

PALMYRA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

AUGUST 20, 2013

This ordinance was financed in part by grants from:

- The Land Use Planning and Technical Assistance Program, administered by the Pennsylvania Department of Community and Economic Development.
- The Pike County Scenic Rural Character Preservation Program.

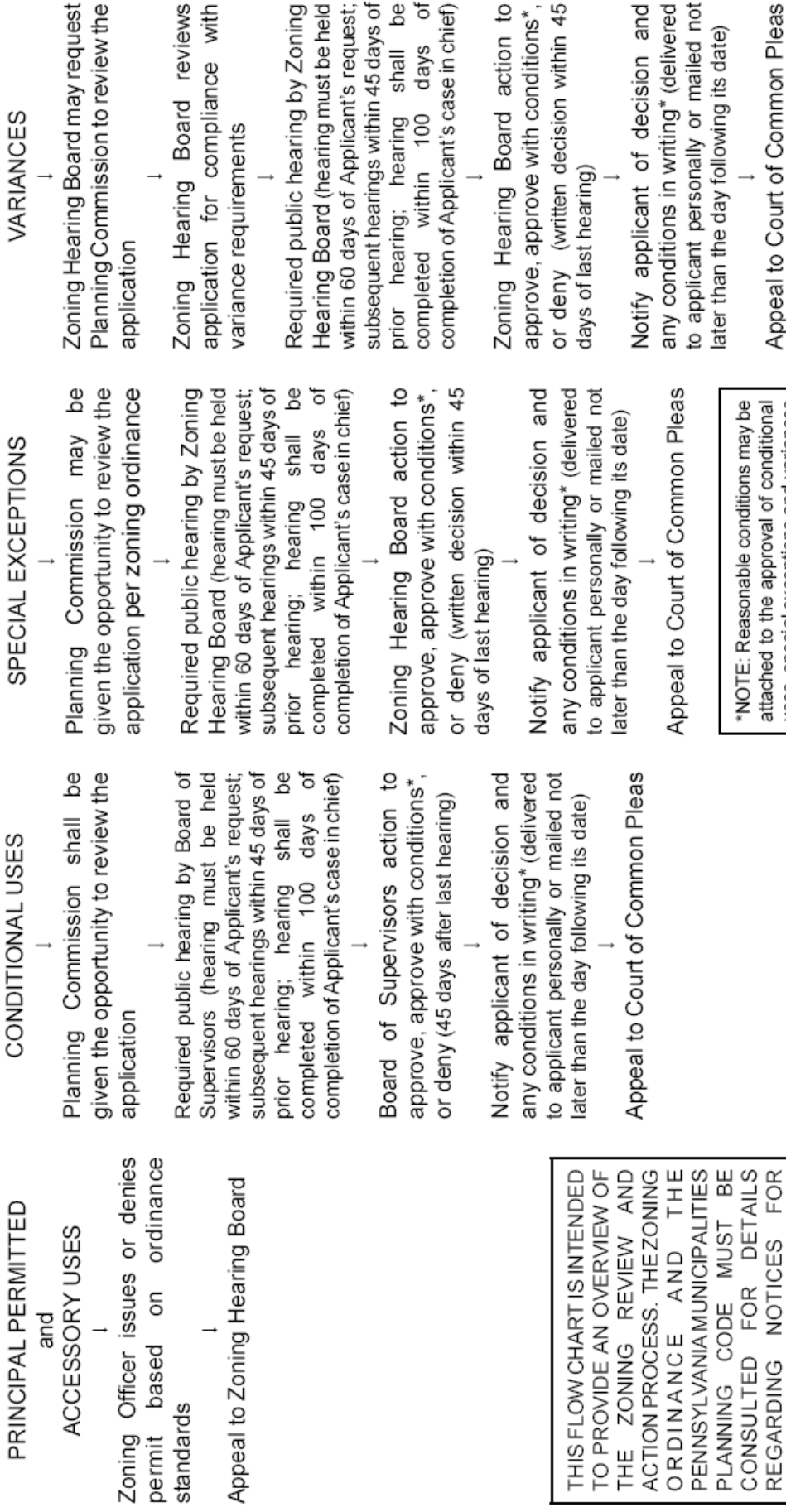


GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.
- ☛ The **Table of Contents** should help you find the sections applicable to your situation.
- ☛ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article IV.
- ☛ The **Schedule of Uses** in Article IV lists all of the uses allowed in each district.
- ☛ The **Schedule of Uses** in Article IV also classifies all of the uses allowed in each Zoning District.
 - ☛ **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.
 - ☛ **Conditional Uses** - review by Planning Commission, action by Board of Supervisors. (See §11.800)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §11.800)
- ☛ The requirements for **Permit Applications** are found in §11.200.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations, and Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** -- conservation design, multi-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses** and **Environmental Standards**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to wind energy.
- ☛ **Signs** are governed by §5.400 and a business sign will require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §11.700.
- ☛ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as *grand-fathered*, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article IX. The section also governs the reuse of abandoned and damaged nonconforming structures and uses. **Nonconforming Lots**, lots which do not meet the minimum size and dimension requirements, can also be used if they meet setback, water supply, sewage disposal and other applicable requirements. (See §9.1100.)
- ☛ If a project involves the creation of a new lot or lots, the change of lot lines, the erection of one or more new principal nonresidential buildings, or two or more dwellings on one lot, the **Subdivision and Land Development Ordinance** will also apply.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §11.300 and are shown on the **Fee Schedule** available from the Zoning Officer.

ZONING PERMIT APPLICATION REVIEW PROCESS

APPLICANT → → → → → ZONING OFFICER makes determination from Schedule of Uses of classification as PRINCIPAL PERMITTED, ACCESSORY, CONDITIONAL, or SPECIAL EXCEPTION; or if a VARIANCE is required, and refers the application for appropriate action.



THIS FLOW CHART IS INTENDED TO PROVIDE AN OVERVIEW OF THE ZONING REVIEW AND ACTION PROCESS. THE ZONING ORDINANCE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE MUST BE CONSULTED FOR DETAILS REGARDING NOTICES FOR PUBLIC HEARINGS, TIME FRAMES, DECISION NOTICE REQUIREMENTS, PERFORMANCE STANDARDS AND CRITERIA, AND OTHER ADMINISTRATIVE DETAILS.

*NOTE: Reasonable conditions may be attached to the approval of conditional uses, special exceptions and variances in accord with the zoning ordinance and the Pennsylvania Municipalities Planning Code (MPC). Obtain written acceptance of all conditions from Applicant. Denials must include specific reasons for denial.

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ARTICLE XII

ADOPTION

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

ARTICLE I GENERAL PROVISIONS

1.100 RE-ADOPTION AND CONFLICT

The Palmyra Township Zoning Ordinance of June 3, 2003, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Township of Palmyra. If any other ordinance, code or regulation of the Township of Palmyra is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

1.200 TITLE AND SHORT TITLE

1.201 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

1.202 Short Title

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

1.300 PURPOSE

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

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

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

1.400 APPLICABILITY

See §11.000.

1.500 INTERPRETATION

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

1.600 SEVERABILITY

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

1.700 EFFECTIVE DATE

This Zoning Ordinance shall take effect immediately upon its adoption.

ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES AND GOALS

2.100 COMMUNITY DEVELOPMENT OBJECTIVES

This statement of the Community Development Objectives is included under the authority of Section 606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include, but are not limited to, the following:

- A. To achieve the best use of the land within the Township, insuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community.
- B. To establish realistic population densities in order to insure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.
- C. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
- D. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.
- E. To provide the opportunity for a wide-range and variety of housing types to meet the needs of all Township residents; newly-formed households, growing families and senior citizens.
- F. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.
- G. To expand local business and strengthen the economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
- H. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

2.200 COMPREHENSIVE PLAN GOALS AND OBJECTIVES

In addition to the General Community Development Objectives set forth in §2.100, this Ordinance is intended to implement the goals and objectives contained in the Palmyra Township Comprehensive Plan, and any other plan which may be adopted by the Township.

ARTICLE III - DEFINITIONS**3.100 RULES OF CONSTRUCTION AND DEFINITIONS**

The following rules of construction shall apply to this Ordinance:

- A. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in this Article, except where there is indicated in context different meaning.
- B. The particular shall control the general.
- C. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
- D. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase *used for* includes *arranged for*, *designed for*, *intended for*, and/or *occupied for*.
- F. The word *person* includes *individual*, *profit or non-profit organization*, *partnership*, *company*, *unincorporated association*, *corporation*, or other similar entities.

3.200 TERMS, PHRASES AND WORDS NOT DEFINED

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

3.300 DEFINITIONS

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

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition.

Abused Person Shelter: A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

Accessory Use or Structure: A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

Access Point: One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. An *Adult Arcade* shall be considered an *Adult Business* for the purpose of this Ordinance.

Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or

video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or

- B. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing *specified sexual activities* or *specified anatomical areas* and still be categorized as *adult bookstore* or *adult video store*. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an *adult bookstore* or *adult video store* so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

The term Adult Bookstore shall include but not be limited to an Adult Video Store, and all such uses shall be considered an Adult Business for the purpose of this Ordinance.

Adult Business: Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of *specified sexual activities* or *specified anatomical areas*, or where any *specified sexual activities* are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article II:
 - 1. adult arcade
 - 2. adult bookstore or adult video store
 - 3. adult live entertainment use or facility
 - 4. adult motel
 - 5. adult motion picture theater
 - 6. adult theater
 - 7. escort agency
 - 8. massage parlor
 - 9. nude model studio
 - 10. sexual encounter center

Adult Care Facility: See *health facility*.

Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

- A. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
- B. Live performances which are characterized by the exposure of *specified anatomical areas* or simulated or actual *specified sexual activities*; or,

- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.

An *adult live entertainment use or facility* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Motel: A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*; or,
- B. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An *adult motel* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*. An *adult motion picture theater* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of *specified sexual activities* or *specified anatomical areas*. An *adult theater* shall be considered an *adult business* for the purpose of this Ordinance.

Agricultural Use: The use of any parcel of land for economic gain in the raising of agricultural or forest products, livestock, poultry and/or dairy products, including necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, tanneries, dairies and food canning and freezing operations. See *manufacturing*.

Airport: A tract of land, with or without buildings, where airplanes, jets, helicopters and/or any other type of aircraft land and take off.

Alterations: As applied to a building or structure, means any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. The use of less than five (5) such devices shall be permitted as an accessory use to any lawful principal commercial use.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment,

Apartment: See *dwelling*.

Applicant: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other

entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.

Archery Range, Indoor: Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor archery range for the purposes of this Zoning Ordinance. See *recreational facility, private*.

Archery Range, Outdoor: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor archery range for the purposes of this Zoning Ordinance. See *recreational facility, private*.

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment, to the general public and which does not include the sale or service of any vehicles on the premises. (See *vehicle and equipment rental operations*.)

Automobile Rental Operation, Ancillary: An automobile rental operation conducted in association with another approved commercial use and which rents a total of no more than five (5) automobiles (i.e., passenger cars and passenger vans used for transport of people but not goods and materials) at any given time.

Bank: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Basement: An enclosed floor area partly or wholly underground, other than a building which is completely underground.

Bed and Breakfast: Any single-family dwelling in which persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area and shall not be used for long term occupancy or residency of guests.

Betting Use: A use where lawful gambling activities are conducted, including but not limited to off-track para-mutual betting. This term shall not include betting under the State Lottery programs or betting under the *Small Games of Chance* provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property.

Board of Supervisors or Supervisors: The Board of Supervisors of Palmyra Township, Pike County, Pennsylvania.

Boat: See *water craft*.

Boat Dock: See *water craft dock*.

Boat House: A building at the water's edge in which boats are kept.

Boat Rental Operation: An establishment which rents water craft, but no other types of vehicles or equipment, to the general public and which does not include the sale or service of any water craft or vehicles on the premises. (See also *vehicle and equipment rental operations*.)

Boat Slip: See *water craft slip*.

Boat Storage Area: See *water craft storage area*.

Boat Storage Structure: See *water craft storage structure*.

Brew Pub - A *restaurant* or *tavern*, as defined herein, that includes as an accessory use the brewing of malt beverages of alcoholic and/or non-alcoholic content which produces less than fifteen thousand (15,000) gallons of malt beverages per year. Considered a *restaurant* for regulation by this Ordinance. (See also *micro-brewery*.)

Brewery - A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces fifteen thousand (15,000) gallons or more of malt beverages per year. Considered *agricultural products processing* for regulation by this Ordinance.

Buffer: A strip of land that: separates one use from another use or feature, and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

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

Building Coverage: The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

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

Building Height, Maximum: The vertical distance of a building measured from the average virgin grade to the highest part of the structure, excluding chimneys.

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

Bulk Fuel Storage Facility: Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to retail or wholesale establishments.

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

Café: A *restaurant*.

Campground or Recreational Vehicle (RV) Park: A tract of land, or any portion thereof, with approved sites for the temporary use of tents or recreational vehicles for camping purposes, with or without a charge for the leasing, renting or occupancy of such space, and which is not used for long term residency or occupancy.

Carport: A roofed building intended for the storage of one (1) or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

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

Cemetery: Land or buildings used for the burial of deceased humans or animals. The internment or scattering or remains of properly cremated humans is not regulated by this ordinance.

Church: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization for nonprofit and noncommercial purposes. A

place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated as the appropriate dwelling type; for example, a use involving multi-family dwellings shall be regulated as such in terms of district location, density and other design standards. (See also *semi-public building or use*).

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

Cluster Development: A form of development for single-family residential development that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

Coffeehouse: A *restaurant* where coffee and other refreshments are served, especially one where people gather for conversation, games, or musical entertainment.

Collection and Conveyance System: The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system. Septic tanks and grinder pumps serving individual lots or dwelling units connected to a off-site sewage disposal system shall be considered part of the collection and conveyance system.

Commercial: Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee, excluding home occupations and home-based-businesses.

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

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

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

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

Common Area: All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

Common Facilities: Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

Commission: The Planning Commission of Palmyra Township, Pike County, Pennsylvania.

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

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: A set of individual dwelling units or other areas of building each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the PA Unit Property Act of 1963 (at the time such law was in effect) or is/was created under the PA Uniform Condominium Act of 1980, as amended.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is minimized.

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

Conservation Design Subdivision: A subdivision designed at the dwelling unit density specified in the Zoning Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity. (Note: Conservation design is an option available to a developer in accord with §6.100).

Conservation Open Space: That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

Contractor Yard: Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Country Club: A recreational property owned and managed by a non-profit membership organization and including recreational facilities, restaurant and meeting rooms. Property owner associations and/or the property they maintain shall not be considered, however, as country clubs, nor shall other residential or commercial properties operated for profit.

County: The County of Pike, Commonwealth of Pennsylvania.

Crematorium: A furnace or establishment for the incineration of corpses.

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

Day Care, Adult: A use providing supervised care and assistance primarily to persons who are over age sixty (60) and not in good physical health, or who are suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

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

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

Deck: An attached accessory structure elevated more than twelve (12) inches and constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

Delicatessen: A *retail business* that sells cooked or prepared foods such as cheeses, cold cooked meats, salads, sandwiches, soup, etc. A delicatessen which provides any table service for indoor or outdoor seating for patrons to consume food on the premises shall be considered a *restaurant*.

Density: The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

Detached Building: A building that is surrounded on all sides by open yards and that is not attached to any other building.

Detention Facility: A facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who proposes to make or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Development Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or

required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

Development Plan: A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

District (or Zone or Zoning District): A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Disturbance: Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

Dock: See *water craft dock*.

Drip Irrigation Field: Piping and the ground surface to the outside edges of the irrigated perimeter used for the application of sewage effluent.

Drive-in Theater: An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to a dwelling unit, commercial unit, institutional or industrial principal use. (See also *access point*.)

Drug Paraphernalia: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Multi-Family: (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. Residential Conversion to Apartments - Conversion of an existing single family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. Garden Apartment - Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. Townhouse - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit separated from any other unit by one or more common fire resistant walls.
- D. Medium High-Rise Apartment - Multi-family dwellings of more than two and one-half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit accommodating one family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for long term residency by not more than one (1) family at a time.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Engineer, Township: a profession engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Township.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *escort agency* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Essential Services: Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see *semi-public building or use*.)

Estate Lot: A large, privately-owned lot comprising all or part of an area of open land in an open land development. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without public access. Only a small part of an estate lot may be developed.

Exercise Club: A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Not more than the number of residents of a group home meeting the requirements of §6.500.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a functional family) pursuant to §6.600.

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm Stand: A booth or stall on a farm and from which produce and farm products grown on the premises are sold to the general public.

Fence or Wall: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a *wall*. The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

Flea Market: Any sales activity conducted under any pavilion or other building or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. (Note: Any sales or service activity which is conducted in the open air shall be considered a temporary commercial use as governed by §8.5000 of this Zoning Ordinance.

Floodplain Regulations: The following definitions shall apply to the terms as used in §7.403 and are supplemented by the other definitions in this §3.300.

- A. **Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. **Basement:** Any area of the building having its floor below ground level on all sides.
- C. **Body of Water:** Any natural or artificial lake, pond, or reservoir.
- D. **Building:** A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- E. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- F. **Flood:** A temporary inundation of normally dry land areas.
- G. **Floodplain Area:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- H. **Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- I. **Floodway:** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. The boundary of the 100-year floodway is as indicated on the maps and flood insurance studies provided by FEMA. In an area where no FEMA maps nor studies have defined the boundary of the floodway,

it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty (50) feet landward from the top of the bank of the stream.

- J. Historic Structure: Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- K. Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.
- L. Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- M. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- N. Manufactured Home Park: A parcel of land which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- O. Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- P. New Construction: Structures for which the start of construction commenced on or after February 17, 1981, the date of the first flood plain development standards adopted by the Township, and includes any subsequent improvements thereto.
- Q. One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one [1] percent chance of occurring each year, although the flood may occur in any year).
- R. Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and

one-half (1.5) feet.

- S. Stream: See *watercourse*.
- T. Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
- U. Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- V. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
 2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- W. Watercourse: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

Forestry Enterprises: The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business.

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

Garage, Private: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

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

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges. See *recreation facility, private*.

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. See *recreation facility, private*.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. See *recreation facility, private*.

Good Operating and Road-Worthy Condition: A vehicle having both a current and valid registration and current and valid

inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Greenhouse, Commercial: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

Greenhouse, Private: A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

Group Home: The use of any lawful dwelling unit which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §6.500, and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, developmental disability or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act defined *Handicap* as follows: 1) *a physical or mental impairment which substantially limits one or more of such person's major life activities*, 2) *a record of having such an impairment*, or 3) *being regarded as having such an impairment*, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21. A use that would otherwise meet the definition of group home but which includes more than the permitted number of residents shall be considered *group quarters*.

Group Quarters: All buildings used primarily for the housing of persons non-related by blood or marriage including but not limited to dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and detention facilities, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered *group quarters*.

Health Facility: An establishment primarily engaged in providing services for human health maintenance including abused person shelters, hospital facilities, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated.

Heliport: An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage, including any such area accessory to a principal use. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. Private Heliport - A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also know as a helistop.

- B. Public Heliport - A heliport that does not meet the definition of a *private heliport*. Public heliports shall be considered *airports* for regulation by this Zoning Ordinance.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; including but not limited to the following occupations: the professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, veterinarians, and other uses meeting the requirements of §5.302 and the other applicable standards in this Ordinance; excluding commercial stables, kennels, motor vehicle or small engine repair shops, and any retail and wholesale sales.

Horse: Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules and donkeys.

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

Hotel: A facility offering temporary (generally for periods of two weeks or less and not to be used for long term residency) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Impervious Surface: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is an *impervious surface*. Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

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

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

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the placement or storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with the Township Zoning Ordinance shall not be considered junk yards. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles ; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.
- C. The commercial use of any lot for the placement or storage of, or the transporting onto or off of, any number of abandoned or junked vehicles.

Kennel: Any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition shall also include any veterinary clinic with outdoor animal runs; and any premises where four (4) or more dogs that are more than six (6) months of age are kept.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

The definition of land development shall not include:

- A. The addition of an accessory building on a lot or lots subordinate to an existing principal building;
- B. The conversion of an existing single-family detached dwelling or a two-family dwelling into not more than three (3) residential dwelling units, unless such units are intended to be a condominium.

