill County, Pennsylvania, this 6th day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF WALKER

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Secretary/Treasurer

ORDINANCE ENACTMENT – SCHUYLKILL TOWNSHIP

Duly enacted by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, this 7th day of October, 2026 in lawful session duly assembled.

TOWNSHIP OF SCHUYLKILL

BY: _____
CHAIRMAN

BY: _____
VICE-CHAIRMAN

BY: _____
MEMBER

Attest: _____
Assistant Secretary/Treasurer

Eastern Schuylkill Planning
Zoning Map
25
Rush Township

ESP Zoning

- AP - Agricultural Preservation
- EAP - Enhanced Agricultural Preservation
- R-1 - Rural Agricultural, Low Density Rural
- R-2 - Residential, Low Density Suburban
- R-3 - Residential, Medium Density Suburban
- R-4 - Res. / Comm., Med. to High Density Suburban
- R-5 - Residential / Commercial, High Density Urban
- GC - General Commercial
- HC - Highway Commercial
- I - Industrial
- LI - Light Industrial
- GI-1 - General Industrial
- GI-2 - General Industrial 2
- WP - Woodland Preservation

- Municipal Boundary
- Water Courses
- Water Bodies
- Roads
- Parcels
- Leased Grounds

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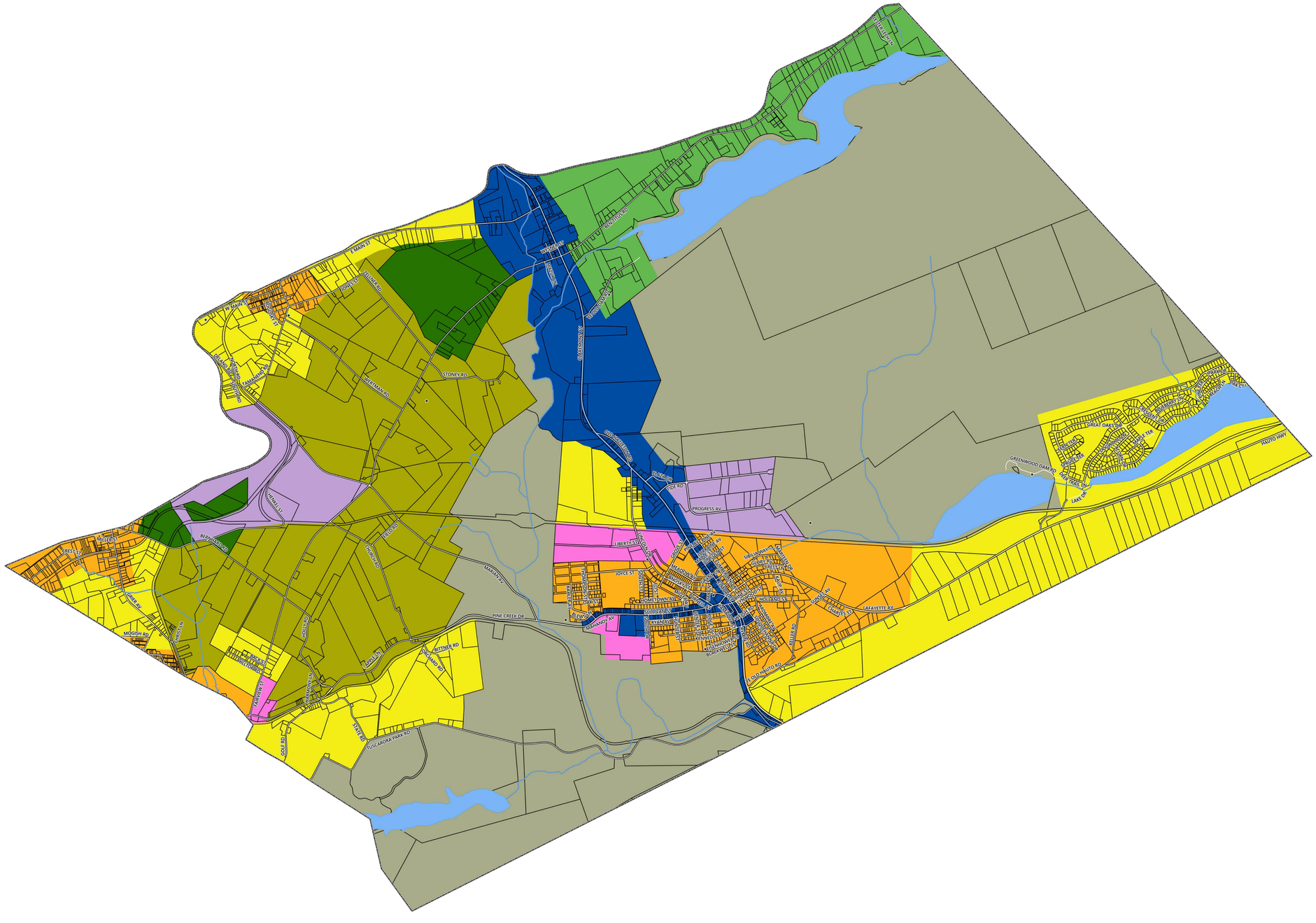
From time to time, for informational purposes only, it may be beneficial to add information, such as new streets, subdivisions, parcels, landmarks or other information which makes this official map more understandable.

Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes will be noted by date with a brief description of the nature of the change, either on the map or within an appendix to the Ordinance.

Map dated August 07, 2026.
Prepared for Eastern Schuylkill Planning
© Schuylkill County Planning, Zoning, & GIS


E MAIN ST
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STONEY RD
WEAVER RD
MAHANOY AV
PINE CREEK DR
PROGRESS AV
LIBERTY ST
JOYCE ST
ORIENTAL AV
ROUTE 901
ROUTE 61
MOGISH RD
BERNERSVILLE RD
TUSCARORA PARK RD
GREENWOOD OAKS RD
LAKE DR
LAFAYETTE AV
GREAT OAKS DR
OAK TRAIL DR
OAK TREE TER
OAK TREE LN
OAK TREE CT
OAK TREE DR
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OAK TREE RD
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OAK TREE HWY
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OAK TREE PATH
OAK TREE GLEN
OAK TREE VIEW
OAK TREE RIDGE
OAK TREE HILL
OAK TREE VALLEY
OAK TREE MEADOW
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Eastern Schuylkill Planning
Zoning Map

27
Schuylkill Township

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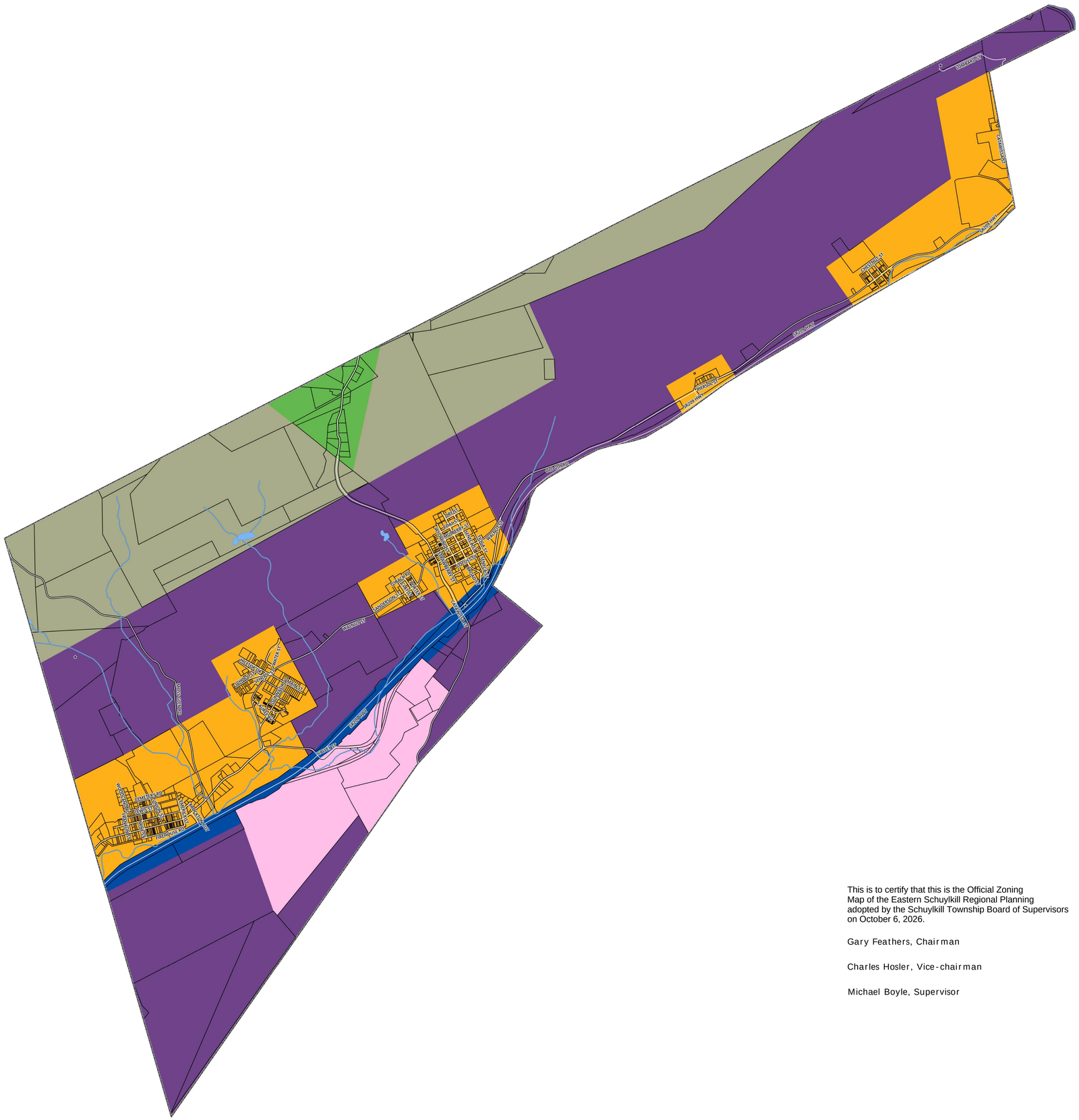