Landowner: The legal or beneficial owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other persons having a proprietary interest in land, shall be deemed to be landowners for the purpose of this Ordinance.

Limited Wholesale Business: See *wholesale business, limited*.

Living Space: The sum of the areas of the several floors of a dwelling unit used for human occupancy and including finished basements and attics as measured from the interior faces of the walls. It does not include cellars, crawl spaces, unenclosed porches, attics not more than six (6) feet in height and not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Livestock: Any animals raised or kept for home consumptive use or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.

Livestock Operation: The raising or keeping of livestock for home use or any commercial purpose.

Long-Term Residency: Occupancy of any dwelling or structure, generally for periods of more than 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

Lot: A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

Lot Area: The area contained within the lot lines.

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

Lot Coverage: That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

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

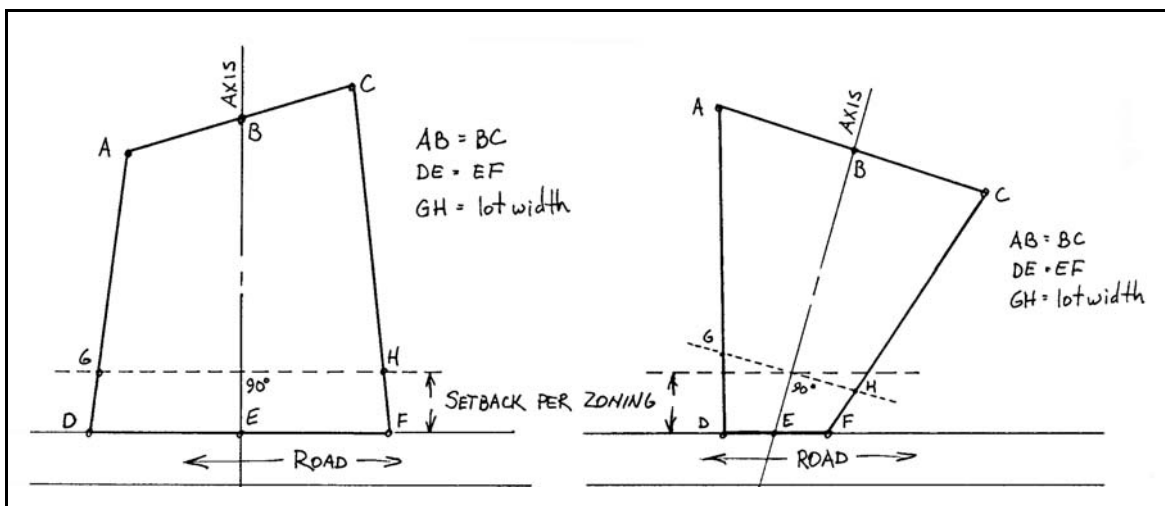
Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Pike County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line most distant from and most parallel to the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. However, in no case shall the street frontage of the lot be less than fifty (50) percent of the lot width as required by the Township Subdivision and Land Development Ordinance.



Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes and any such home subject to U.S. Department of Housing and Urban Development regulations.

Manufacturing: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. *Agricultural products processing* shall also be considered *manufacturing*.

Marina: A facility for storing, servicing, fueling, launching, berthing and securing of water craft.

Massage: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) for a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Facility, Therapeutic: A service establishment that meets all of the following criteria:

- A. *Massages* are conducted; and,
- B. The person conducting the massage is licensed by the state as a health care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training.

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

- A. Massages are conducted (see definition);
- B. The person conducting the massage is not licensed by the state as a health care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
- C. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
- D. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

A *massage parlor* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

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

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations

and quarries, subsurface mining and incidental screening, washing and crushing of materials originating on the site, and oil and natural gas wells) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other mineral.

Mineral Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. See *manufacturing*.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations..

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

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Zoning Ordinance.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five (25) percent of the rooms having direct access to the outside.

Multi-Family Project: Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

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

Neighborhood: A development of five (5) to twenty-five (25) single-family, detached dwellings clustered in a concentrated area which is surrounded by open land or recreation area.

NOTE: See §9.200 for additional definitions applicable to nonconformities.
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Nonconforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Pike County Recorder of Deeds prior to the effective date this Zoning Ordinance, as amended, reenacted and replaced.

Nonconforming Structure: A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure Ordinance fully existed prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming signs.

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Ordinance fully in existence prior to the enactment of this Zoning

Ordinance, as amended, reenacted and replaced.

Nude Model Studio: Any place where a person who appears in a *state of nudity* or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A *nude model studio* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areolae.

Nursery, Commercial: A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

Nursing Home: A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of old age or a physical illness or disability or a developmental disability. (See *health facility*.)

Obscene Materials: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *specified sexual activities* and/or *specified anatomical areas*.

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

Off-Site Sewage Disposal: A sanitary sewage collection system in which sewage is carried from individuals lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Off-Site Water Supply: A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central supply which may be publicly or privately owned and operated.

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

On-Site Water Supply: A single system of piping, tanks or other facilities serving only a single lot and providing drinking water.

Open Land or Open Space: That part of a particular development tract set aside for the protection of sensitive natural features or for the use of residents of the development, and which contains no project improvements, is restricted from further development, and cannot be used as a basis for density for any other development.

Outdoor Entertainment: Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

Out-patient: A patient who comes to the hospital, clinic, or dispensary for diagnosis or treatment but is not admitted for an overnight stay.

Parcel: See *lot*.

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

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

Patio: An open recreational area or structure, constructed no higher than eight (8) inches as measured from the lowest point of the underlying grade to the top of the decking at its highest point. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete, frost-free footer or a precast foundation set below the frost line.

Permit: A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit - A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or a *permit under this Ordinance* shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit - A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code(s) adopted by the Township.
- C. Use Permit - A permit that may be required by the Township that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of Township Ordinances. This shall have the same meaning as a *Certificate of use and Occupancy*.

Personal Care Home or Center: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania. See *health facility*.

Planning Commission: The Planning Commission of Palmyra Township.

Porch: An attached accessory roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Principal Building: The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use: A dominant use(s) or main use on a lot, as opposed to an accessory use.

Property Owners Association: A non-profit corporation organized by the developer or home owners for the purpose of establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

Public Hearing: A formal meeting held pursuant to public notice by the Planning Commission or the Board of Supervisors, intended to inform and obtain public comment, prior to taking action in accord with Pennsylvania Municipalities Planning Code.

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: Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered

at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Race Track: A road course, either oval, circuitous or straight, where motor vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for testing or competition; or any course where animals are raced for competition.

Recreation Area: A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers, used for play and/or recreation by individuals.

Recreation Area, Active: A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

Recreation Area, Passive: A private or public space associated with a residential development, not including any accessory structures used for inactive recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

Recreation Facilities, Private: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, animal farms, shooting ranges, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds.

Recreation Facilities, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government. *See public buildings and uses.*

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: *See campground or recreational vehicle (RV) park.*

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township as part of conditional use approval, tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as *Junk* or *Solid Waste* by this Ordinance.

Recycling Facility: A center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclables as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance.

Related or Relative: Persons who are related by blood, marriage, adoption of formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. It shall not include relationships such as second, third or fourth cousins.

Resort Facilities: Any use and accessory uses such as recreational facilities, health spas, and restaurants, directly associated with the lodging of tourists in a building(s) with a total of six or more rooms, including hotels, motels, and seasonal cottages but not including bed and breakfast establishments, camp grounds, recreational vehicle parks or mobile home parks.

Restaurant, Drive-In: An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Restaurant: An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. Any café, coffeehouse, delicatessen or other food service establishment which provides table service for any indoor or outdoor seating for patrons to consume food on the premises shall be considered a *restaurant*.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in the Schedule of Uses.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.

Satellite Dish Antenna or Satellite Antenna : A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School: - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools* (such as privately operated schools of trade, vocation or business.) See *public and semi-public building or use*.

Screened: Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

Screening: A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

Seasonal Dwelling Unit: Any dwelling unit which lacks a frost free foundation and that is not served by a year-round, frost-free water supply system comprised of a water source and pipes carrying water from the source to the dwelling, including, but not limited to, seasonal houses, mobile homes, cottages, and trailers.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

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

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

Sewage Disposal, Off-Site or Community: A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located

on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-Site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Facility: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. (See *sewage disposal, off-site* and *sewage disposal, on-site*.)

Sewage Treatment Plant: Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including, but not limited to, screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, *soil absorption areas*, *spray fields*, *drip irrigation fields* and constructed wetlands.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A *sexual encounter center* shall be considered an *adult business* for the purpose of this Ordinance.

Shed: An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shooting Preserve: Any area of land which is used for hunting of animals where a fee other consideration is charged.

Shooting Range, Indoor: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance See *recreation facility, private*.

Shooting Range, Outdoor : Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes, including but not limited to, shooting preserves, target shooting ranges, skeet and trap shooting ranges and courses, and sporting clay shooting operations. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor shooting range for the purposes of this Zoning Ordinance.

Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations,

state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

Sign, Changeable Copy: An on-premises business advertising or institutional sign designed to allow its information to be changed periodically and which used for advertising only applicable to the business or institution on the subject premises.

Sign, Electronic Message: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Sign, Free Standing: Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground.

Sign, Noncommercial Free Speech - A sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a *political sign*.

Sign, Off -Premises: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed, including, but not limited to, an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

Sign, Political: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Sign, Portable: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be movable and is not structurally attached to the ground, a building, a structure or another sign.

Sign Alteration: The changing of the sign shape, size, height, or location.

Sign Face Area: The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of sign face area. Where a sign has two display faces back to back the area of only one face shall be considered the sign face area. In the case of signs with no definable edges (e.g., raised letters attached to a facade), the sign face area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material.

Slaughter House: A agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom butcher shop that does not involve killing of animals (which is a *retail business*). See *agricultural products processing*.

Small Flow Sewage Treatment Plant: An on-site or community sewage facility designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other methods approved by DEP.

Soil Absorption Area: A component of an individual or community sewage system where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

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

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

energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

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

Solar Power Generation, Commercial: A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility (not including the discharge of treated effluent from a wastewater treatment facility in accord with DEP approval) or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

Solid Waste Facility, Commercial: Any facility or operation of a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Facility, Public: Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Specified Anatomical Areas: Any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in §§A, §§B and §§C of this definition.

Spray Field: Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

Staging Areas for Equipment/Materials: Any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site.

Storage Yard For Forest Products and Minerals: An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flag stone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: A structure that is erected without any foundation or footing and which is designed to be moved from place to place.

Structure, Temporary: A portable structure that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

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

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Tavern: A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur. (See also *restaurant*.)

Theater: A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Township: Palmyra Township, Pike County, Pennsylvania.

Township Facilities and Uses: Any building, structure, service or use under the jurisdiction of Palmyra Township, Pike County, Pennsylvania.

Tract: See definition of *lot*.

Trade School: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen (16).

Trip Ends: The total of trips entering and leaving a specific land use or site over a designated period time.

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

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

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

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Rental Operation: An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered *retail business*.

Vehicle or Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a *vehicle and equipment sales operation*.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

Wall: See *fence*.

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

Water Craft: Every description of device used on the water or ice or capable of being used as a means of transportation on water or ice. The term includes boats, motorboats, iceboats, all terrain or amphibious vehicles when they are operated on water and all such other devices.

Water Craft Dock: A platform, either floating or supported by any other means, which is designed and constructed for the purpose of providing mooring space for water craft, for swimming or for any other access to or use of a body of water. In any case where a fee is charged for the use of a dock, said dock shall be considered a commercial water craft dock.

Water Craft Dock, Commercial: A platform, either floating or supported by any other means, which is designed and constructed

for the purpose of providing mooring space for water craft, for swimming or for any other access to or use of a body of water, and where a fee is charged for the use of the dock.

Water Craft Docking Facility, Commercial: The use of any parcel of land to provide access to water craft docks; and which includes parking but does not include principal structures or the launching of water craft, and for which a fee is charged. Docking facilities serving lot owners in a residential subdivision with deeded lake rights as of February 4, 1992 (the effective date of this definition), shall be considered commercial docking facilities.

Water Craft Slip: An individual docking space for a water craft at a water craft dock.

Water Craft Storage Area: Any area of land used for the permanent or temporary storage of boats for financial gain.

Water Craft Storage Structure: Any permanent or portable structure or device used for the permanent or temporary storage of boats for financial gain.

Water Extraction and Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *manufacturing* for the purposes of regulation by this Ordinance.

Water Supply, Off-Site or Community: A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

Water Supply, On-Site: A single system of piping, tanks or other facilities serving only a single lot and providing drinking water from a source on the lot.

Wetland: Any area defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wholesale Business, Limited: A wholesale business serviced by no more than two (2) tractor trailers per week for deliveries and using no tractor trailers for shipping.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Farm: A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind farm*.

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

Winery: An establishment with facilities for fermenting and bottling wine which does not meet the definition of a *winery, farm*. Considered *agricultural products processing* for regulation by this Ordinance.

Winery, Farm: An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises and retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and

handmade arts and products, collectibles, crafts, and floral arrangements. Considered an *agricultural use* for regulation by this Ordinance.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines, perpendicular to the road/property line to the nearest point of the structure.

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis (not to exceed five [5] sales per year for not more than three [3] consecutive days each) as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

Zoning Map: The Official Zoning Map of Palmyra Township.

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

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

ARTICLE IV DISTRICT REGULATIONS

4.100 DESIGNATION OF DISTRICTS

4.101 Designation

For the purposes of this Ordinance, Palmyra Township is hereby divided into the following Zoning Districts:

R - Residential	LC - Local Commercial
MR - Mixed Residential	CC - Community Commercial
S - Special Purpose	HC - Highway Commercial
MP - Mobile Home Park	LW - Lake Wallenpaupack

4.102 Intent

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in §4.400 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §4.400 of this Ordinance.

4.103 Floodplain Regulations

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the *Flood Insurance Study, Pike County, Pennsylvania (All Jurisdictions), October 6, 2000*, and the accompanying *FIRM - Flood Insurance Rate Map, Pike County, Pennsylvania (All Jurisdictions), Effective Date: October 6, 2000* and any updated study or map issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Zoning Ordinance the floodplain regulations in §7.403 shall apply in the Floodplain Overlay District.

4.104 Conservation Subdivision Design Overlay District -- Developer's Option

The Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. Based on the request of the Developer, the Overlay District standards shall apply in R, MR, CC and S Districts, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of §6.100 shall apply.

4.105 Fairview Lake Overlay District

The Fairview Lake Overlay District is hereby created to be coterminous with the water surface of Fairview Lake. Fairview Lake lies within the R - Residential Zoning District, and in addition to all standards applicable to the R - Residential Zoning District, residential occupancy of any boat or other water craft in the Fairview Lake Overlay District shall be prohibited. Residential occupancy shall be considered as the use of any water craft for either short-term, overnight or longer-term, weekend, week, and/or seasonal occupancy; and for other than day use purposes such as pleasure boating, water skiing, swimming, fishing or other water-based recreation activities. The simple display or nominal use of fishing or other recreation equipment shall not constitute a basis for the claim of permitted recreation uses. For the purposes of this provision the determination of residential occupancy shall be made exclusively by Palmyra Township.

4.200 OFFICIAL ZONING MAP

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Palmyra Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

4.300 DISTRICT BOUNDARIES

4.301 Establishment

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

4.302 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or

highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

4.303 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this Zoning Ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

4.400 DISTRICT REGULATIONS

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

4.401 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

- A. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.

4.402 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval

granted, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

4.403 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

SCHEDULE OF USE REGULATIONS

R - RESIDENTIAL DISTRICT - The intent of the Residential District is to provide land in a sufficient amount to accommodate the residential needs of expected future populations and also to provide for other uses of a generally passive nature associated with residential uses.					
PRINCIPAL PERMITTED USES (Zoning Officer) <ul style="list-style-type: none">- Forestry enterprises- Group homes- Single-family detached dwellings- Township facilities and uses	ACCESSORY USES (Zoning Officer) <ul style="list-style-type: none">- Essential services- Farm stands- Gardens- Home occupations- Off-street parking and loading areas- Private swimming pools- Private garages and parking areas- Signs- Solar collectors, accessory- Structures and uses customarily accessory to approved uses- Temporary tract offices- Wind turbine generators, accessory, on lots of 2 acres or more				
SPECIAL EXCEPTIONS (Planning Commission / ZHB) <ul style="list-style-type: none">- none					
CONDITIONAL USES* (Planning Commission / Supervisors) <table><tr><td><ul style="list-style-type: none">- Cemeteries- Conservation subdivision design residential development- Day care, adult</td><td><ul style="list-style-type: none">- Day care, child- Golf courses- Public and semi-public uses (cultural, educational, health, recreation, religious, welfare)</td><td><ul style="list-style-type: none">- Two-family dwellings- Utility facilities requiring enclosure in structures- Wind turbine generators, accessory, on lots of less than 2 acres</td></tr></table>			<ul style="list-style-type: none">- Cemeteries- Conservation subdivision design residential development- Day care, adult	<ul style="list-style-type: none">- Day care, child- Golf courses- Public and semi-public uses (cultural, educational, health, recreation, religious, welfare)	<ul style="list-style-type: none">- Two-family dwellings- Utility facilities requiring enclosure in structures- Wind turbine generators, accessory, on lots of less than 2 acres
<ul style="list-style-type: none">- Cemeteries- Conservation subdivision design residential development- Day care, adult	<ul style="list-style-type: none">- Day care, child- Golf courses- Public and semi-public uses (cultural, educational, health, recreation, religious, welfare)	<ul style="list-style-type: none">- Two-family dwellings- Utility facilities requiring enclosure in structures- Wind turbine generators, accessory, on lots of less than 2 acres			
* NOTE <p>The following <u>shall</u> be considered conditional uses:</p> <ol style="list-style-type: none">1. Any use which involves the construction of a new building or the establishment of a new use.2. Any use which is a change in use from one use to another. <p>The following <u>shall not</u> be considered conditional uses:</p> <p>The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.</p>					

MR - MIXED RESIDENTIAL DISTRICT - The intent of Mixed Residential District is to provide opportunities for planned mixed residential use development within areas generally suited to Residential District uses but not previously platted into single-family residential lots; and to allow the proper design and layout of such developments in accord with Ordinance standards and criteria to minimize conflicts between single-family and multi-family development.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Forestry enterprises
- Group homes
- Single-family detached dwellings
- Township facilities and uses

ACCESSORY USES

(Zoning Officer)

- Essential services
- Farm stands
- Gardens
- Home occupations
- Off-street parking and loading areas
- Private swimming pools
- Private garages and parking areas
- Signs
- Solar collectors, accessory
- Structures and uses customarily accessory to approved uses
- Temporary tract offices
- Wind turbine generators, accessory, on lots of 2 acres or more

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

CONDITIONAL USES*

(Planning Commission / Supervisors)

- | | | |
|---|---|--|
| - Bed and breakfast establishments | - Garden apartments and townhouses | - Two-family dwellings |
| - Cemeteries | - Golf courses | - Utility facilities requiring enclosure in structures |
| - Conservation subdivision design residential development | - Public and semi-public uses (cultural, educational, health, recreation, religious, welfare) | - Wind turbine generators, accessory, on lots of less than 2 acres |
| - Day care, adult | | |
| - Day care, child | | |

*** NOTE**

The following shall be considered conditional uses:

1. Any use which involves the construction of a new building or the establishment of a new use.
2. Any use which is a change in use from one use to another.

The following shall not be considered conditional uses:

The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.

S - SPECIAL PURPOSE DISTRICT - The intent of the Special Purpose District is to designate certain areas of the Township for future residential and resort commercial type development, while concurrently preserving the rural, recreational and natural setting critical to tourism. It is recognized that much of the Special Purpose District is of limited development capability because of natural land use limitations and it is for this reason that most uses must be conditioned on satisfactory proposals to overcome those limitations. It is further intended that the Special Purpose District serve to provide areas for the location of various types of residential and seasonal uses in those areas where natural conditions will allow.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Agricultural uses
- Forestry enterprises
- Group homes
- Single-family detached dwellings
- Township facilities and uses

ACCESSORY USES

(Zoning Officer)

- Essential services
- Farm stands
- Gardens
- Home occupations
- Off-street parking and loading areas
- Private swimming pools
- Private garages and parking areas
- Signs
- Solar collectors, accessory
- Structures and uses customarily accessory to approved uses
- Temporary tract offices
- Wind turbine generators, accessory, on lots of 2 acres or more

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

CONDITIONAL USES*

(Planning Commission / Supervisors)

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> - Airports - Bed and breakfast establishments - Cemeteries - Conservation subdivision design residential development - Day care, adult - Day care, child - Commercial communication device sites - Country clubs - Garden apartments and townhouses - Golf courses - Greenhouses, commercial - Heliports - Kennels - Menageries | <ul style="list-style-type: none"> - Mineral extraction - Motels, hotels and resort facilities - Outdoor entertainment associated with motels, hotels and resort facilities - Nurseries, commercial - Private airports - Private heliports - Private recreational facilities - Public and semi-public uses (cultural, educational, health, recreation, religious, welfare) - Recreational vehicle parks and campgrounds not to exceed 6 sites per acre of adjusted tract acreage as calculated per §6.104.D | <ul style="list-style-type: none"> - Shooting preserves - Single-family detached dwelling subdivisions - Solar power generation, commercial - Stables, commercial - Storage yards for forest products and minerals - Two-family dwellings - Utility facilities requiring enclosure in structures - Wind turbine generators, accessory, on lots of less than 2 acres - Zoos |
|--|--|---|

*** NOTE**

The following shall be considered conditional uses:

1. Any use which involves the construction of a new building or the establishment of a new use.
2. Any use which is a change in use from one use to another.

The following shall not be considered conditional uses:

The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.

MP - MOBILE HOME PARK DISTRICT - The intent of the Mobile Home Park District is to provide areas for the location of mobile home parks and similar transient-type residential uses.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Cemeteries
- Forestry enterprises
- Mobile home parks
- Single-family detached dwellings
- Township facilities and uses

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

ACCESSORY USES

(Zoning Officer)

- Essential services
- Farm stands
- Gardens
- Home occupations
- Off-street parking and loading areas
- Private swimming pools
- Private garages and parking areas
- Signs
- Solar collectors, accessory
- Structures and uses customarily accessory to approved uses
- Temporary tract offices
- Wind turbine generators, accessory, on lots of 2 acres or more

CONDITIONAL USES*

(Planning Commission / Supervisors)

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> - Bed and breakfast establishments - Conservation subdivision design residential development - Day care, adult - Day care, child - Golf courses - Public and semi-public uses (cultural, educational, health, recreation, religious, welfare) | <ul style="list-style-type: none"> - Recreational vehicle parks and campgrounds not to exceed 6 sites per acre of adjusted tract acreage as calculated per §6.104.D - Single-family detached dwelling subdivisions | <ul style="list-style-type: none"> - Two-family dwellings - Utility facilities requiring enclosure in structures - Wind turbine generators, accessory, on lots of less than 2 acres |
|--|--|--|

*** NOTE**

The following shall be considered conditional uses:

1. Any use which involves the construction of a new building or the establishment of a new use.
2. Any use which is a change in use from one use to another.

The following shall not be considered conditional uses:

The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.

LC - LOCAL COMMERCIAL DISTRICT - The intent of the Local Commercial District is to provide land for limited types of retail and service establishments to meet the daily living needs of nearby residents.		
PRINCIPAL PERMITTED USES (Zoning Officer) <ul style="list-style-type: none">- Forestry enterprises- Group homes- Single-family detached dwellings- Township facilities and uses	ACCESSORY USES (Zoning Officer) <ul style="list-style-type: none">- Essential services- Farm stands- Gardens- Home occupations- Off-street parking and loading areas- Private swimming pools- Private garages and parking areas- Signs- Solar collectors, accessory- Structures and uses customarily accessory to approved uses- Temporary tract offices- Wind turbine generators, accessory, on lots of 2 acres or more	
SPECIAL EXCEPTIONS (Planning Commission / ZHB) <ul style="list-style-type: none">- none		
CONDITIONAL USES* (Planning Commission / Supervisors) <ul style="list-style-type: none">- Banks- Bed and breakfast establishments- Cemeteries- Conservation subdivision design residential development- Commercial swimming pools- Convenience stores- Country clubs- Day care, adult- Day care, child- Funeral homes- Gift shops- Medical clinics (out-patient only)- Miniature golf courses- Multiple occupant commercial buildings and shopping centers for uses otherwise permitted in the LC District- Offices- Restaurants with not more than 80 patron seats total inside, bar, and outside- Retail businesses- Service establishments- Specialty shops- Two-family dwellings- Wind turbine generators, accessory, on lots of less than 2 acres		
* NOTE <p>The following <u>shall</u> be considered conditional uses:</p> <ol style="list-style-type: none">1. Any use which involves the construction of a new building or the establishment of a new use.2. Any use which is a change in use from one use to another. <p>The following <u>shall not</u> be considered conditional uses:</p> <p>The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.</p>		
<ol style="list-style-type: none">1. A buffer shall be provided in accord with §7.101 wherever a side or rear yard adjoins any R, MR, S or MP District.2. A landscaping plan shall be required in accord with §7.102 for <u>all</u> nonresidential uses in the LC District.		

CC - COMMUNITY COMMERCIAL DISTRICT - The intent of the Community Commercial District is to provide land for expansion of the Township's recreational and economic resources and to service the transient population which annually is attracted to the Lake Wallenpaupack Region. It is also intended to provide a somewhat broader range of other uses in conjunction with residential uses to meet the needs of the surrounding community.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Forestry enterprises
- Group homes
- Single-family detached dwellings
- Township facilities and uses
- Water craft rental

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

ACCESSORY USES

(Zoning Officer)

- Essential services
- Farm stands
- Gardens
- Home occupations
- Off-street parking and loading areas
- Private swimming pools
- Private garages and parking areas
- Signs
- Solar collectors, accessory
- Structures and uses customarily accessory to approved uses
- Temporary tract offices
- Wind turbine generators, accessory, on lots of 2 acres or more

CONDITIONAL USES*

(Planning Commission / Supervisors)

- | | | |
|---|---|--|
| - Abused person shelters | - Day care, adult | - Offices |
| - Amusement arcades | - Day care, child | - Outdoor entertainment |
| - Animal hospitals | - Docking facilities, commercial | - Private recreation facilities |
| - Apartment buildings | - Funeral homes | - Public and semi-public uses |
| - Automobile rental operations | - Garden apartments and townhouses | (cultural, educational, health, recreation, religious, welfare) |
| - Automobile rental operations, ancillary | - Gift shops | - Restaurants |
| - Banks | - Golf courses | - Retail businesses |
| - Bed and breakfast establishments | - Greenhouses, commercial | - Service establishments |
| - Boat rental operation | - Group quarters | - Specialty shops |
| - Boat storage facilities | - Health facilities (out-patient only) | - Taverns |
| - Car and truck washes | - Marinas and boat storage areas | - Trade schools |
| - Cemeteries | - Medical clinics (out-patient only) | - Two-family dwellings |
| - Clubs and lodges, private | - Mini-warehouse facilities | - Utility facilities requiring enclosure in structures |
| - Commercial swimming pools | - Motels, hotels and resort facilities | - Veterinary clinics |
| - Convenience stores | - Multiple occupant commercial buildings and shopping centers for uses otherwise permitted in the CC District | - Wind turbine generators, accessory, on lots of less than 2 acres |
| - Country clubs | - Nurseries, commercial | - Wholesale businesses, limited |
| - Conservation subdivision design residential development | | |

*** NOTE**

The following shall be considered conditional uses:

1. Any use which involves the construction of a new building or the establishment of a new use.
2. Any use which is a change in use from one use to another.

The following shall not be considered conditional uses:

The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.

HC - HIGHWAY COMMERCIAL DISTRICT - The intent of the HC District is to provide areas to meet the needs of the residential and transient populations of the region within which a wide variety of uses will be permitted, including manufacturing. Residential uses are discouraged in this District due to relative lack of control over commercial uses which might have a negative impact on residential uses located near them.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Forestry enterprises
- Group homes
- Single-family detached dwellings
- Township facilities and uses

ACCESSORY USES

(Zoning Officer)

- Essential services
- Farm stands
- Gardens
- Home occupations
- Off-street parking and loading areas
- Private swimming pools
- Private garages and parking areas
- Signs
- Solar collectors, accessory
- Structures and uses customarily accessory to approved uses
- Temporary tract offices
- Wind turbine generators, accessory, on lots of 2 acres or more

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

CONDITIONAL USES*

(Planning Commission / Supervisors)

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> - All conditional uses in the CC District - Adult businesses - Agricultural products processing - Amusement parks - Betting uses - Boat rental operation - Bus terminals - Conservation subdivision design residential development - Commercial communication device sites - Contractor yards - Crematoriums - Detention facilities - Fast food, drive-through restaurants - Flea markets - Junk yards - Manufacturing - Menageries - Mineral extraction | <ul style="list-style-type: none"> - Mineral processing - Mini-warehouse facilities - Miniature golf and driving ranges - Model/manufactured home sales operations - Multiple occupant commercial buildings and shopping centers for uses otherwise permitted in HC District - Printing, publishing and graphics - Private airports - Private heliports - Private recreation facilities - Public and semi-public uses (cultural, educational, health, recreation, religious, welfare) - Race tracks - Recycling facilities - Sawmills - Single-family detached dwelling subdivisions | <ul style="list-style-type: none"> - Shooting ranges, outdoor - Solar power generation, commercial - Solid waste facilities and staging areas - Staging areas for equipment/materials - Storage yards for forest products and minerals - Theaters, indoor and drive-in - Vehicle and equipment rental operations - Vehicle supply, sales, service and repair - Warehousing and terminals - Wholesale businesses - Wind farms - Wind turbine generators, accessory, on lots of less than 2 acres - Zoos |
|---|--|---|

*** NOTE**

The following shall be considered conditional uses:

1. Any use which involves the construction of a new building or the establishment of a new use.
2. Any use which is a change in use from one use to another.

The following shall not be considered conditional uses:

The expansion of any existing use which involves the addition of less than a combined 1,000 square feet of new building gross floor area or land area devoted to the use, exclusive of parking and loading areas required by Section 504 and required stormwater facilities.

LW - LAKE WALLENPAUPACK DISTRICT - The intent of this District is to provide standards for the use of that part of Lake Wallenpaupack which is located within the municipal boundary of Palmyra Township. The Township relies on its rural character and tourist recreation facilities as the foundation for the local economy, and Lake Wallenpaupack is the major component. The preservation of the water quality and the recreation appeal of the Lake is in the best interest of the health, safety and welfare of the residents of Palmyra Township and the public as a whole. The standards prohibit the occupancy of boats on an overnight/permanent basis in order to prevent the discharge of waste for the protection of the public health and safety and to maintain water quality; to assure the provision of adequate facilities for residential occupancy; and, to maintain the integrity of the tax base and assure that all occupants of residential facilities are assessed their fair share of the cost of public facilities and services. Standards are also included to limit commercial activities and operations on the Lake to minimize congestion and maintain the public safety; and to assure that commercial facilities are so located to assure the collection of taxes on an equitable basis.

DISTRICT ESTABLISHMENT - The Lake Wallenpaupack Zoning District shall include all that area of the Township encompassing the shoreline and waters of Lake Wallenpaupack, which lies within that area defined by the PPL Corporation project line or the normal high water mark of the Lake (elevation 1,191 feet), whichever shall include more area.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Township facilities and uses
- Water craft rental

SPECIAL EXCEPTIONS

(Planning Commission / ZHB)

- none

CONDITIONAL USES

(Planning Commission / Supervisors)

- Commercial docking facilities
- Tour boats*

ACCESSORY USES

(Zoning Officer)

- Accessory activities associated with an approved marina
- Boat docks accessory to residential dwellings or residential subdivisions in accord with PPL requirements
- Docking of water craft associated with an approved boat rental operation

PROHIBITED USES - The following uses shall not be permitted.

- Residential occupancy of any boat or other water craft. Residential occupancy shall be considered as the use of any water craft for either short-term, overnight or longer-term, weekend, week, and/or seasonal occupancy; and for other than day use purposes such as pleasure boating, water skiing, swimming, fishing or other water-based recreation activities. The simple display or nominal use of fishing or other recreation equipment shall not constitute a basis for the claim of permitted recreation uses. For the purposes of this provision the determination of residential occupancy shall be made exclusively by Palmyra Township.
- The sale of any product or service which requires the transfer of said product or service from any dock to any water craft or from one water craft to another, or from a water craft to a dock or to the shore; except at marinas legally existing at the effective date of this provision, May 21, 1991. This provision shall not apply to the sale by marinas of gasoline or oil products, the sale of which is not regulated by Palmyra Township.
- The sale, service, or distribution of any alcoholic beverage.

TOUR BOATS AS CONDITIONAL USES

In addition to all other applicable standards in this Ordinance, tour boats shall comply with the following standards:

- A. Tour boats shall not be launched from any public launching facility owned and/or operated by the Pennsylvania Fish Commission or the PPL Corporation .
- B. Tour boats may include the service of general foodstuffs and/or meals during the duration of the tour; provided however, that the preparation of same must be completed upon the mainland; no food preparation shall be allowed on the waters of Lake Wallenpaupack; and no prohibited uses are conducted;
- C. Any and all tour boat facilities operating on Lake Wallenpaupack which provide for services of foodstuffs and/or meals shall provide water- tight, covered refuse containers in a number sufficient to accommodate any and all waste generated by said tour, and the same shall be properly secured to prevent accidental dumping.
- D. Any and all tour boat facilities operating on Lake Wallenpaupack shall provide the foodstuffs and/or meals in and/or on service dishes with utensils which shall not be of the typical throw away nor disposable variety.

SCHEDULE OF DEVELOPMENT STANDARDS

STANDARD	ZONING DISTRICT						
	R	MR	S	MP	CC	LC	HC
Minimum Lot Size (acres) Note #2	2.0	Note #1 Note #5	2.0	Note #1 Note #6	0.5	0.5	0.5
Minimum Lot Width (feet)	Note #11		Note #11		100	100	100
Minimum Lot Depth (feet)	Note #11		Note #11		200	200	200
Minimum Front Yard (ft.)	35		35		30	25	30
Minimum Rear Yard (ft.)	35		35		30	Note #12 Note #13	30
Minimum Side Yard (ft.)	15		15		15	15 Note #12 Note #13	15
Maximum Bldg. Height (ft.) Note #4	30 Note #4		35 Note #4		35 Note #4	35 Note #4	35 Note #4
Maximum Lot Coverage (%)	30		30		40	40	40

Notes:

- "R" District development standards shall apply to all residential uses in all Districts including the "MR" District, except as provided for multi-family dwellings in the "MR" District, pursuant to §6.300 and §5.201.D.1.
- The following standards shall apply to all single-family residential lots in all Districts except in the S District where all lots shall be a minimum of two (2) acres:

TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL	MINIMUM LOT SIZE
Water supply AND sewage disposal provided by individual on-lot facilities	2.00 acres
Water supply OR sewage disposal provided by individual on- lot facilities	1.00 acres
Water supply AND sewage disposal provided by off- site facilities	0.75 acres

- Special Performance Standards in this ordinance may result in the modification of the above standards.
- Building Height (See also §5.103 and §9.1003.)
 - Fire Access for All Buildings - All floors of any building intended for human occupancy or for storage shall be accessible from the exterior by a fire access door or fire access window meeting Uniform Construction Code requirements not more than thirty (30) feet above the adjoining finished grade measured at not less than fifteen (15) horizontal feet from the building.
 - Maximum Height
 - Lots of One-Half Acre or More - On lots of one-half (0.5) acre or more in size, roofs and architectural features may be extended to a height of not greater than forty-five (45) feet measured from virgin ground level. However, for each one (1) foot, or fraction thereof, of height above thirty-five (35) feet, the minimum setback requirement for each yard shall be increased by one (1) foot.

2. Lots Less Than One-Half Acre - On lots of less than one-half (0.5) acre in size, roofs and architectural features may be extended to a height of not greater than thirty-five (35) feet measured from virgin ground level. However, for each one (1) foot, or fraction thereof, of height above thirty (30) feet, the minimum setback requirement for each yard shall be increased by one (1) foot.
5. Multi-family Dwellings - see §6.300.
6. Mobile Home Parks - see Mobile Home Park Regulations.
7. Two-family dwellings shall conform to the development standards applicable to individual dwelling units; and, the lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling in the district of location.
8. For more than one principal use or structure on one lot see §5.201.
9. Lot coverage in the HC District on PA Route 6 may be increased, as a conditional use, to seventy-five (75) percent provided the required storm water control includes treatment or infiltration in accord with current best management practices.
10. Lot coverage in the CC District may be increased, as a conditional use, to sixty (60) percent provided the required storm water control includes treatment or infiltration in accord with current best management practices.
11. Lot width and lot depth in the R and S Districts and for all residential lots are governed by the Township Subdivision and Land Development Ordinance.
12. A buffer shall be provided in accord with §7.101 wherever a side or rear yard adjoins any R, MR, S or MP District.
13. A landscaping plan shall be required in accord with §7.102 for all nonresidential uses in the LC District.

ARTICLE V - SUPPLEMENTARY REGULATIONS**5.000 INTRODUCTION**

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

5.100 PERMITTED DEVIATIONS FROM REQUIRED SIZES

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

5.101 Non-conforming Lots of Record (See also Article IX.)

A single-family dwelling may be erected on a non-conforming lot of record providing:

- A. A sewage permit meeting the requirements of the PA DEP can be properly issued.
- B. No side or rear yard shall be reduced to less than ten (10) feet.
- C. No front yard shall be reduced to less than twenty (20) feet.
- D. Maximum lot coverage area shall not exceed thirty (30) percent.
- E. Any on-site sewage disposal system or any well which serves more than one dwelling unit shall not be permitted on a nonconforming lot.

5.102 Projections Into Yards

No part of any building or structure shall project into any required yard except that steps, bay windows, fire places, and chimneys may project into a front, side, or rear yard not more than two (2) feet. Stairways not wider than four (4) feet may extend up to the PPL Project Line. Sewage disposal systems shall comply with §7.702.

5.103 Height Limitations (See also Note 4 on the Schedule of Development Standards in Article IV and §9.1003.)

Except as otherwise provided for in this Ordinance, district height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, smoke-stacks, silos, flag poles, radio and television towers, windmills, masts and aerials, and parapet walls extending not more than four (4) feet above the limiting height of the building. However, all of the above structures greater than thirty five (35) feet in height shall maintain a setback from all lot lines of a distance not less than the height of the structure.

5.104 Access Drives and Parking Areas

Access drives and parking areas serving a permitted use shall be permitted in all yards except as may be otherwise regulated by this Ordinance. A setback from all lot lines and the public road right-of-way of not less than five (5) feet shall be maintained for all residential access drives and parking areas. (See §6.300 for multi-family dwellings.)

5.105 Extension of Nonconforming Setbacks

See §9.1003

5.200 UNIQUE LOTS AND BUILDING LOCATIONS**5.201 Two or More Uses on a Lot**

- A. Development Standards - Except as otherwise provided by this Ordinance, two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to, setback, parking, lot coverage, and sewage disposal requirements.
- B. Residential Density - For the purposes of density of residential units, lot size shall be increased to maintain the density

required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one (1) parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). The lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling in the district of location.

- C. Nonresidential Uses - In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied.
- D. Residential and Nonresidential on the Same Lot
 - 1. R, MR, S and MP Districts - Residential dwellings provided for in the District by the Schedule of Use Regulations shall be permitted on the same lot as a nonresidential use provided the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the nonresidential use.
 - 2. LC, CC and HC Districts - One residential dwelling unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of a principal nonresidential structure. The residential unit shall be occupied only by the owner or manager of the nonresidential use. Any additional residential dwelling units, if provided for in the District by the Schedule of Use Regulations, shall be permitted on the same lot as a nonresidential use only if the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the nonresidential use.
- E. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (See §5.301 for accessory structures.)