This is to certify that this is the Official Zoning Map of the Eastern Schuylkill Regional Planning adopted by the Schuylkill Township Board of Supervisors on October 6, 2026.

Gary Feathers, Chairman

Charles Hosler, Vice-chairman

Michael Boyle, Supervisor

Eastern Schuylkill Planning
Zoning Map
32
Walker Township

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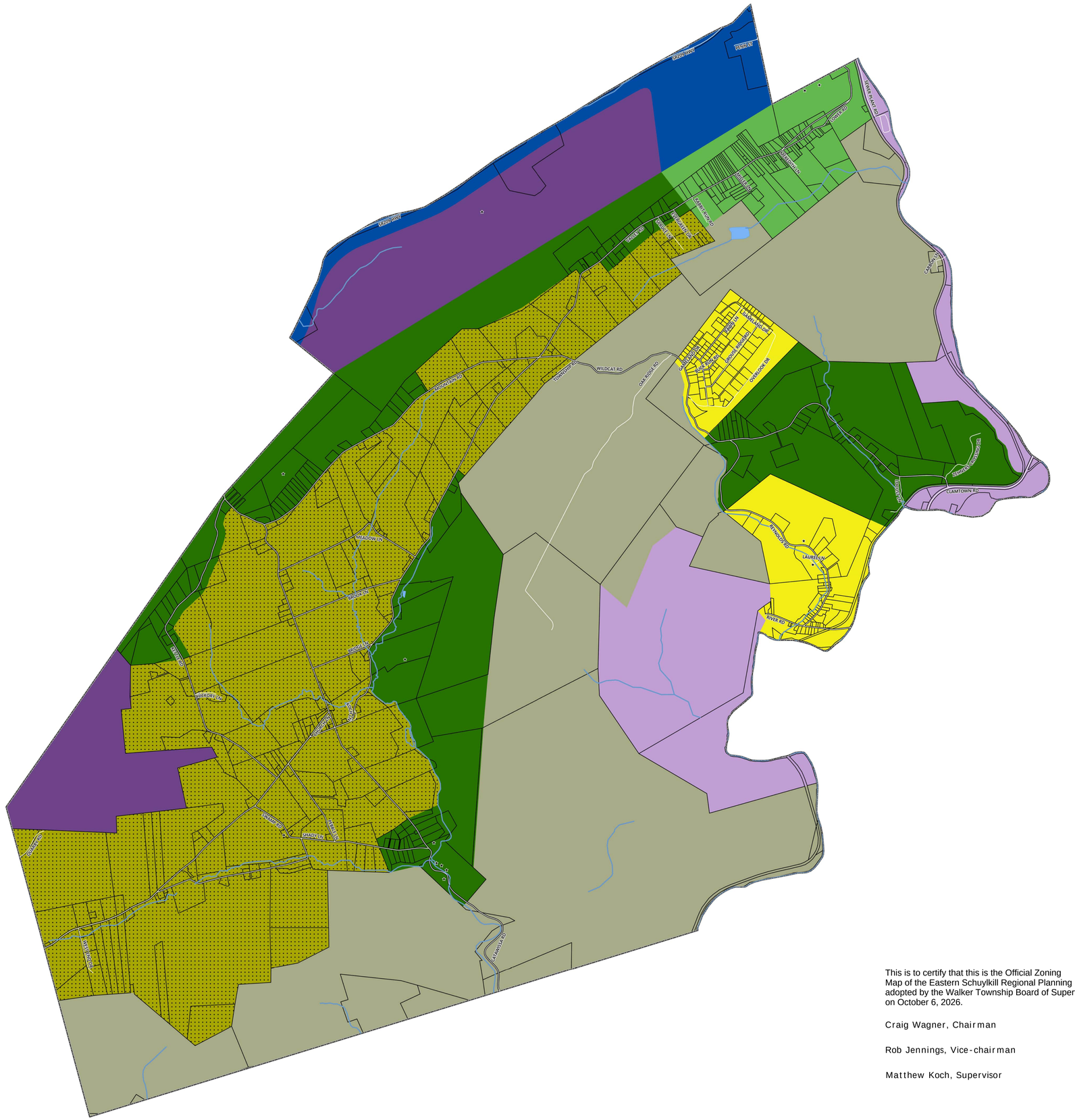