5.202 Through Lots

Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street, the Board of Supervisors shall decide which street will be considered as the front street.

5.203 Side Yard of a Corner Lot

With the exception of the Route 6 HC District (see §5.205), each yard of a corner lot which abuts a street shall be equal in size to the front yard required for the District. Any other yards may be considered side yards.

5.204 Clear View at Street Intersections

On any portion of a lot that lies within the triangular area described below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grade. The triangular area shall be formed by a point on each street center line located seventy-five (75) feet from the intersection of the street center line and a third line connecting the two points.

5.205 Corner Lots in the Route 6 HC District

In cases where a lot in the Route 6 HC District fronts on more than one (1) public or private road, one (1) of said frontages shall be designated as the front yard where the front yard setback established for the HC district by the Schedule of Development Standards, shall be maintained. The setbacks on the other road frontage(s) may, as a conditional use, be reduced to fifteen (15) feet provided the following conditions are satisfied:

- A. Access - Access restriction shall be accomplished by a landscaped buffer, fencing or other method approved by the Township.
- B. Clear Sight Triangles - Clear sight triangles shall be maintained in accord with §5.204 of this Ordinance.
- C. Parking Area Setbacks - Parking area setbacks shall be provided in accord with §5.508 of this Ordinance.

In cases where these conditions are not satisfied, the full front yard setback shall be required.

5.206 Lot Combination Required

If development on two (2) or more adjoining lots is proposed, the lots shall be legally combined into one (1) lot if any building, driveway, parking area, sewage system, water or sewer line, or any other improvement spans any of the interior lot lines or if any required setback or buffer along an interior lot line would be violated. Where a road separates a lot used for a sewage disposal system, well or other improvement to serve another lot where and a lot combination cannot be effected, the lot with the improvement(s) shall be restricted solely for the use of the improvements.

5.300 ACCESSORY STRUCTURES AND USES**5.301 Accessory Structures, Fences and Sewage Disposal Systems**

All accessory structures shall be separated from principal structures in accord with the Uniform Construction Code and shall conform to the minimum yard regulations established in Article IV except as permitted below.

- A. Unattached Structures Accessory to Residential Buildings - Structures accessory to residential buildings which are not attached to a principal structure and do not exceed twelve (12) feet in height and/or two hundred seventy-five (275) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that they conform to the following:
 - 1. Distance from Side Lot Line - Not less than ten (10) feet, excepting the case of corner lots, where the full side yard as specified in §5.203 shall be maintained.
 - 2. Distance from Rear Lot line - Not less than ten (10) feet.
 - 3. Distance from Principal Structure - Not less than five (5) feet.
- B. Unattached Accessory Structures to Non-Residential Buildings - Unattached accessory structures for other than residential structures or uses shall comply with front and side yard requirements for the principal structure and shall have a rear yard of at least ten (10) feet unless the rear lot line adjoins an existing residential structure or an R District in which case the rear yard shall be increased to fifteen (15) feet.
- C. Attached Accessory Structure
 - 1. Any structure attached to the principal structure shall be considered part of the principal structure and shall meet all criteria for principal structures.
 - 2. In the case of porches, all walls (with the exception of the wall adjoining the principal structure) must be open or screened with a wall no higher than four (4) feet above the floor level.
 - 3. Standards for decks required to provide access for handicapped family members may be altered as a conditional use.
- D. Temporary Vehicle Shelter - See §5.306.C.4.
- E. Containers, Truck Trailers - Sea containers, storage containers, truck trailers, and similar structures used for storage which are located on a lot for more than thirty (30) days shall only be permitted as an accessory structure and any such accessory structure shall:
 - 1. Not be permitted between the principal structure and a road right-of-way. Side and rear setbacks shall be twice the normal setback in cases where the structure is in any District other than the HC District or, if in the HC District, the structure adjoins a residential use or any other District.
 - 2. Be topped with a roof meeting Uniform Construction Codes standards for sheds.
 - 3. Be screened in accord with §7.100.

F. Fences

1. No fence shall be erected within any public or private road right-of-way.
2. Fences ten (10) feet or less in height may be erected up to the property line. If more than ten (10) feet in height, the fence shall meet the setback requirements for accessory structures.

G. Retaining Walls

1. A zoning permit shall be required for any retaining wall in excess of five (5) feet in height.
2. Retaining walls of five (5) feet or less in height may be erected up to rear and side property lines and the road right-of-way. Retaining walls in excess of five (5) feet in height shall be set back from rear and side property lines and the road right-of-way by one (1) foot for each foot or partial foot in excess of five (5) feet.

H. Sewage Disposal Systems - Sewage disposal systems shall comply with §7.702.**5.302 Home Occupations**

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of their existence other than for a permitted sign. Any home occupation or expansion of a home occupation shall comply with the criteria in this §5.302 and all other applicable standards in this Ordinance. More than one home occupation on any one premises shall be permitted provided the combination of said occupations does not violate any standard established in this §5.302.

- A. Incidental Use - The occupation must be clearly incidental to the use of the dwelling as a residence.
- B. Outdoor Storage Area - No outdoor display or storage, or indoor display or storage which is visible from the exterior of the structure, of materials, goods, products, supplies, or equipment used in the home occupation shall be permitted on the premises, except that an outdoor storage area not to exceed six-hundred (600) square feet shall be permitted provided said area is fenced or is otherwise screened from view from adjoining or neighboring properties.
- C. Visible Evidence - There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign. (See §5.406)
- D. Employees - A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees inclusive of family members shall not exceed four (4) persons.
- E. Parking - Off-street parking shall be provided on the premises, as required by §5.500 or as otherwise necessary, as determined by the Zoning Officer, to prevent parking on any public or private road right-of-way.
- F. Nuisances - A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- G. Sewage Disposal - Documentation certified by a Professional Engineer may be required regarding the adequacy of the capacity of the sewage disposal system on the premises for uses which exceed residential flows.
- H. Floor Area - The total areas of any space in a residence and/or any accessory building used for any home occupation(s) on any one premises shall not exceed twenty-five (25) percent of the total habitable floor area of the buildings as said buildings existed at the time of application for approval of the subject home occupation. Any area of a building with a ceiling height of less than seven (7) feet shall not be considered habitable area.
- I. Sales - Retail and wholesale sales shall not be permitted. This shall not prohibit the sale of homemade, craft, art or similar items provided such items are produced on the premises without nonresident employees, said items are not purchased wholesale by the homeowner for retail sale to the public, and no display area is set up on the premises.

- J. Deliveries - No home occupation shall be permitted which will require the use of any tractor trailer for any deliveries and/or shipments.
- K. Child Care - Child care shall be permitted as a home occupation provided the number of children, excluding children immediately related to the care provider, does not exceed seven (7).

5.303 Private Parking Areas And Garages

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building or use are permitted in accordance with §5.500.

5.304 Home Gardening, Nurseries And Greenhouses

Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas provided they are used by the residents thereof for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

5.305 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than ten (10) feet to any property line. Pools shall be drained in such manner that the drained water shall not adversely effect adjacent or downstream properties.

5.306 Temporary Uses

- A. Definition - A use accessory to another permitted principal use established at a fixed location that is removed when the designated time period for the use has expired.
- B. Zoning Certificate Required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular Temporary Uses - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 - 1. Real Estate Sales Office
 - a. Permitted in any district for any new subdivision approved in accordance with the Palmyra Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
 - b. Office shall be removed upon completion of the development of the subdivision or within five (5) years of the issuance of the zoning permit for the office use, whichever occurs earlier.
 - 2. Temporary Residence
 - a. When fire or natural disaster has rendered a single-family or two-family residence unfit for human habitation or during the construction of a new residence, the temporary use of a mobile home or a recreational vehicle located on the lot of the residence during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
 - b. Required water and sanitary facilities must be provided.
 - c. Maximum length of permit shall be twelve (12) months, but the Zoning Officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - d. The mobile home or recreational vehicle shall be removed from the property upon issuance of any occupancy

permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to Palmyra Township to remove the mobile home or recreational vehicle at the owner's expense upon termination of the permit.

3. Temporary Outdoor Sales/Promotions - (This §5.306.C.3 shall not apply to events conducted by nonprofit or community based organization the benefits of which are for the direct benefit of the organization or other nonprofit or community organization or purpose.)
 - a. A temporary outdoor sales/promotions is a temporary use conducted for a fixed time as an accessory to a legally existing use in the open air, or from any trailer, cart, platform, tent, shed or other temporary structure and which involves the outdoor sales/promotions of the same type of food, merchandise or services as the principal use.
 - b. Not more than two (2) permits for temporary outdoor sales/promotions shall be issued for any premises in any calendar year, each sale/promotion shall not exceed five (5) consecutive days, and such sales/promotions shall be conducted not less than two (2) weeks apart.
 - c. District side and rear yard setbacks shall be maintained and no part of the sale/promotion shall encroach on an public road right-of-way.
 - d. A plan shall be provided by the Applicant, drawn to scale, showing the layout of any parking area for motor vehicles, including the means of ingress and egress to such parking area to document the adequacy of the parking and safe ingress and egress.
 - e. An adequate means of sewage disposal shall be provided for any amount which cannot be handled by the system serving the use.
 - f. The hours of operation shall be limited to 9:00 AM to 9:00 PM.
 - g. Noise shall be controlled in accord with §7.106 of this Ordinance.
4. Temporary Vehicle Shelter - A temporary shelter for a car, boat or other vehicle may be erected for a period not exceeding nine (9) months without a zoning permit provided it complies with all required setbacks.

5.307 Yard Sales

Individual private family yard sales are a permitted accessory use in all zoning districts. A permit shall not be required; however, yard sales shall be subject to the following specific regulations and requirements:

- A. Number and Duration - Each individual property location may have a maximum of three (3) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
- B. Commercial Operations - Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in Districts where permitted and in accord with the requirements of this Ordinance.

5.308 Airports And Heliports as an Accessory Use

Private airports and private heliports as accessory uses shall be permitted only in S and HC Districts, and in addition to all other applicable Ordinance requirements, shall be considered conditional uses and shall comply with the following standards.

- A. State and Federal Regulations - The applicant shall document compliance with all applicable state and federal regulations.
- B. Setback - The centerline and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred and fifty (250) feet from any property line.
- C. Hours of Operation - Landings shall not be permitted between 10:00 P.M. and 7:00 A.M.

5.309 Solar Collectors, Accessory

An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §5.309 and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. Mounting - A solar energy system may be roof mounted or ground mounted.
- D. Height
 - 1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
 - 2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.
- E. Setback
 - 1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- F. Mechanical Equipment - Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district and shall be screened from any adjacent property.
- G. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- H. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- I. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service for a period of sixty (60) days and failure to do so shall constitute a zoning violation.

5.310 Wind Turbine Generators, Accessory

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

- A. Height - The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards.
- B. Setback
 - 1. No part of the wind turbine generator structure shall be located less than 1.1 times the total height of the wind

turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.

2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.

C. Uniform Construction Code; Manufacturer's Standards

1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
3. Prior to the issuance of a certificate of use by the Zoning Officer the applicant shall provide documentation that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.

D. Climb Prevention/Locks/Fence

1. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.

E. Noise and Shadow Flicker

1. Audible sound from an accessory wind turbine generator shall comply with §7.106 of this Ordinance.
2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this Subsection E, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

F. Color and Lighting; FAA - Accessory wind turbine generators and support structures, including rotors, shall be a unobtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements.

G. Excess Electricity - Accessory wind generators shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

H. Site Plan - A plot plan shall be provided to document all required setbacks.

5.400 SIGNS

5.401 Permits

No sign in the Township shall be altered, erected, installed or relocated until such time as the owner of the property on which the sign is located or proposed shall have obtained an approved permit for the same from the Township Zoning Officer. Application for such permit shall be made by said property owner on such form prescribed by the Township, which shall be accompanied by the requisite fee as established by resolution of the Board of Supervisors. (See also §5.402, Signs Requiring No Permits)

5.402 Signs Requiring No Permits

- A. For Sale Signs - Signs advertising the sale, rental or development, or noting the completed sale or rental, of the premises upon which they are erected, together with the name of the person effecting sale or rental. See §5.409.B for signs advertising residential developments. The following standards shall apply:
1. One (1) single-sided sign or one (1) double-sided sign is permitted to be placed upon any property unless the property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage;
 2. The sign face area of each sign shall not exceed twelve (12) square feet;
 3. Such sign is not illuminated;
 4. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease;
 5. In the case where two (2) or more contiguous lots fronting on a public road are held in single ownership, one (1) sign may be used for all of the contiguous lots instead of the individual *for sale sign* on each lot. The size of the sign shall not exceed sixteen (16) square feet for two (2) contiguous lots, and shall not exceed thirty-two (32) square feet for three (3) or more contiguous lots.
- B. Generic For Sale Sign - One (1) sign advertising the sale or rental of property not fronting on a township or state road may be erected at the intersection of a public road and a private road to direct interested parties to the property. The following standards shall apply:
1. Not more than one (1) single-sided sign or one (1) double-sided sign may be erected at each intersection which shall serve to advertise any and all property that is for sale on the private road.;
 2. Such signs shall not be permitted at the intersection of two (2) public roads;
 3. The sign face area of each sign shall not exceed two (2) square feet, not more than two (2) colors including background shall be used, and the sign shall be square or rectangular in shape;
 4. The sign text shall be limited to “house for sale”, “property for sale”, “business for sale”, “house for rent”, “property for rent”, or “business for rent”; and no business name or logo, nor any real estate agent name, shall be displayed on the sign.
 5. Such sign is not illuminated;
 6. Permission must be obtained from the owner of the property upon which the sign is erected;
 7. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease.
- C. Traffic Directional Signs - Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit, and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.
- D. Security Signs - Signs informing the public that the property on which the sign is located is serviced by a security system or response service. The security sign shall meet the following criteria:
1. The sign shall not be attached to any tree, fence, utility pole, or any other object not specifically intended for that purpose; however, said sign may be attached to any security fence on the property.
 2. Only one sign shall be displayed on each property.
 3. Security signs shall not be larger than one (1) square foot in sign face area and shall have only one sign face area.

- E. Contractor Signs - Building, landscaping, roofing, excavating, and other contractors may erect one temporary, double, or single sided sign on the property on which the work is being performed. Each sign face area shall not exceed six (6) square feet. The sign shall not be placed closer than twenty (20) feet to the edge of the shoulder of the road adjacent to the subject property. The sign shall be removed within fourteen (14) days after the contractor has completed the terms of his contract.
- F. Church Directional Signs - Any church located in the Township shall be permitted to erect four (4) signs in the Township directing travelers to the church. Each sign may be double-sided and each sign face area shall not exceed four (4) square feet.
- G. Temporary Construction Signs - Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed may be erected subject to the following:
1. Number - There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, one (1) additional such sign may be oriented to each abutting street.
 2. Area
 - a. R, MR, S and MP Districts - In R, MR, S and MP Districts, temporary construction signs shall not exceed sixteen (16) square feet in gross surface area for each sign face.
 - b. LC, CC and HC Districts - In LC, CC and HC Districts, temporary construction signs shall not exceed thirty-two (32) square feet in gross surface area for each face.
 3. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within twenty (20) feet of the edge of the shoulder of the adjoining road.
 4. Accessory Use - Temporary construction signs shall be permitted only as accessory to an approved zoning permit for a project or development.
 5. Display Period - Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and shall be removed prior to an certificate of use permit being issued for the development.
- H. Noncommercial Free Speech Signs - Noncommercial free speech signs shall comply with the following:
1. Definition - A noncommercial free speech sign is a sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a *political sign*.
 2. Clear Sight; Hazards - No sign shall violate the clear sight requirements of §5.204 or otherwise be erected in such manner as would constitute a public hazard.
- I. Temporary Political Signs - Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:
1. Definition - A political sign is a temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.
 2. Private Property Outside Right-of-Way - Political signs erected on private property outside a public right-of-way shall be considered noncommercial free speech signs and §5.402.H shall apply.
 3. Public Rights-of-Way - Political signs erected within a public right-of-way shall comply with the following:

- a. Timing - The signs shall not be posted more than sixty (60) days in advance of the election to which the signs pertain and shall be removed within seven (7) days following the election for which the signs were posted.
- b. Clear Sight; Hazards - No sign shall violate the clear sight requirements of §5.204 or otherwise be erected in such manner as would constitute a public hazard.
- c. Township Removal - Each sign that is erected or displayed in violation of this §5.402.I shall be subject to removal by the Township Zoning Officer.

5.403 General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. Maintenance - The repainting, changing of parts or preventive maintenance of signs shall not require a permit, unless such action is considered a "sign alteration" as defined in Article II.
- B. Permitted Signs - A sign shall be permitted only in connection with a permitted use unless otherwise permitted by this §5.400.
- C. Discontinued Use and Removal - All signs shall be removed when the reasons for their erection no longer apply. In no instance shall a sign remain in place in excess of thirty (30) days beyond the termination or discontinuance of the business, profession or other concern it advertises.
- D. Roof Line - Signs shall not be permitted on the roof above the roof line of the building to which they are attached.
- E. Wall Surface - No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- F. Side Setbacks - Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the District where the sign is located.
- G. Public Rights-of-Way - Unless otherwise permitted by this §5.400, signs other than official traffic signs shall not be erected within any public right-of-way and shall not project into, onto, or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way. Official traffic signs shall include tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
- H. Signs Similar to Traffic Signs - No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- I. Obstruction of Visibility - No sign shall be so constructed, erected, or located as to obstruct the visibility of a motorist or pedestrian proceeding along any public right-of-way or entering or leaving a parking lot or otherwise endanger the safety of the traveling public.
- J. Flashing and Moving Signs - The following shall not be permitted: signs which flash, revolve, rotate (with the exception of barber poles), swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §5.413), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Ordinance.
- K. Temporary Attachment - No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for such use. This shall not apply to political signs not within a public right-of-way or noncommercial free speech signs.
- L. Height - Free standing signs shall not exceed a height of twenty (20) feet to the top of the sign.

- M. Permanent Attachment - All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Signs affixed to movable frameworks or otherwise intended to be transportable shall not be permitted.
- N. Wind - All signs shall erected so that they are secure from damage or blow down from normal wind loads.
- O. Vehicles, Trailers, Containers - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity shall be prohibited. This is not intended to prohibit signs placed on or affixed to vehicles and/or trailers where the sign identifies the name of a business and is incidental to the primary use of the vehicle or trailer.

5.404 Business Advertising Signs and Institutional Signs

- A. Free-standing Sign - The owner, lessee or occupant of land in Palmyra Township, may erect and maintain on such land one (1) double-sided free standing sign or two (2) single-sided free-standing signs advertising the business or profession of such owner, lessee or occupant of the property; or the institution (churches, schools, and similar public and semi-public uses) located on the property. The sign face area of each sign face shall not exceed forty (40) square feet. Such sign(s) may only be placed on and maintained by the owner, lessee, or occupant of land upon which is located the main office or principal place of business or where a branch office, store or warehouse is maintained by the said owner, lessee or occupant of such land.
- B. Facade Sign - In addition to the signs permitted in §5.404.A, one (1) sign, not exceeding a total sign face area of thirty-two (32) square feet may be attached to the facade of the building in the same plane as the facade. Such signs shall advertise only the business or profession or institution in that building.
- C. Changeable Copy Sign - In addition to the other permitted signs, one (1), two (2) sided, changeable copy sign shall also be permitted for each parcel in a LC, CC or HC District containing an approved business or institution. Each sign face area shall not exceed twelve (12) square feet and the sign shall be attached to the same frame as the sign permitted by §5.404.A. The changeable copy sign shall contain advertising only applicable to the business or institution on the subject premises.
- D. Fuel Sales - Retail fuel sales establishments shall, in addition to the other permitted signs, be permitted one (1), two (2) sided sign with up to four (4) fuel prices attached to the business sign permitted in §5.404.A. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. (See §5.413 for permitted electronic signs.)

# of Products Advertised	1 or 2	3	4
Maximum Letter Height	24 inches	15 inches	12 inches

5.405 Off-premises Signs

- A. Intent - The intent of this section is to permit the erection of off-premises signs in the HC District, the primary commercial zoning district in the Township, in accord with reasonable standards that will minimize sign clutter, minimize distraction of drivers, and protect the small town/tourism character of the HC District yet allow a reasonable opportunity for the use of such signs.
- B. Standards - An off-premises sign or billboard shall only be permitted in the HC Zoning District in accord with the following standards:
 - 1. Number - Not more than one (1) off-premises sign may be erected, constructed, or maintained on any premises.
 - 2. Sign Face and Area - An off-premises sign shall have only one (1) exposed face, and shall not exceed one hundred fifty (150) square feet in surface area if located in the HC District fronting on State Route 6 and three hundred (300) square feet in surface area in other HC Districts.

3. Spacing - An off-premises sign shall not be closer than five hundred (500) feet to another off-premises sign.
4. Spacing at Intersections - An off-premises sign or billboard shall not be located within fifty (50) feet of any street intersection.
5. Setbacks - The off-premises sign shall be located in accord with the yard setbacks for principal structures in the HC Zoning District and shall not be less than twenty (20) feet from any principal structure and ten (10) feet from any accessory structure.
6. Height - An off-premises sign or billboard shall not project higher than twenty-two (22) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.
7. Site Plan - An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements as required by this Ordinance.

5.406 Home Occupation Signs

One (1) double-sided or two (2) single-sided signs advertising a home occupation shall be permitted provided each sign face area does not exceed one and one half (1.5) square feet and said sign meets all other applicable standards of this §5.400.

5.407 Residential Project Identification Signs

One (1) double-sided freestanding sign or two (2) single-sided freestanding signs identifying a residential subdivision or multi-family dwelling project shall be permitted on the premises of such project providing each sign face area does not exceed thirty-two (32) square feet. The information on the sign shall include only the name of the subdivision or project. In the case of a multi-family dwelling project, one sign identifying each building of the development shall also be permitted and such single-sided signs shall not exceed one (1) square foot and shall be attached to the building facade and shall be in the same plane as the facade.

5.408 Shopping Center Signs or Multiple Occupant Signs

- A. Free-standing Sign - One (1) free standing, single or double-sided sign, identifying the shopping center or multiple occupant project, shall be permitted on the premises of such project provided each sign face area does not exceed twenty (20) square feet.
- B. Individual Business Sign - In addition to the sign permitted by §5.408.A, one (1) single or double-sided sign identifying each business or profession located in the project is permitted provided each sign face area does not exceed twelve (12) square feet. Such sign(s) shall be attached to the same frame as the project sign.
- C. Facade Sign - One (1) additional single-sided sign identifying each business profession in the project is permitted provided the sign face area does not exceed twenty (20) square feet and the sign is attached directly to that portion of the facade of the structure housing the business or profession and is in the same plane as the facade.
- D. Changeable Copy Sign - In addition to the signs permitted in §§A, §B and §C above, one, two (2) sided, changeable copy sign shall also be permitted for each parcel in a LC, CC or HC District containing an approved shopping center or multiple occupant building. Each sign face area shall not exceed twelve (12) square feet and the sign shall be attached to the same frame as the sign permitted by §5.408.A above. The changeable copy sign shall contain advertising only applicable to the businesses or institutions on the subject premises.

5.409 Temporary Signs

The following temporary signs shall be permitted in all Districts upon obtaining a permit. Said signs shall be located on the premises of the business, event or residential project being advertised, and shall include only information related to the subject business, event or residential project. In the case of events sponsored by public or nonprofit entities, such signs may be placed in the road right-of-way in accord with PA DOT or Township requirements, as applicable.

- A. Special Events - Special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial

sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days. Not more than two (2) permits for special event signs shall be issued for any property in any calendar year, and such special events shall not be conducted less than two (2) weeks apart. The information on said signs shall relate only to the business on the property.

- B. Residential Developments - At each entrance, one (1) double-sided freestanding sign or two (2) single-sided freestanding signs may be erected advertising the development of a residential subdivision or multi-family dwelling project provided each sign face area does not exceed thirty-two (32) square feet. The information on the sign may include the name of the subdivision or project, and information about the project and about the developer, real estate agent, lender or other project sponsor or associate which is pertinent to the subject project. The placement of said signs shall be limited to a two (2) year period and shall not be erected until said project has been granted preliminary subdivision and land development approval by the Board of Supervisors. Individual for sale signs shall not be permitted on lots in the development which are owned by the developer and front on a public road.
- C. Nonresidential Development Signs - Temporary nonresidential development signs in association with an approved use identifying the parties involved in the development (e.g., banks, economic development agencies, state agencies, etc.) to occur or occurring on the premises on which the sign is placed shall be subject to the following:
 - 1. Number - There shall not be more than one (1) temporary development sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
 - 2. Area - Each sign face of a temporary development sign shall not exceed thirty-two (32) square feet.
 - 3. Location - Temporary development signs shall be located only upon the premises upon which development either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
 - 4. Height - Temporary development signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
 - 5. Special Conditions - Temporary development signs shall be permitted only as accessory to an approved development. Temporary development signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of development of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion or the installation of the permanent identification sign for the premises, whichever is earliest.

5.410 Illumination (§7.108 - Lighting and Glare shall also apply.)

All signs permitted by this Ordinance may be illuminated in accord with the provisions of this §5.401

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
 - 1. Internal Illumination - A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.
 - 2. Indirect Illumination - A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.
- B. Flashing - Flashing signs are prohibited per §5.403.J. (See §5.413 for permitted electronic signs.)
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

- D. Floodlighting - Floodlighting of signs shall be arranged so that the source of light is not visible from any point off of the lot and so that only the sign is directly illuminated.

5.411 Nonconforming Signs

- A. Definition - Nonconforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto.
- B. Alteration or Reconstruction - On-premises and off-premises non-conforming signs may be altered or reconstructed so that the total surface area of the altered or reconstructed sign(s) does not exceed the total surface area of the signs before alteration or reconstruction. However, in no case shall the sign face area of any altered or reconstructed sign exceed sixty (60) square feet. No non conforming sign shall be moved in whole or in part to any other property where it would remain nonconforming.
- C. Permit - The alteration, as defined by this Ordinance (see Article II "Sign Alteration"), of any nonconforming sign shall require a permit in accordance with §5.401 of this Ordinance.
- D. Termination of Nonconforming Signs.
1. Termination by Abandonment - Any nonconforming sign structure the use of which as a sign is discontinued for a period of ninety (90) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be re-established except in full compliance with this ordinance. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.
 2. Termination by Damage or Destruction - Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third (.333) of its replacement cost new shall be terminated and shall not be restored.

5.412 Nuisance Signs

- A. Maintenance
1. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
 2. In the event such a sign is not repaired or properly restored removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Township Supervisors may institute appropriate actions to prevent the violation or to abate the nuisance.
- B. Public Rights-of-Way - Any sign erected within a public right-of-way in violation of this Ordinance shall be considered a public nuisance and shall be subject to removal by the Township Zoning Officer.

5.413 Electronic Message Signs in the CC District and the HC District

- A. Types of Signs - In the CC - Community Commercial District and the HC - Highway Commercial District the following types of signs may be an electronic message sign:
1. Individual freestanding business identification sign (§5.404.A).
 2. Shopping center and multiple occupant business freestanding identification sign (§5.408.A).
 3. Changeable copy sign (§5.404.C and §5.408.D).
 4. Off-premises advertising sign or billboard (§5.405).
 5. Retail fuel sales sign (§5.404.D).
- B. Standards - In addition to the other applicable requirements of this Ordinance, electronic message signs shall comply with

the following:

1. One Sign - Only one (1) electronic message sign shall be permitted per development parcel. If the sign structure has two (2) sign faces, each sign face may be an electronic message sign.
2. Size - The electronic message sign shall not exceed the maximum allowable size of a non-electronic message sign of the same type.
3. Message Display
 - a. Motion - Electronic message sign motion shall be limited to the transition from one message to another. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion.
 - b. Transition - Transitions for electronic message signs shall fade and content shall not change more than once every five (5) seconds with a transition time not exceeding one (1) second.
 - c. Continuation - The images and messages displayed shall be complete on display without continuation in content to the next image or message or to any other sign.
 - d. Projection - Images or messages projected onto buildings or other objects shall be prohibited.
4. Luminance - Electronic message signs shall not display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
 - a. Maximum - Electronic message signs shall have a maximum luminance of 5,000 nits during daylight hours. During the nighttime, such signs shall be limited to a maximum luminance of 150 nits.

LUMINANCE - A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

NIT - A unit of measure of Luminance.

- b. Dimmer Control - All electronic message signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions.
 - c. Light Trespass - Electronic message signs shall comply with the light and glare requirements of §7.108. The maximum light trespass limit at the boundary line of R, MR, S and MP Districts, lot lines of existing residential structures and permanent open space shall be 0.1 foot-candles, and 1.0 foot-candles at other property lines.
 - d. Measurement - Surface luminance measurements shall be made directly with a calibrated luminance meter in accord with manufacturer's specifications. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two-hundred (200) nits shall be permitted during nighttime.
 - e. Certification - Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.
5. Height - The electronic message sign shall not exceed the maximum allowable height of a non-electronic message sign of the same type.

6. Structural Support - No more than one digital sign or billboard may be installed on a single structural support; that is, signs shall not be stacked vertically or horizontally
7. Emergency Messages - The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations and such messages shall not be required to conform to the message standards in this §5.413.

5.500 OFF-STREET PARKING AND LOADING

This §5.500 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the parking and loading area design standards in that Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this §5.500 and violations shall be subject to the enforcement provisions of this Zoning Ordinance.

5.501 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

5.502 Size and Design of Parking Spaces

Each vehicle parking space shall include a rectangle with a minimum width of 9 feet and a minimum length of 18 feet. Off-street parking areas shall be designed with sufficient aisle widths, turning radii and maneuvering room, based upon a standard professional design guide by the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

5.503 Lighting (§7.108 - Lighting and Glare shall also apply.)

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

5.504 Public Rights-of-Way

Parking shall not be permitted on public rights-of-way.

5.505 Number of Spaces to Be Provided

- A. Required Spaces - Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. Multiple Uses - For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. In cases where the specific use of space cannot be identified, as for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one space per two-hundred (200) square feet of gross floor area of the building.
- C. Spaces Held in Reserve - Should the applicant provide evidence that the number of parking spaces required by this Section is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by up to forty (40) percent provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §5.505, and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. All reserve parking areas shall be included in the calculation of lot coverage area.
- D. Applicant Proposed Reduction/Increase - The required number of parking spaces may be reduced subject to conditional use approval by the Board of Supervisors. The applicant shall provide evidence justifying the proposed reduction of spaces,

such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:

1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Township Comprehensive Plan.
2. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
3. Local Conditions - In making its determination the Board of Supervisors shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
4. Burden; Conditions - If the Board of Supervisors, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.

USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window

USE	PARKING SPACES REQUIRED
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 450 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 5 water craft moored at the dock
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Eating establishments with walk-up window service or indoor take-out counter service.	1 per 50 SFGFA open to the public plus 10 spaces per window service plus 5 per indoor take-out counter
L. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
M. Warehousing and storage	1 per 4,000 SFGFA
N. Miscellaneous uses	

USE	PARKING SPACES REQUIRED
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
For uses not specifically provided above, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.	

5.506 Loading and Unloading Spaces

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other nonresidential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	40 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

5.507 Access to Off-street Parking And Loading Areas and Highway Occupancy Permits

- A. Access - Access to and from all off-street parking, loading and vehicle service areas along Township and State public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with PA DOT requirements.
- B. Highway Occupancy Permits - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Township may require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection. In making the determination of requiring a highway occupancy permit or a revised highway occupancy permit, the Township shall consider the following criteria:
 1. The anticipated increase in traffic volume. In the case of PA DOT permits, should the traffic increase from one level of permit to a higher level, a revised permit shall be required.
 2. The adequacy of the sight distance at the access to the property.

3. Effectiveness or lack of existing traffic access controls such as curbing, fencing or landscaping.
4. The number of parking and loading spaces available and the number required by this Zoning Ordinance.
5. The occurrence of parking on the public road right-of-way and adjoining properties.
6. Anticipated future development in the vicinity.

5.508 Access Drive and Parking and Loading Area Setbacks

- A. Side and rear Location Recommended - It is recommended that parking and loading areas be located to the side or rear of any building on the project parcel and not be located between the abutting road and any building. Parking areas should also, to the greatest extent possible, maintain the required front yard setback for the District.
- B. Buffer - At a minimum, parking and loading areas, and access drives and interior circulation lanes, shall be separated from the cartway edge of a public road or adjoining property lines by a buffer area of not less than fifteen (15) feet in depth. The buffer area along adjoining property lines, but not the public road buffer, may be reduced to five (5) feet if a dense evergreen planting strip is provided and maintained.

5.509 Surfacing

All off-street parking areas and access roads shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as porous pavement, gravel, concrete or bituminous concrete, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles. A maintenance agreement shall be required for any parking area using porous pavement which is designed to accommodate more than ten (10) vehicles.

5.510 Off-site Parking

Parking spaces may, as a conditional use, be located on a lot other than that containing the principal use which the parking serves provided said lot is owned by the applicant, or a deed restriction or recorded written agreement for the dedicated use of said lot is provided, approved by the Township Solicitor and accepted by the Board of Supervisors as adequate. The use of the auxiliary parking area so designated shall be dedicated solely to the parking use. Any off-street parking lot shall be located in the same zoning district as the use it is proposed to serve and shall comply with all applicable standards of this §5.500. Off-site parking shall be located within a distance that will achieve the purposes of this §5.500.

5.511 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. Applications for joint parking shall be considered conditional uses. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in 5.508. The standards in §5.505 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

5.512 Handicapped Parking

Handicapped parking shall be provided in accord with the requirements of the Americans With Disabilities Act and generally accepted design standards.

ARTICLE VI - RESIDENTIAL STANDARDS**6.100 CONSERVATION SUBDIVISION DESIGN RESIDENTIAL DEVELOPMENT**

(Note: Conservation subdivision design is not mandatory, but simply an option available to a developer.)

6.101 Purposes and Development Options

- A. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Palmyra Township Comprehensive Plan*.
 6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive Plan.
 7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
 8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 9. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
 12. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- B. Development Option - In order to achieve these purposes, this §6.100 provides for flexibility in designing new residential subdivisions by allowing residential uses at a density higher than the density permitted by the underlying zoning provided not less than forty (40) percent of the tract is preserved as conservation open space.
- C. Densities and Required Open Space Percentages - See §6.104.

6.102 General Regulations

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

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Site Suitability - As evidenced by the Existing Resources/Site Analysis Plan, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining Dwelling Types - The various dwelling types permitted by this section may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section.
- D. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
- E. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas:
 - 1. Wetlands
 - 2. Floodway
 - 3. Floodplain
 - 4. Slopes in excess of twenty-five (25) percent

The primary conservation areas shall be included in the conservation open space except that slopes in excess of twenty (20) percent may be included in individual building lots for single-family and two-family dwellings provided each lot contains a designated building envelope of not less than seven thousand five hundred (7,500) square feet in contiguous size which is free of any primary conservation area.

- F. Water Supply and Sewage Disposal - All conservation design subdivisions shall be served by an off-site water supply. Sewage disposal may be provided by off-site or on-site facilities; however, on-site systems shall be located on the lot with the dwelling which the system serves. (See the Single-family Detached and Two-family Dwellings Dimensional Standards Table in §6.104.B.)

6.103 Minimum Parcel Size and Use Regulations

Tracts of ten (10) acres or more in the Conservation Design Overlay District may be used for the following purposes:

- A. Single-Family Detached Dwellings - Single-family detached dwellings.
- B. Two-family Dwelling Units or Multi-Family Dwelling - Two-family dwelling units or multi-family dwellings in subdivisions or land developments at the same density as single-family dwellings. However, if two-family dwellings or multi-family dwellings are permitted by the Schedule of Uses for the Zoning District where proposed, the normal standards, including, but not limited to, density requirements, shall apply. The normal standards for two-family dwellings are found in §6.200 and for multi-family projects in §6.300.
- C. Conservation Open Space - Conservation open space comprising a portion of the development, as specified above and according to requirements of §6.106.
- D. Retail and Service Establishments - In developments of two hundred (200) or more dwelling units, retail and service establishments, as defined by this Ordinance, may be permitted as a conditional use. Such uses shall be an integral part of the design of the development and shall primarily serve the residents of the development. The development standards for the LC District shall apply.
- E. Other Nonresidential Uses - The following other non-residential uses:

1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 2. Wood lots, arboreta, and other similar silvicultural uses.
 3. Woodland preserve, hunting club, game preserve, wildlife sanctuary, or other similar conservation use.
 4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
- F. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

6.104 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

1. Density - The number of permitted dwelling units is determined by multiplying the adjusted tract acreage by the applicable density factor (# of dwelling units per acre) as shown in the Density Standards Table. The density factor is increased by fifteen (15) percent from that of a standard subdivision. The increased density factor, when multiplied by the adjusted tract acreage, yields a bonus number of units.
2. Minimum Required Conservation Open Space - All developments, including, but not limited to, properties which use transferrable development rights, shall include as conservation open space at least forty (40) percent of the adjusted tract acreage plus all of the constrained land calculated after applying the adjustment factors in §6.104.D.1.

DENSITY STANDARDS CONSERVATION DESIGN SUBDIVISIONS			
Density Requirements for Single-Family & Two-Family Dwellings			
Zoning district →→→→→	R	MR, CC	S
<u>Sewage Disposal</u> (off-site water supply required)	Density Factor (# of dwelling units per acre of adjusted tract acreage)		
individual on-site sewage disposal	1.2	1.2	0.6
off-site sewage disposal	1.5	1.5	0.6
Density Requirements for Multi-Family Dwellings			
off-site water supply AND off-site sewage disposal required	1.5	1.5	0.6
In cases where the calculation yields a fractional number of units, the number shall be rounded up to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number if the fraction is less than 0.5.			

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

SINGLE-FAMILY DETACHED AND TWO-FAMILY DWELLINGS DIMENSIONAL STANDARDS		
	off-site water required	
	off-site sewage	on--site sewage
Minimum Individual Lot Area	7,500 square feet	21,780 square feet
Minimum Building Envelope Area	slopes in excess of twenty (20) percent may be included in individual building lots for single-family and two-family dwellings provided each lot contains a designated building envelope of not less than seven thousand five hundred (7,500) square feet in contiguous size which is free of any primary conservation area	
Minimum Lot Width at Building Line	60 feet	125 feet
Minimum Street Frontage	40 feet	80 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance	
Yard Regulations - the principal building position and orientation should be varied.		
– minimum front	20 feet	
– minimum rear	30 feet 20 feet where the rear yard adjoins conservation open space	
– minimum side	- 30 feet separation of principal buildings - no side yard less than 5 feet	20 feet
Maximum Lot Coverage	40% per individual lot	25% per individual lot

- C. Dimensional and Design Standards for Multi-Family Dwellings - The standards in §6.303 shall apply except for the 75-foot setback required in R Districts for the boundary line of the entire project parcel by §6.105.B.
- D. Adjusted Tract Acreage - Determination of the maximum number of permitted dwelling units on development tract shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical constraint factor for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands as determined by a delineation	0.95
floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)	1.00
100-year floodplain (if not mapped by FEMA area is included in floodway above)	0.50

Multiply the area of:	by this Constraint Factor:
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 15 and 25 percent	0.30
ponds, lakes and streams	1.00
Note: If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.	

6.105 Design Standards

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.
- B. Setbacks - All new dwellings shall meet the setback requirements in following Dwelling Setbacks Table:
(See also §7.600 Property Line Buffer Areas.)