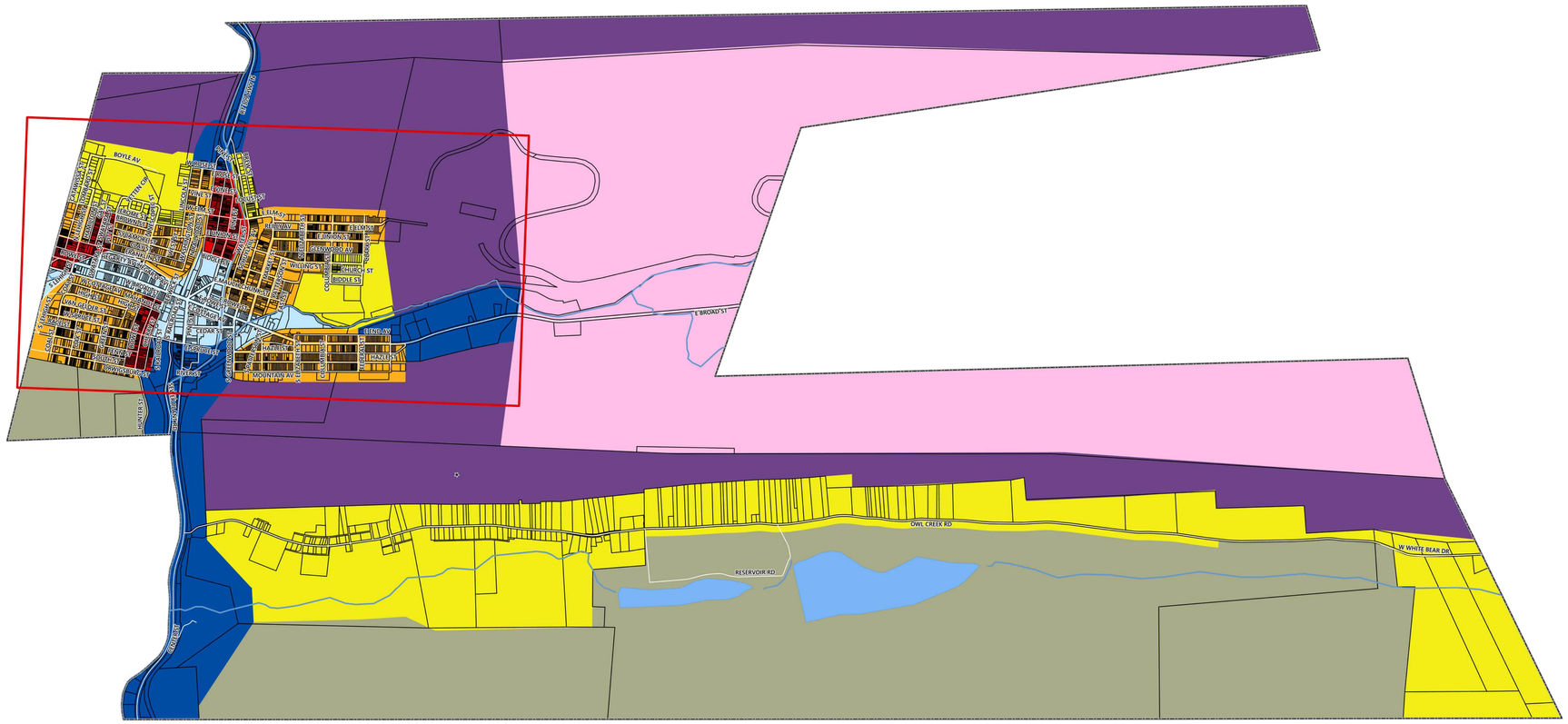
This is to certify that this is the Official Zoning Map of the Eastern Schuylkill Regional Planning adopted by the Walker Township Board of Supervisors on October 6, 2026.