DWELLING SETBACKS			
Setback from ↓	Dwelling Type in Proposed Development		
	Single-Family and Two-Family	Multi-Family Dwellings in or adjoining:	
		R and S Districts	MR and CC Districts
external road rights-of-way	50 feet	50 feet	25 feet
boundary line of the entire project parcel	20 feet	75 feet	25 feet
Lake Wallenpaupack; PPL Project Line	see §7.403.D.4		

- C. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

6.106 Conservation Open Space Use and Design Standards

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

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar

low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.

6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
 7. Off-site water supply and off-site sewage disposal systems, and stormwater detention areas designed and available for use as an integral part of the conservation open space. (See also §6.102.F.) However, water treatment plants and storage tanks, central sewage treatment plants and lagoons shall not be included within the minimum conservation open space requirement.
 8. Easements for drainage, access, sewer or water lines, or other public purposes.
 9. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- B. Primary Conservation Areas - The primary conservation areas listed in §6.102.E shall be included in the conservation open space except that slopes in excess of twenty (20) percent may be included in individual building lots for single-family and two-family dwellings provided each lot contains a designated building envelope of not less than seven thousand five hundred (7,500) square feet in contiguous size which is free of any primary conservation area.
- C. Layout - The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
- D. Ownership - The conservation open space may be owned and maintained in accord with Article X and the Township Subdivision and Land Development Ordinance.
- E. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than thirty (30) percent of the total conservation open space. Not less than fifteen (15) percent of the conservation open space shall be free of wetlands, floodway, and slopes in excess of twenty-five (25) percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.
- F. Access - Adequate pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents
- G. Permanent Conservation Open Space - The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities.

6.107 Modification of Area and Bulk Standards via Conditional Use

Applicable area and bulk requirements, but not density requirements, may be modified up to fifty (50) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:

- A. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
- B. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.
- C. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the

requested modification.

- D. Burden; Conditions - If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

6.200 TWO FAMILY DWELLINGS

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §6.200 and other applicable standards in this Ordinance.

6.201 Common Property Line

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot and minimum lot dimensions shall not be less than required by the Schedule of Development Standards in Article IV of this Zoning Ordinance for a single-family dwelling..

6.203 Single Parcel

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall twice the size required for a single-family dwelling by the Schedule of Development Standards in Article IV of this Zoning Ordinance and minimum lot dimensions shall comply with the said Schedule of Development Standards. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

6.204 Conversions -- See §6.400 of this Ordinance.

6.300 MULTI-FAMILY DWELLINGS

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

6.301 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
- B. Conservation Design - Multi-family projects shall be designed in accord with the conservation design requirements of the Township Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space
1. Minimum Requirement - The development shall include as conservation open space at least thirty (30) percent of the adjusted tract acreage plus all of the constrained land calculated after applying the adjustment factors in §6.302.C.
 2. Standards - Open space area shall meet the standards of §6.106 and shall be preserved to the maximum extent

possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in accord with Article X of this Ordinance.

6.302 Parcel Configuration; Bulk and Density Standards

- A. Parcel Configuration - All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.
- B. Bulk and Density - Bulk and density factors listed on Table 6.302 shall apply to multi-family dwellings and projects.

TABLE 6.302 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	none		
Density -- number of dwelling units per acre of adjusted tract acreage (See§6.302.C.)	1.5	1.5	1.5
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	see §6.301.D.1		
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum lot size for townhouse units for individual sale 1,000 square feet			
Minimum lot width at house location 18 feet			
Minimum front and rear yard setback 10 feet front / 15 feet rear			
Minimum side yard setback for end unit 15 feet			
Maximum lot coverage for individual townhouse parcels 75%			

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

Multiply the area of:	by this Constraint Factor
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights of way	1.00
land under existing private streets	1.00
wetlands as determined by a delineation	0.95
floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)	1.00
100-year floodplain area (if not mapped by FEMA area is included in floodway above)	0.50
natural ground slopes exceeding 25%	0.80

Multiply the area of:	by this Constraint Factor
natural ground slopes from 20% to 25%	0.30
ponds, lakes and streams to the high water mark	1.00
Note: If a portion of the tract includes more than one constrained area, only the greatest deduction shall apply.	

6.303 Design Criteria

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

- A. Dimensional Standards The standards in the Multi-Family Dwellings Dimensional Standards shall apply.

MULTI-FAMILY DWELLINGS DIMENSIONAL STANDARDS	
MINIMUM SETBACKS APPLICABLE TO ALL MULTI-FAMILY DWELLING STRUCTURES	
<u>Access drives without a designated right-of-way</u> - minimum setback of any multi-family dwelling structure	20 feet from edge of shoulder (setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than 5 feet while maintaining the 20-foot minimum)
<u>Parking areas</u> - minimum setback of any multi-family dwelling structure	10 feet
<u>Existing or proposed public or private road rights-of-way</u> - minimum setback of any multi-family dwelling structure	50 feet
<u>Boundary line of the entire project parcel</u> - minimum setback of any multi-family dwelling structure	50 feet
<u>Lake Wallenpaupack; PPL Project Line</u>	see §7.403.D.4
<u>Separation of principal buildings</u>	20 feet
IF INDIVIDUAL LOTS ARE PROPOSED	
Maximum Lot Depth to Width Ratio	5 : 1
Minimum Lot Width at Building Line	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Yard Regulations - the principal building position and orientation should be varied.	
- minimum front setback	20 feet
- minimum rear setback	20 feet
- minimum side setback	20 feet separation of principal buildings
Maximum Impervious Coverage	70 percent per individual lot
MAXIMUM BUILDING HEIGHT (all structures)	35 feet

- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private. (See §5.508 for access road and parking area setbacks.)
- C. Reserved
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §7.101 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R or S District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township. (See also §7.600 Property Line Buffer Areas.)
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with §5.500 of this Ordinance. (See §5.508 for access road and parking area setbacks.)

6.304 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

6.305 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §6.300, including, but not limited to, §6.302. (See also §6.400).

6.306 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

6.307 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a community water supply and a community sewage disposal system.

6.400 CONVERSION TO DWELLINGS (See also §9.603 for conversion of nonconforming structures.)

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this §6.400 and the other requirements applicable to the dwelling type to which conversion

is proposed. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

6.500 GROUP HOMES

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this §6.500 and other applicable standards of this Zoning Ordinance.

6.501 Definition

See definition in Article III.

6.502 Supervision

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

6.503 Certification

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

6.504 Registration

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

6.505 Counseling

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

6.506 Parking

One off-street parking space shall be provided for each employee on duty at any one time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of §7.101 of this Zoning Ordinance.

6.507 Appearance

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

6.508 Bulk and Density

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

6.509 Number of Residents

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

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

6.5010 Visitors

Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

6.600 FUNCTIONAL FAMILIES**6.601 Purpose**

This §6.600 is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.

6.602 Special Exception; Standards

The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the standards of §11.804 and, among others, the following considerations:

A. Proposed occupants:

1. Share a strong bond or commitment to a single purpose (e.g. religious orders);
2. Are not legally dependent on others not part of the functional family;
3. Can establish legal domicile as defined by Pennsylvania law;
4. Share costs of food, rent or ownership, utilities and other household expenses;
5. Prepare food and eat together regularly;
6. Share in the work to maintain the premises;
7. Legally share in the ownership or possession of the premises; and
8. Share the entire dwelling unit or act as separate roomers.

B. Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:

1. The length of stay together among the occupants in the current dwelling unit or other dwelling units;
2. The presence of minor, dependent children regularly residing in the household;
3. Whether the household is a temporary living arrangement or a framework for transient living; and
4. Whether the composition of the household changes from year to year or within the year.

C. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

6.603 Conditions

The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

6.700 MOBILE HOME PARKS

Mobile home parks are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

6.701 Project Design Process and Procedure

- A. Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance and the Township Mobile Home Park Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development or home placement, and the approvals required shall be requested and acted upon concurrently as one subdivision.
- B. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- C. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in accord with Article X this Ordinance.

6.702 Parcel Size; Density; Mobile Home Sites

- A. All land proposed for a particular mobile home park shall be part of the same parcel and contiguous.
- B. The minimum parcel size for a mobile home park shall be ten (10) acres and the overall density of a mobile home park shall not exceed four (4) units per acre as determined by adjusted tract acreage in accord with §6.104.D.
- C. Each mobile home site shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty-five (45) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

6.800 MOBILE HOMES ON INDIVIDUAL LOTS

Mobile homes placed on lots not in a mobile home park shall comply with all Township regulations applicable to single-family residential dwellings and:

- A. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code for the actual construction of the unit itself.
- B. Shall have a site graded to provide a stable and well-drained area.
- C. Shall have the hitch mechanisms removed. The wheels and axles shall be removed or screened from view.
- D. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home.
- E. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.
- F. Homes shall have a pitched instead of a flat roof.
- G. Shall be attached to a permanent foundation.

6.900 Reserved**6.1000 BED AND BREAKFAST ESTABLISHMENTS**

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

- A. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
- B. Not more than three (3) rooms shall be rented for bed and breakfast establishments in the MR District and not more than five (5) rooms in other districts where permitted.
- C. The owner or manager of the bed and breakfast must reside on the premises.
- D. Sewage disposal meeting the requirements of the Township and PA DEP is provided.
- E. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

6.1100 HOTELS, MOTELS, AND RESORT FACILITIES

This Section is intended to provide specific conditional use standards for the development of hotels, motels, seasonal cottages and other resort facilities at unit densities that allow full use of the project parcel. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

6.1101 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §6.1100 and this Ordinance, and other applicable Township regulations. However, the number of rentable units shall not exceed ten (10) per acre.

6.1102 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. In cases where the project parcel adjoins a Residential or Mixed Residential District or where a project structure(s) exceed(s) fifteen-hundred (1,500) square feet in total floor area, larger front side and rear yards may be required.
- C. No structure shall be erected within a distance equal to its own height of any other structure.
- D. Rental units of hotels, motels, seasonal cottages and resort facilities shall not be utilized as a permanent residence as defined by Pennsylvania Law.
- E. All facilities in a hotel, motel or resort facility project shall be on the same parcel of property and shall clearly be intended to serve the tourist trade and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the subject property or it is clearly demonstrated such commercial facility is intended solely for the lodging guests of the resort facility.

6.1200 OPTIONAL TRANSFERABLE DEVELOPMENT RIGHTS (TDR)**6.1201 Purpose**

The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve open land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of Palmyra Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

6.1202 Basic Concept and Authorization

- A. *Sending Properties and Receiving Properties* - The provisions of this Zoning Ordinance which permit transferable development rights allow owners of parcels in Palmyra Township proposed for conservation, called *sending properties*, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in Palmyra Township proposed for additional development, called *receiving properties*.
- B. *Pennsylvania Municipalities Planning Code* - The transferable development rights provisions set forth in this section are specifically authorized under §603(c)(2.2) and §619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a *sending property* to a *receiving property*.
- C. *Development Rights* - When landowners sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve development, such as agriculture or forestry. When the owner of a *receiving property* buys the development rights from the owner of a *sending property*, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.
- D. *Voluntary Agreement* - The owners of the *sending property* and *receiving property* shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *sending property*. The applicant for the *receiving property* is responsible to negotiate with, and pay compensation to, the owner of the *sending property* for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the *sending property*.
- C. *Conservation Easement*
1. *Land Sale and Development* - The conservation easement imposed on the *sending property* will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes.
 2. *Easement Holders* - The easement shall be held by the Township and a, bonafide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, §501(c)(3) which is devoted to the conservation of open space) acceptable to the Township.
 3. *Conservation Organization Terms* - It shall be responsibility of the *sending property* owners to meet all of the terms of acceptance of the easement by the conservation organization, including, but not limited to, baseline documentation, monitoring endowment, and legal fees.
- D. *Disposition of Development Rights* - The owner of the *sending property* from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a *receiving property*. The Township shall have no obligation to purchase the development rights which have been severed from a *sending property*.
- E. *Donations or Intermediaries* - The development rights from a *sending property* may be purchased by or may be donated to the Township, the County or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the *sending property* at the time of such purchase or donation.
- F. *Permanent Severance* - Once severed from a *sending property*, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.
- G. *Term of Development Rights* - The development rights severed from a *sending property* shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.

6.1203 Sending Property Qualifications, Calculations and Requirements

Owners of qualifying tracts may sell their development rights in accord with the following:

- A. **Sending Property Qualifications** - The *sending property* shall not be otherwise restricted from development and:
1. The *sending property* shall be located in any R, MR, S, or CC Zoning District and shall be a minimum of ten (10) acres in size.
 2. At least eighty (80) percent of the *sending property* shall be restricted from future development by a conservation easement in accord with this §6.1200.
 3. The restricted acreage shall be contiguous and shall not be less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
 4. The portion of the parcel which will not be restricted shall be useable under the use, area, dimensional, performance and other standards of this and other Township Ordinances.
- B. **Declaration of Transferable Development Rights and Certification by Township** - Any owner of a qualified *sending property* may elect to declare the severance of development rights, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld. Such request shall be made to the Zoning Officer on the form provided by the Township.
- C. **Calculation of Transferable Development Rights; Conditional Use** - The calculation of transferrable development rights shall be considered a conditional use based on application made by the *sending property* owner.
1. **Determination of Number of Development Rights** - The Township shall determine the total number of development rights available from a *sending property* by multiplying the adjusted tract acreage as calculated for the property in accord with §6.104.D of this Ordinance by the density factor (# of dwelling units per acre) in the Calculation of Transferable Development Rights Table. The density factor is increased by fifty (50) percent from that of a standard subdivision with on-lot sewage disposal and off-site water supply, and the increased density factor, when multiplied by the adjusted tract acreage, yields a bonus number of development rights.

CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS (See §6.1203.C.2 below for parcels subdivided after 12/20/2005)	
Sending Property Zoning District	Density Factor (# dwelling units per acre of adjusted tract area)
S	1.00
R, MR, CC	2.00

2. **Subdivision Prior to Transfer** - The density factors in §6.1203.C.1 shall not apply where the transfer of rights is proposed from any parcel to any other parcel created from the same parent parcel by a subdivision approved after the effective date of this §6.1200 (December 20, 2005). Density in such case shall be determined using the density factors in §6.104.A.I applicable to conservation design subdivisions.
3. **Plan Requirement** - The applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of Adjusted Tract Acreage. At a minimum, the plan shall show the site features enumerated in §6.104.D of this Ordinance.
4. **Partial Severance** - If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a survey of the entire parcel made

and sealed by a surveyor licensed in Pennsylvania.

5. Preserved Land - Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

D. Severance of Transferable Development Rights.

1. Severance - Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Pike County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the *sending property*, or another person in gross.
2. Conservation Easement - The Deed of Transferable Development Rights which severs the development rights from the *sending property* shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.
3. Township Approval of Easement - All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording, which endorsement shall not be unreasonably withheld.
 - a. Deeds submitted to the Township for endorsement shall be accompanied by a title search of the *sending property* and a legal opinion of title affirming that the development rights being transferred by the Deed have not been previously severed from or prohibited upon the *sending property*.
 - b. A title report shall be prepared not less than ten (10) days prior to submission of the Deed, and the legal opinion of title must meet the reasonable approval of the Township Solicitor.
4. Partial Sale of Severed Rights - If an agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.

E. Sending Property Conservation Easement - Any *sending property* from which development rights have been severed must be permanently restricted from future development by a conservation easement provided by the Township which meets the following minimum requirements:

1. Development Restricted - Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than agricultural uses, public park land, conservation areas and similar uses.
2. Township Approval - The conservation easement shall be approved by the Board of Supervisors of Palmyra Township, in consultation with the Township Solicitor.
3. Enforcement Rights - The conservation easement shall designate Palmyra Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:
 - a. All future owners of any portion of the *sending property*, and
 - b. All future owners of any portion of any parcel to which the transferable development rights are permanently attached.
4. Specification of Rights Sold and Retained - The conservation easement shall specify the number of development rights to be severed as well as any to be retained.

5. Lot Area and Yard Prohibition - No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights which are to be retained or for any other development.
6. Other Provisions - The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this Section.
7. Legal Interest Owners - All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
8. Development Approval - Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Pike County Recorder of Deeds.

6.1204 Receiving Property Qualifications, Calculations and Requirements

Owners of tracts which meet the following requirements may use development rights that are purchased from *sending property* owners.

- A. Receiving Property Prohibition - Development rights shall not be transferred to any property in any S District.
- B. Residential; Off-Site Sewage and Off-Site Water; Other Receiving Property Qualifications - Residential density of permitted residential types on a *receiving property* may be increased through the use of TDR's in accord with the provisions of this §6.1200 when the *receiving property* is located in an R, MR, or CC District and is:
 1. Served by publically owned off-site sewage disposal and public or private off-site water supply; or is
 2. Served by private off-site sewage disposal existing at the effective date of this provision with adequate capacity without expansion and public or private off-site water supply; or is
 3. Served by soil-based off-site sewage disposal and public or private off-site water supply.
 4. All *receiving properties* in the R District shall be governed by the conservation subdivision design standards in §6.100.
- C. Receiving Property Base Residential Density - The base residential density of the *receiving property* shall be determined by dividing the Adjusted Tract Acreage as calculated for the property in accord with §6.104.D of this Ordinance by the applicable zoning district minimum lot size requirement for lots served by off-site sewage disposal and off-site water supply.
- D. Receiving Property Increase in Permitted Residential Density; Bulk and Density Standards - The number of dwelling units on a *receiving property* may be increased above the *receiving property* base density only to the extent that all applicable standards, including, but not limited to, the minimum required open space, are satisfied.
- F. Modification of Area and Bulk Standards via Conditional Use - For any development where at least twenty (20) transferable development rights are received, applicable area and bulk requirements, but not density requirements, may be modified up to twenty-five (25) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:
 1. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
 2. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.
 3. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will

produce equal or better development design and open space conservation results than could be achieved without the requested .

4. Burden; Conditions - If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

6.1205 Plan Submission Process.

- A. Plans Required - All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with the Palmyra Township Subdivision and Land Development Ordinance for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:
 1. Proof of Available Development Rights - A Deed of Transferable Development Rights or an agreement of sale for all development rights proposed to be purchased from the *sending property*.
 2. Dwelling Unit Numbers - A note on the plan showing the total number of dwelling units proposed on the *receiving property*, the total number that could be built not using TDR's, and the incremental difference between the two.
 3. Plan - The Adjusted Tract Acreage plan of the *sending property* required by §6.1203.C.3 for the site(s) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a *sending property*, the plan show the areas of severed rights. If the development rights have previously been severed from a *sending property*, a copy of the recorded Deed of Transferable Development Rights shall be submitted.
 4. Title Search - A title search of the *sending property* sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the *sending property*, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.
- B. Final Approval; Conservation Easement - In order to receive final plan approval, the Applicant must provide documentation that the required conservation easement has been recorded for all *sending property* lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements stipulated herein. The restrictive covenant on the *sending property* shall be recorded first, followed by a Deed of Transfer, in accord with the provisions of the Pennsylvania Municipal Planning Code, which transfers the development rights from the *sending property* landowner to the *receiving property* landowner.
- C. Public Acquisition - Palmyra Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by §6.1203.E.

6.1206 Amendment and/or Extinguishment

- A. Amendment - The Township reserves the right to amend this Ordinance in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a *sending property* and the manner in which development rights can be conveyed.
- B. Termination - The Township further expressly reserves the right to terminate its transferable development rights program at any time.
- C. Claims - No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.
- D. Vested Rights - If the transferable development rights program is abolished by the Township, only those rights which were

severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any *receiving property*. This shall also apply in the case where an application for severance in conformity with the provisions of this §6.1200 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

7.100 PERFORMANCE STANDARDS APPLICABLE TO ALL NONRESIDENTIAL USES IN ALL DISTRICTS

The intent of this §7.100 is to regulate the development and operation of all nonresidential development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §7.100 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses.

7.101 Yards and Buffers

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

- A. Type and Extent of the Buffer - In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. Width - The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
- C. Screening - A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms, Landscaped Walls, Fences - Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer.
- E. Adjoining Commercial Uses - In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Site Plan, Maintenance - Design details of buffers shall be included on the site plan, and buffers shall be considered *improvements* for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

7.102 Landscaping

A landscaping plan for conditional uses and special exceptions MAY be required from the developer for review and approval by the Township. Landscaping shall be considered an *improvement* for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. Landscaping Plan - All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Walkways - Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.

- C. Climate - Plants shall be of a type which are proven successful in the Township's climate.
- D. Types of Vegetation - Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- E. Variety of materials - The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. Parking Areas All unusable areas in and around parking areas shall be landscaped.
- G. Natural Features - Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Plastic Material - Plastic landscape materials shall not be used in place of live trees, shrubs and ground cover.
- I. Tree Diameter - All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Soil Preparation - Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. Maintenance - All landscaping shall be maintained in good growing condition by the property owner.

7.103 Operations and Storage

All manufacturing processes and repair operations which are part of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building. In the alternative, the applicant, via the conditional use process set forth in §11.800 may request that an outdoor storage site be permitted with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Long term storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.

7.104 Fire and Explosion Hazards

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

7.105 Radioactivity or Electric Disturbance

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

7.106 Noise

A. Definitions:

Equivalent Continuous Noise Level - a measure of time averaged, A-weighted, sound levels as defined in 14 CFR Part 150 and 24 CFR Part 51 Subpart B.

Day-Night Level - a measure of time averaged, A-weighted, sound levels as defined in 23 CFR Part 772.

- B. Exemptions - The following are exempted from the provisions of this §7.106:
1. Federally funded highways as controlled by the U.S. Department of Transportation, Federal Highway Administration.
 2. Commercial air traffic under the jurisdiction of the Federal Aviation Administration.
- C. Standards - No single source of noise, or collection of sources of noise operating on the same property, shall increase the instantaneous received noise level at the property line, or at any residence within five thousand (5,000) feet of the source, by more than thirty (30) dBA above the background level without the source, or sources, in operation.
1. No single source of noise, or collection of sources of noise operating on the same property, shall increase the one-hour equivalent continuous noise level at the property line, or at any residence within five thousand (5,000) feet of the source, by more than twenty (20) dBA above the average one-hour equivalent continuous noise level in the same location without the source, or sources, in operation.
 2. No single source of noise, or collection of sources of noise operating on the same property, shall increase the day-night level (24-hour) at the property line, or at any residence within five thousand (5,000) feet of the source, by more than ten (10) dBA above the day-night level (24-hour) in the same location without the source, or sources, in operation.
- D. Instrument Calibration and Use - All sound levels shall be measured with a sound level meter meeting the requirements of SAE SIA Type I or Type II. The instrument shall have been calibrated within the manufacturer's recommended calibration interval by a certified calibration facility, or shall have been field calibrated just prior to the measurements with a calibration device which has been certified or calibrated by a certified calibration facility within the manufacturer's recommended calibration interval. If the meter is field calibrated, the calibration shall be checked after the conclusion of the series of measurements. All measurements shall be made using A-weighting and a fast response time. All measurements shall be made in compliance with the manufacturer's directions for the use of the instrument. Instruments used with automatic recording equipment may be calibrated after use if the appropriate calibration factor is applied to the recorded data as part of the analysis.
- E. Recording Techniques - The data used to calculate and estimate equivalent continuous levels or day-night levels shall be obtained using automatic recording equipment operating continuously during the measurement period, or manual recording at fixed recording intervals between ten (10) and thirty (30) seconds. The raw data and the calculated results shall be made available for use by the Zoning Officer and any parties to a zoning hearing or other court proceeding, and to the general public for inspection, along with any means to view electronically recorded data, at no charge.
- F. Complaints
1. Initial Investigation - The Zoning Officer shall investigate each complaint of a suspected noise violation. For an interim determination he shall make a measurement during operation of the suspected source. If the measurement exceeds the values in Column A of Table 7.106, the Zoning Officer shall notify the owner of the offending property of the initial findings and shall initiate a more detailed survey. If the measurement exceeds the values in Column B of Table 7.106, the Zoning Officer shall notify the owner of the offending property of these findings and notify the owner to cease operations, take corrective measures to reduce the radiated noise from operations, or propose a more detailed survey to refute the findings of the Zoning Officer's initial investigation. Additional, more detailed surveys shall be conducted at the expense of the property owner.

TABLE 7.106		
Hours of Operation per Day	Column A	Column B
	Level (dBA)	Level (dBA)
0.25 or less	Background+30	Background+36

TABLE 7.106		
0.5	Background+27	Background+33
1.0	Background+24	Background+30
2.0	Background+21	Background+27
4.0	Background+20	Background+26

2. Detailed Survey - A detailed survey to investigate a suspected violation of the one-hour equivalent continuous noise level limit shall consist of a minimum of thirty (30) minutes of data collection during operation of the suspected noise source, and thirty (30) minutes of data collection without the operation of the offending noise source. A detailed survey to investigate a suspected violation of the twenty-four hour equivalent continuous noise level limit shall consist of not less than four (4) periods of monitoring. At least two (2) monitoring periods of one-hour duration shall be when the source is not in operation. The periods used to monitor the operation of the source shall include only the times when the source is in operation, and shall be at least as long as the source is in operation, but need not exceed one (1) hour. In all cases, continuous, automatic recording is preferred to manual data recording.
- G. Existing Uses - Since noise is a transitory phenomenon, without a detailed survey from before the enactment of this §7.106, there is no means to establish that an existing use did not comply with this section. The burden of proof to establish that a use did conform to the provisions of this section when it was enacted falls on the property owner. That burden may be met by providing documentary or testimonial evidence of the items listed below. Failure to establish any of these points will lead to the presumption that the use is not exempt from the requirements of this section as an existing use.
1. The number and nature of the noise sources has not changed since the enactment of this §7.106.
 2. The structure(s) containing the noise generating devices has not been altered in a manner which would effect its ability to attenuate the noise generated within since the enactment of this §7.106.
 3. The noise sources have not been moved since the enactment of this §7.106.
 4. The topography of the property has not been altered since the enactment of this §7.106.

7.107 Vibration

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

7.108 Lighting and Glare

- A. Applicability - This §7.108 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the lighting and glare standards in that Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting shall comply with the requirements of this §7.108 and violations shall be subject to the enforcement provisions of this Zoning Ordinance.
- B. Standards - Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

1. Exemption - This §7.108 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
2. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
3. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
4. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.
5. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
6. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
7. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

7.109 Smoke

No emission shall be permitted from any chimney or otherwise which does not comply with the requirements of the Pennsylvania Department of Environmental Protection.

7.110 Odors

No emission shall be permitted of odorous gases or other odorous matter which does not comply with the requirements of the Pennsylvania Department of Environmental Protection.

7.111 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution which does not comply with the requirements of the Pennsylvania Department of Environmental Protection.

7.112 Surface and Ground Water Protection

- A. Toxic or Waste Material - No toxic or waste material generated or associated with any land use or activity or other polluting material shall be discharged, deposited, disposed of or otherwise be permitted to enter any stream, pond, or lake in Palmyra Township. Such material including, but not limited to, human waste, garbage, refuse, industrial waste, gray water or hazardous wastes. Discharges of human waste or gray water generated on boats shall also not be discharged into said waters.
- B. Safety Devices - All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination.
 1. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality.
 2. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer.
 3. The Township may require a plan to be submitted for review and approval and may require security for insuring

contamination response.

4. Monitoring wells and water quality testing may also be required by the Township.
5. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies.
6. No use shall be permitted which would result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

7.113 Storm Water Management and Soil Erosion Control

- A. Plans - A storm water management plan and soil erosion control plan may be required by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, for review and approval.
 1. Said plan shall be prepared and implemented pursuant to the standards contained in the Township Subdivision Ordinance or other applicable Township regulations and County Conservation District standards, and shall be based on generally accepted engineering principles appropriate for the proposed use.
 2. In all cases, all disturbed areas shall be stabilized and no finished grade shall exceed a slope of fifty (50) percent.
- B. Water Quality - The protection of the quality of ground water and surface water shall be an integral part of all proposed storm water management practices; and all storm water management plans shall include an element specifically addressing water quality.
 1. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.
 2. In any area of the Township where a storm water management plan has been prepared and adopted in accord with the Pennsylvania Storm Water Management Act, the provisions of any applicable storm water control ordinance shall apply.

7.114 Waste Materials

- A. Storage - No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers.
- B. Discharge - No waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground.
- B. Disposal - All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

7.115 Handicapped Access

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

7.116 Settling and/or Storage Ponds and Reservoirs

- A. Access Control - All ponds, reservoirs or other such structures which are associated with any manufacturing or industrial process, any sewage or waste disposal process, or agricultural manure management operation shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet high and of a design to restrict access to the area to be controlled.
- B. Conditional Use - Any such structure which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high.

7.117 Security

In cases where deemed necessary by the Township (detention facilities, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility.

- A. Specific Services - Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose.
- B. Security Measures - The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security.
- C. Entry and Exit - The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof.
- D. Emergency Response - Emergency evacuations and temporary quarters for facility residents shall be addressed. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

7.118 Water Supply

See §7.700

7.119 Sewage Disposal

See §7.700

7.120 Reserved**7.121 Other Regulations**

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

7.200 MAJOR IMPACT DEVELOPMENTS

Certain development proposals are hereby classified as having major impacts on the health, safety and welfare of Palmyra Township. Proposals shall be subject to additional review criteria and development standards so that such concerns may be adequately addressed. Major Impact developments shall include any use or any addition to a use with access to T-369 (Bear Run Road) or T-351 (Old Greentown Road) which will result in the generation of two-hundred (200) or more trip ends per day. *Trip ends per day means average daily traffic or ADT.* Bear Run Road and Old Greentown Road are narrow, gravel roads with poor horizontal alignment and steep vertical alignment in many sections and have a limited capacity to carry traffic.

ADT shall be determined by the Township by applying the trip generation rates from the most current edition of "Trip Generation" published by the Institute of Traffic Engineers. Development proposals involving more than one of the above uses shall be evaluated by summing the rates and calculations for each individual use.

Any major impact development shall be considered a conditional use, regardless of the classification in the Schedule of Use regulations, and shall be permitted only in those Districts where some provision is made for the use. A major impact development shall meet all other supplementary regulations applicable to the use and be processed like any other conditional use except that a public hearing shall be mandatory rather than optional and the following additional standards (superseding, to the extent they are more strict, any others contained within this or other Township Ordinances with which they may be in conflict) shall apply.

7.201 Transportation Study Requirements for Certain Major Impact Developments

- A. Study Required - Prior to the issuance of a conditional use permit and/or the granting of preliminary subdivision approval for any major impact development the applicant shall prepare a transportation impact report which shall be reviewed by the Township Engineer and approved by the Board of Supervisors. The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by the proposed use as well as improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity and elimination of hazardous conditions.
- B. Methodology - The Transportation Study shall be prepared in accord with PennDOT methodology.

7.202 Road and Intersection Improvement

If the Traffic Study conducted pursuant to §7.201 demonstrates that peak traffic demand following completion of the development or five years from the date of application (whichever would occur later) be projected to exceed capacity, the roadway or intersection shall be considered deficient and the development shall not be permitted unless the applicant/developer agrees to make the road improvements necessary to increase the capacity sufficiently to accommodate the traffic from the proposed development.

7.203 Other Impacts

The applicant shall, prior to approval, also prepare and submit a report assessing the impact of the development insofar as noise, glare, and other impacts as well as security are concerned. The report shall detail the impacts of any proposed activities which will generate significant noise or glare, including public address systems, and entranceway or other lighting systems, and indicate the measures which will be taken to ensure compliance with each of the various performance standards in §7.100. These shall be applicable to all non-residential and mixed use major impact developments. The report shall also assess security needs of the proposed development, analyze impacts on local and state law enforcement programs and proposed measures to alleviate unnecessary burden on those programs. Such report shall be used for purposes of determining what, if any, conditions should be attached to an approval if granted.

7.204 Buffer Requirements

Special setback (yard) requirements to deal with the impacts detailed above and to provide a buffer for adjoining landowners shall be applicable to major impact developments. Setbacks for single-family residences in a major impact project shall conform to the setbacks established in the Schedule of Development Standards; and multi-family dwellings shall comply with §6.300. All other major impact uses and structures shall comply with the following standards:

Major Impact Structures or Uses	Setbacks (feet)	
	Front	Side & Rear
a. Located in or adjacent to a LC, CC or HC District	60	50
b. Located in or adjacent to an R, MR or S District	75	150

No site shall be considered wooded which is not covered with mature trees. Unwooded side and rear buffer yards (as specified above) shall be provided with a twenty (20) feet wide planting strip along side and rear property lines sufficient to fully screen the use from the view of adjacent landowners within a reasonable period of time and in combination with the remainder of the setback, prevent noise, storm water run-off and other effects of the development from having an adverse impact on those adjacent properties or the area in general. A planting plan shall be prepared and submitted by the applicant for approval by the Board of Supervisors, as part of the conditional use application.

7.205 Ancillary Activities

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

7.206 Road Standards

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

- A. No access to a major impact development shall be located within 300 feet of any similar access to the public highway.
- B. All major impact development accesses to the public road right-of-way shall be located so that the clear sight distance in both directions meets at least the minimum standard for major subdivisions as set forth in the Township Subdivision Ordinance; unless a different standard is required by the Township.
- C. A 75-foot clear sight triangle shall be provided at the intersection of any access with the public right-of-way.
- D. The access may be lighted or the Township may require lighting but no lighting shall be permitted, within view of a public highway, which does not use elements such as shields, reflectors, or refractor panels to direct and cut off the light at a cut off angle that is less than 90 degrees. Lights shall be located not closer to the edge of the highway right-of-way than twice the height of the light pole or 50 feet, whichever is greater. No light pole in excess of 30 feet in height shall be permitted.
- E. All roads, driveway and parking areas shall, unless the Township recommends a different standard for purposes of controlling storm water run-off, be constructed in accord with the following standards:
 1. After the sub-grade has been prepared to the satisfaction of the Township Supervisors, a base course shall be applied (to a width of 26 feet for driveways) consisting of graded crushed stone or shale to be compacted to a minimum thickness of 6 inches by an approved three wheel roller weighing not less than ten tons. The above standards shall apply unless special conditions in the opinion of the Supervisors, require a base course thicker than six inches compacted.
 2. A course of bituminous material shall then be applied to the base course when completed (for the full base course width of 26 feet) said course to meet the requirements of the Pennsylvania Transportation form 408 Specifications to a compacted depth of one and one half inches. A final wear course of a depth of one inch of ID 2 shall then be applied for a width of 18 feet. Shoulders shall be Type Seven as set forth in Form 408.

7.300 Reserved**7.400 SPECIAL CONSERVATION STANDARDS**

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

7.401 Steep Slope Areas

- A. Definition - Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or U.S.D.A. Soil Conservation Service maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.

- B. Conditional Use - Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:
1. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
 2. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
 3. Impervious surfaces are kept to a minimum
 4. No finished grade where fill is used shall exceed a fifty (50) percent slope.
 5. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
 6. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
 7. Soils characterized as highly susceptible to erosion shall be avoided.
 8. Roads and utilities shall be installed along existing contours to the greatest extent possible
 9. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
 10. Natural vegetation shall be preserved to as great a degree as possible.
 11. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

7.402 Wetlands

If the Township determines that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, to be delineated on any application proposing a new use or expanded use of land.

- A. Applicant Responsibility - The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated.
- B. Absence of Wetlands - If no wetlands are present, the applicant shall provide a certified statement to that effect.
- C. State and Federal Regulations - No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance.
- D. Liability or Responsibility - No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

7.403 Floodplain and Buffer for Water Bodies

This section shall apply to all new construction, development, and improvements in any identified floodplain area which shall constitute the Floodplain Overlay District. Minor repairs to existing buildings or structures shall not be subject to the provisions

of this section.

- A. Identification of Floodplain Areas - The identified floodplain area shall be those areas of Palmyra Township, Pike County, Pennsylvania, which are subject to the one hundred (100) year flood, as identified in the most current Flood Insurance Study (FIS), and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA).
1. Changes in Identification of Area - The identified floodplain area may be revised or modified by the (Board, Council, etc.) where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA.
 2. Boundary Disputes - Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- B. New Development Prohibited - No new construction, no development, and no substantial improvement shall be permitted in any identified floodplain area.
- C. Watercourses - No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands and other applicable agencies. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- D. Stream and Water Body Buffer - For the purpose of preserving water quality, minimizing flood damage, and ensuring recreational access to the stream or body of water the standards in this §7.403.D shall apply.
1. Identified Streams and Water Bodies -- Fifty-Foot Buffer - If new construction, development, and substantial improvement are not otherwise prohibited by §7.403.B, a buffer zone and building setback of not less than fifty (50) feet shall be maintained from the top of bank on each side of any stream with an identified floodplain area or body of water. No new construction, development or substantial improvement shall be allowed in this buffer zone except for encroachments and obstructions as defined and approved by DEP.
 2. Non-Identified Streams -- 25-Foot Buffer - A buffer zone and building setback of not less than twenty-five (25) feet shall be maintained from the top of bank on each side of any stream without an identified floodplain area. No new construction, development or substantial improvement shall be allowed in this buffer zone except for encroachments and obstructions as defined and approved by DEP.
 3. Non-Identified Streams -- 25 to 50-Foot Buffer - Except for encroachments and obstructions as defined and approved by DEP, any new construction, development or substantial improvement in the area between twenty-five (25) and fifty (50) feet from the top of bank on each side of any stream without an identified floodplain area shall be prohibited unless the applicant documents that the area will not be affected by the one hundred (100) year flood. Such an application shall be considered a conditional use subject to the applicable procedures and standards of this Zoning Ordinance and the following:
 - a. The applicant shall provide all details deemed necessary by the Planning Commission and Board of Supervisors about the stream and its hydrology, and the drainage area of the stream including but not limited to, its size, existing upstream and downstream uses, and potential for development.
 - b. The applicant shall provide documentation to the satisfaction of the Board of Supervisors that the proposed new construction, development or substantial improvement will not be affected by a one hundred-year flood.

- c. The Board of Supervisors shall not grant approval if it is determined that the new construction, development or substantial improvement will be affected by the one hundred-year flood or will have a significant effect upon safety or the protection of life, health, property or the environment.
 - d. The Board of Supervisors may, as a condition of approval, require the applicant to comply with all applicable requirements of the Department of Environmental Protection and other applicable agencies.
4. Lake Wallenpaupack; PPL Corporation Project Line - In the case of Lake Wallenpaupack, each of the following setbacks shall apply:
- a. 1,191-Foot Level - Fifty(50) feet from the one-thousand, one-hundred, ninety one (1,191) feet above sea level elevation. No new construction or development shall be allowed in this required setback area, except the following unattached structures accessory to residential buildings: water craft docks, stairways and decks. In residential subdivisions of five (5) lots or more, this required setback area shall be preserved via a protective easement.
 - b. PPL Project Line - No part of any structure shall be located closer than ten (10) feet to the PPL Corporation Project Line. However, stairways not wider than four (4) feet may extend up to the PPL Corporation Project Line.
 - c. Narrow Strip - In cases where a narrow strip of land has been reserved along the PPL Project Line for the purposes of holding the right to obtain water craft dock permits from PPL Corporation, the 10-foot setback established in Subsection b above shall apply in lieu of any other property line setback which would normally apply. The 10-foot setback shall be measured from the PPL Corporation Project Line. This section shall only apply in cases where the following requirements are satisfied:
 - 1) The width of the narrow strip shall not exceed five (5) feet.
 - 2) Structures or development on the narrow strip shall not be permitted except for Township-approved access ways and stairways serving the residents of dwelling units located on the adjoining development parcel.
 - 3) The owners (including members of a property owners association) of the parcel(s) adjoining the narrow strip shall have the right of access to Lake Wallenpaupack across the narrow strip. Such access shall be included in the deed of the narrow strip and the deed(s) of the adjoining parcel(s), and in the covenants and restrictions in the case of a property owners association.
 - 4) In cases where more water craft slips are available than required to serve the members of the property owners association, such slips shall not be leased to any other person unless commercial water craft dock facilities are otherwise allowed in the Zoning District and the other requirements of this Ordinance are satisfied.
- E. Existing Structures in Floodplain Area - The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure in the identified floodplain area, the following provisions shall apply:
- 1. Substantial Improvements - Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be prohibited.
 - 2. Non-Substantial Improvements - Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
 - 3. Floodways - No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

4. AE Areas - No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
5. Danger to Human Life - No modification, alteration, reconstruction, or improvement of any kind to an existing structure shall be permitted which involves any activity which may endanger human life as prohibited by §§G.
- F. Variances - Requests for variances shall be considered by the Township Zoning Hearing Board in accord with variance provisions of this Zoning Ordinance and the following:
 1. Variances Prohibited - No variance shall be granted for any new construction or development within any identified floodplain area.
 2. Substantial Improvements - The Zoning Hearing Board may grant a variance to the prohibition of substantial improvements to existing structures in identified floodplain areas provided all requirements of this §7.403 are satisfied.
 3. Elevation Required - Any substantial improvement variance shall require the construction to be elevated to the regulatory flood elevation.
 4. Floodway - No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
 5. AE Areas - No variance shall be granted for any construction, development, use, or activity within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
 6. Least Modification - If granted, a variance shall involve only the least modification necessary to provide relief.
 7. Conditions - In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
 8. Danger to Human Life - No variance shall be granted for any substantial improvement involving any activity which may endanger human life as prohibited by §7.403.G.
 9. Written Notice - Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
 10. Review Factors - In reviewing any request for a variance, the Zoning Hearing Board shall consider that the granting of the variance will not:
 - a. Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - b. Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 11. Record - A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted shall be included in the required reports to the Federal Emergency Management Agency.