Craig Wagner, Chairman

Rob Jennings, Vice-chairman

Matthew Koch, Supervisor

Eastern Schuylkill Planning
Zoning Map
65
Tamaqua Borough



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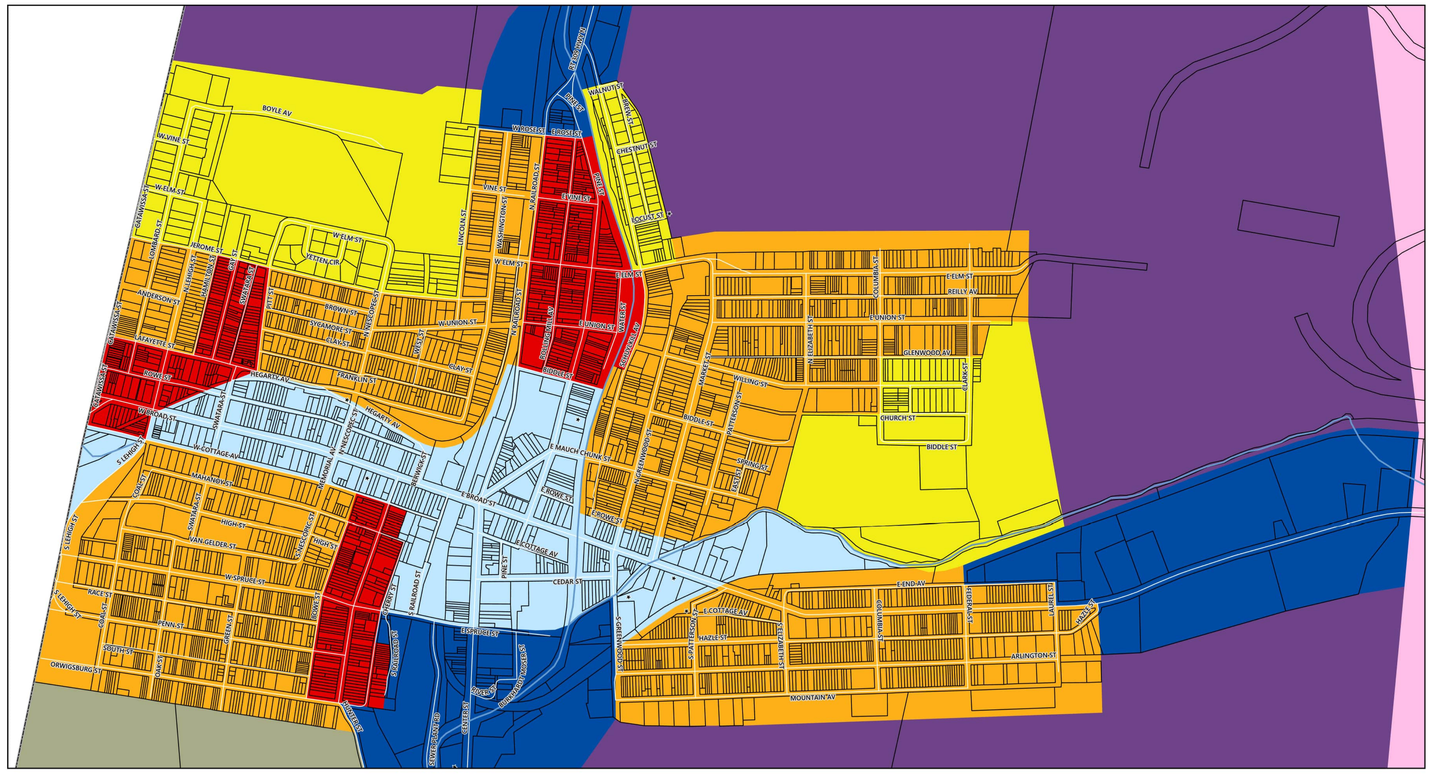

This is to certify that this is the Official Zoning Map of the Eastern Schuylkill Regional Planning adopted by the Tamaqua Borough Council on October 6, 2026.

Brian Connely, Council President

Amy Macalush, Borough Secretary