- G. Development Which May Endanger Human Life - Any type of development or activity shall be prohibited which will be used for the production or storage of any of the following dangerous materials or substances; or, which will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, which will involve the production, storage, or use of any amount of radioactive substances. The following list of materials and substances are considered dangerous to human life:

- | | | |
|----------------------|---|---|
| 1. Acetone | 9. Hydrocyanic acid | 15. Sodium |
| 2. Ammonia | 10. Magnesium | 16. Sulphur and sulphur products |
| 3. Benzene | 11. Nitric acid and oxides of nitrogen | 17. Pesticides (including insecticides, fungicides, and rodenticides)Radioactive substances, insofar as such substances are not otherwise regulated |
| 4. Calcium carbide | 12. Petroleum products (gasoline, fuel oil, etc.) | 18. Any other substance as determined by the Township |
| 5. Carbon disulfide | 13. Phosphorus | |
| 6. Celluloid | 14. Potassium | |
| 7. Chlorine | | |
| 8. Hydrochloric acid | | |

- H. Definitions - See *floodplain regulations* in §3.300.

7.500 Reserved

7.600 PROPERTY LINE BUFFER AREAS

It is the intent of this Section to preserve the rural character of the Township by requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's rural character is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This Section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township. (Note: This §7.600 shall not apply to lands owned by the Commonwealth of Pennsylvania or the Pennsylvania Game Commission.)

- A. Natural Vegetation - In order to minimize soil erosion and storm water run-off, and to preserve the rural character of the Township, natural vegetation shall be maintained to the greatest extent possible.
1. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.
 2. Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.
 3. In the case of conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Township where the same are determined by the Township as necessary to protect adjoining uses.
- B. S, LC, CC and HC Districts - In addition to the requirements of §7.600.A, the following requirements shall apply to all parcels in the S, LC, CC and HC Districts, and to all parcels of four (4) acres or more in all other districts:
1. Until such time as a development plan is approved for the parcel by the Township, a buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.

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

7.700 WATER AND SEWER

All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses will assure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources. The impact on water resources on a regional basis shall also be assessed.

7.701 Community Wells

Any well used to supply more than one (1) principal permitted use shall be located on a separate lot not less than two thousand five hundred (2,500) square feet in size; and, if a well on a residential lot is proposed for shared use, the lot containing the well shall be a minimum of two acres in size.

7.702 Sewage Disposal

- A. System Required - All uses shall be provided with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil based sewage disposal system.
- B. Standards - All sewage facilities shall comply with the design, location and setback requirements of the PA DEP unless a specific standard is included in this §7.702.
 1. Community On-lot Sewage Systems
 - a. The berm of any community on-lot sewage system absorption area (as defined by Title 25, PA Code, Chapter 73) shall not be closer than ten (10) feet to any property line or any public or private road right-of-way.
 - b. No part of a community on-lot sewage system shall be placed on any individual building lot.
 2. Sewage Treatment Plants - All parts of a sewage treatment plant which is not a small flow sewage treatment plant shall maintain a setback of not less than:
 - a. One hundred (100) feet from any property line or public road right-of-way.
 - b. Two hundred fifty (250) feet from any dwelling not located on the project parcel and which was existing at the time the application for the project is accepted for review by the Township.
- C. Community Impacts - Any off-site sewage disposal system or any sewage treatment plant serving a nonresidential use shall be considered a conditional use and shall document that the level of treatment, flow management, odor control and other design and operating parameters will minimize community impacts.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

8.100 ADULT BUSINESSES

8.101 Findings

In adopting these standards which apply to adult businesses, the Township Board of Supervisors has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of Palmyra Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in the cases of City of Benton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 426 U.S. 50 (1976), and Northend Cinema, Inc., V. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

- A. Health Concern - The concern over sexually transmitted diseases is a legitimate health concern of Palmyra Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Employee Behavior - Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Booths or Cubicles - Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- D. Diseases - Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- E. Unhealthy Conditions - Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- F. Conditional Use - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- G. Deleterious Effects - There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- H. Objectionable Operational Characteristics - It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other,

thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

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

8.102 Intent

It is the intent of this §8.100 to:

- A. Secondary Effects - Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content Neutral - Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Access to Materials - Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Access to Entertainment - Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Obscene Material; Crime - Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

8.103 Conditional Use in The HC District

Adult businesses are classified as conditional uses in the HC Highway Commercial District, which has been established along a major highway in the Township for ease of access and which provides a suitable area for the development of such uses away from areas with concentrated residential development.

8.104 Standards

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

- A. Setback - Adult businesses shall not be located less than:
 1. Seventy-five (75) feet from any property line or public road right-of-way;
 2. Three hundred (300) lineal feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under 18 years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
 3. One thousand and five hundred (1,500) feet from any:

- a. church or synagogue
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within five hundred (500) lineal feet of any existing adult business.
- C. Measurement - The setback distances established in this §8.100 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, legally created nonconforming adult business may be expanded as a conditional use once in total floor area by a maximum of ten (10) percent beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §8.100 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in §8.104.E above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by Article IX of this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §8.104.A above is developed within the required setback distance. Any additions or expansions of the use shall comply with §8.104.A above.
- H. Alcohol - No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
- I. Visibility and Signs - No sexually explicit material, signs, display or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of §5.400 of this Ordinance; however, business identification signs shall be limited to a maximum of thirty (30) square feet and signs attached to the building facade shall be limited to a maximum total of forty (40) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- J. Exemption for Modeling Class - It is a defense to prosecution under this §8.100 that a person appearing in a state of nudity did so in a modeling class operated:
 - 1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 - 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 - 3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or

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

8.200 AGRICULTURAL USES – CROP PRODUCTION AND LIVESTOCK OPERATIONS

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

8.201 Crop Production

Crop production shall be permitted in any district on any size of parcel of land.

8.202 Livestock Operations

Livestock operations shall be permitted only on parcels of not less than five (5) acres in S Districts and livestock shall be kept a minimum of two hundred (200) feet from any property line.

8.203 State Protected Agricultural Operations

Nothing in this §8.200 is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and projections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

8.300 AIRPORTS AND HELIPORTS

The standards in this §8.300, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports and heliports as defined and regulated by this Ordinance.

8.301 Conditional Use

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of §11.800 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

A. Runways

1. Any extension of a runway's length or change in location;
2. Any change in the height of a runway;
3. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;
4. Any change of runway direction or alignment;

B. Taxiways or Holding Areas - Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;

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

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

8.302 Application Contents

The application for conditional use shall contain the following documents and information:

- A. Narrative - A full narrative description of the airport and any changes proposed.
- B. Plans - Plans prepared by a registered professional engineer showing:
 - 1. The airport and any changes proposed to the airport.
 - 2. Existing and proposed locations of the airport hazard zones.
 - 3. How the lands or air rights negatively affected will be acquired.
- C. FAA and Bureau of Aviation - Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.
- D. Affected Landowners - A list of the names and addresses of all landowners:
 - 1. Negatively affected by the proposed airport or change within a height of seventy-five (75) feet from the surface of said lands by the change in airport hazard zones.
 - 2. Adjoining lands owned or leased by the airport owner.

8.303 Engineering Review

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

8.304 Costs

Any airport or change to an airport resulting in a change of airport hazard zones shall be considered a land development, and in accord with §503(1) of the Pennsylvania Municipalities Planning Code the applicant shall be responsible for paying all reasonable and necessary charges of the Township's professional consultants or engineer relating to application review and report under the terms of the Township Subdivision and Land Development Ordinance.

8.305 Notice to FAA, the Bureau of Aviation, and the County

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

8.306 Criteria to Review

In granting or denying a conditional use, the Supervisors shall consider:

- A. Properties Affected - The effect upon reasonable use of properties affected by the proposal.
- B. Air Rights - How the applicant plans to acquire any necessary air rights.
- C. Airport Operations - The character of the flying operations expected to be conducted at the airport;
- D. Hazard Zone Terrain - The nature of the terrain within the airport hazard zone area;
- E. Community Character - The character of the community which is affected by the proposal.

- F. Comprehensive Plan - The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
- G. Lighting and Marking - The provision of hazard lighting and marking;
- H. Aircraft Safety - The importance of aircraft safety.

8.307 Runway and Landing Pad Setbacks

The centerline and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred and fifty (250) feet from any property line.

8.400 AMUSEMENT PARKS

Amusement parks are classified as conditional uses in the HC Highway Commercial District and in addition to all other applicable standards of this Ordinance, amusement parks shall be subject to the following standards.

8.401 Parcel Size

A minimum parcel of five (5) acres shall be required.

8.402 Fencing

A fence not less than six (6) feet in height and of such design to restrict access shall completely surround the amusement park; and said fence shall not be placed less than ten (10) feet from any property line or public road right-of-way.

8.403 Structure Height

No ride, structure or other amusement attraction shall be located closer to any setback line than the height of said ride, structure or amusement.

8.404 Hours of Operation

Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

8.500 RESERVED

8.600 ANIMALS, KEEPING OF

8.601 Kennels

Kennels are considered conditional uses in the District(s) established in the Schedule of Uses and shall be subject to §11.800 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of three (3) acres shall be required.
- B. Setbacks - No structure used for the keeping of dogs shall be located closer than one-hundred twenty five (125) feet to any property line or one-hundred (100) feet to any public or private road right-of-way.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 5:00 P.M. to 9:00 A.M.
- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §8.601.B and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

8.602 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in any District subject to the following conditions:

- A. Parcel Size - A minimum parcel size of three (3) acres shall be required for the residence and stable.
- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land.
- C. Stable Size - Two hundred (200) square feet of stable building area shall be provided for each equine kept on the property.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means. Fences shall be set back a minimum of ten (10) feet from all property lines.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one (1) space provided per two (2) horses boarded on the premises which are not owned by the residents of the dwelling.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall not be located within fifty (50) feet of any adjoining property line and fifty (50) feet from any public or private road right-of-way.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for manure management.

8.603 Stables, Commercial and Horses for Hire

Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:

- A. Parcel Size - A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other applicable regulations of this Ordinance and other applicable standards are satisfied.
- B. Number of Horses - No more than three (3) equines are kept with the exception that one (1) additional equine may be kept for each additional acre of land.
- C. Stable Size - Two hundred (200) square feet of stable building area shall be provided for each equine kept on the property.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. Fences shall be set back a minimum of ten (10) feet from all property lines.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall not be located within one hundred (100) feet of any adjoining property line and seventy-five (75) feet from any public or private road right-of-way.
- G. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.

- H. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
 3. Boarding of horses, and necessary buildings and structures.
 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 5. Sale of horses other than the horses raised or boarded on the premises.
- I. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
1. Commercial horse racing. (See definition of "private recreation facilities".)
 2. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.
- J. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for manure management.

8.604 Zoos, Menageries, and Wild and Exotic Animals

- A. Prohibition - No individual other than a registered veterinarian in the course of his professional duties, or a licensed falconer who keeps and maintains only his own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal except in an approved menagerie or zoo.
- B. Standards - Menageries and zoos shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:
1. A minimum parcel size of five (5) acres shall be required. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
 2. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
 3. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
 4. The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
 5. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
 6. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
 7. The operation shall conform to all applicable local, state and federal laws and regulations
 8. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal fecal matter storage shall not be located within one hundred (100) feet of any adjoining property

line and seventy-five (75) feet from any public or private road right-of-way.

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

8.700 BOAT STORAGE FACILITIES

Boat storage facilities are classified as conditional uses in the CC Community Commercial District and in addition to all other applicable standards of this Ordinance, boat storage facilities shall be subject to the following standards:

8.701 Parcel Size

A minimum parcel size of two (2) acres shall be required.

8.702 Maintenance Activities

No activity such as cleaning, waxing, repairs, winterizing or painting shall be permitted.

8.703 Boat Storage Racks and Structures

A. Portable Boat Racks

1. Portable racks for the storage of boats shall not be used to store more than two (2) tiers of boats; and may not exceed a total height, including to the top of the upper most boat, of seventeen (17) feet.
2. Portable racks for the storage of boats shall comply with front yard setbacks and shall not be less than the height of the rack from side and rear lot lines.

B. Permanent Boat Storage Sheds

1. Structures used to store more than two tiers of boats, or exceeding a height, including to the top of the upper most boat, of seventeen (17) feet shall be considered principal structures and shall comply with all setbacks and height standards required for principal structures.
2. Such boat storage structures shall be permanently attached to the ground on a frost free foundation meeting Township requirements; and shall be fully enclosed by walls on all sides.

8.800 RESERVED

8.900 COMMERCIAL COMMUNICATION DEVICES

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this §8.900 and the Schedule of Use Regulations. This section shall not apply to television signal reception satellite dishes and antennae which are accessory to residential structures.

8.901 Purposes

- A. Need and Community Protection - To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. Visual Effects - To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. Adjacent Properties - To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.

- D. Joint Use - To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

8.902 Permits; Use Regulations

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

- A. Existing Tall Structures in All Districts - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all districts as an accessory use and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be conditional uses. The applicant shall provide the following information:
1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location, including certified detailed construction and elevation drawings showing how the antennas will be mounted on the structure to document compliance with the applicable requirements.
 2. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures – S and HC Only - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in S and HC Districts and shall require conditional use approval in accord with this §8.900.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use – S and HC Only - In S and HC Districts, telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
- E. Carrier Required for Construction - No commercial communications device support structure shall be erected until a communications provider has been secured for location on the structure, and the applicant shall provide documentation of the same prior to the issuance of a zoning permit for the structure.

8.903 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using

technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant shall not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CD to ensure the adequacy of current service and shall provide information on the general location of other towers/sites planned for the region.

- B. Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township shall require the applicant to demonstrate that it contacted in writing the owners of tall structures within a one (1) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement or replacement cannot be accomplished.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
- C. CCD Height; Design - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for the number of service providers typically on a tower but not less than five (5) service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CCD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design to ensure that the CCD is compatible with the surrounding landscape.
- D. Parcel Size; Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this §8.903.D shall apply.
1. Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. The distance between the base of the support structure and any adjoining property line or public road right-of-way shall not be less than the height of the CCD structure. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 2. Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line or public road right-of-way (not lease, license or easement line) shall not be less than the height of the CCD structure.
 3. Property Line Setback Reduction - The *CCD structure height* property line setback, but not the public road right-of-

way, requirement established in §8.903.D.1 and §8.903.D.2 may be reduced by the Board of Supervisors as part of the conditional use process in accord with the following criteria:

- a. The CCD support structure adjoins State Forest Land or State Game Lands, or a recorded easement has been obtained from the adjoining property owner which precludes the construction of any buildings or structures within the area described by an arc drawn from the center point of the CCD structure footprint at a distance equal to the height of the CCD structure plus fifty (50) feet.
 - b. The applicant shall provide a certified report from a registered professional engineer, who the Township determines is qualified and experienced in support structure design, documenting the structure failure characteristics and how a failure will affect adjoining property.
 - c. The applicant shall provide a hold harmless agreement relieving the Township from any and all liability associated with the construction, operation, maintenance and/or removal of the structure.
 - d. The property-line setback shall not be reduced to less than forty (40) feet.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Collocation; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the region for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity at reasonable cost for other providers should there be a future additional need for such facilities.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access; Required Parking - Access to the CCD and support structure shall be provided by means of a public street or

easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface a minimum of fifty (50) feet from the edge of the pavement of the connecting public road. If the CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- K. Color and Lighting; FAA and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall provide evidence in the form of engineering studies, expert testimony or the like, that operation of the facility will not interfere with the operation of any equipment or service licensed by or protected by the rules and regulations of the Federal Communications Commission in Chapter 47 of the Code of Federal Regulations.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. The applicant shall provide to the Township a bond, in a form and amount satisfactory to the Township, to guarantee such removal. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.
- P. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.

8.1000 - 8.1200 RESERVED

8.1300 DETENTION FACILITIES

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

8.1300 Detention Facilities

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

8.1301 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of ten (10) acres.

8.1302 Site Design Standards

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

- A. Setbacks - The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - 1. residence
 - 2. group home
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building or
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. church or synagogue
 - 8. public or private school
- B. Increased Setbacks; Buffers - Increased setbacks and buffers may be required in cases where adjoining properties will be negatively affected by the proposed facility.
- C. Fence - A perimeter security fence may be required by the Township of such height and design determined necessary by the Township to provide adequate protection for the occupants of the facility and the adjoining community.

8.1303 Security

A security plan shall be provided in accord with §7.117 of this Zoning Ordinance.

8.1304 Accessory Uses and Ancillary Activities

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

8.14 00 - 8.1900 RESERVED

8.2000 JUNK YARDS

Junk yards shall be allowed, as conditional uses, in the HC District only and shall be subject to the conditional use criteria contained in this Ordinance and the following additional conditions:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The required fence and any structures associated with the junk yard shall not be closer than two hundred (200) feet to any property line or seven hundred and fifty (750) feet from any public right-of-way or within seven hundred and fifty (750) feet from principal residential structures existing on or before 20 January 1987. (The date of adoption of Ordinance 54-1987 which amended this Section.) Provided however, that the Township may permit a reduction of the required set back where the subject property has natural features adequate to provide screening from the public

right-of-way.

- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - To further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than one hundred (100) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. and not on Sundays.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.
- P. Licensing - All junk yards shall be subject to Township licensing requirements.
- Q. Financial Guarantees - Certain financial guarantees may be required from the owner / operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

8.2100 - 8.2400 RESERVED**8.2500 MARINAS**

Marinas are classified as conditional uses in the CC Community Commercial District and in addition to all other applicable standards of this Ordinance, marinas shall be subject to the following standards:

8.2501 Parcel Size

A minimum parcel size of three (3) acres shall be required.

8.2502 Portable Boat Racks

- A. Height - Portable racks for the storage of boats shall not be used to store more than two (2) tiers of boats; and may not exceed a total height, including to the top of the upper most boat, of seventeen (17) feet.
- B. Setbacks - Portable racks for the storage of boats shall comply with front yard setbacks and shall not be less than the height of the rack from side and rear lot lines.

8.2503 Permanent Boat Storage Sheds

- A. Principal Structure - Structures used to store more than two (2) tiers of boats, or exceeding a height, including to the top of the upper most boat, of seventeen (17) feet shall be considered principal structures and shall comply with all setbacks and height standards required for principal structures.
- B. Foundation; Enclosure - Such boat storage structures shall be permanently attached to the ground on a frost free foundation meeting Township requirements; and shall be fully enclosed by walls on all sides.

8.2600 MINERAL EXTRACTION**8.2601 Mineral Extraction Processing a Separate Use**

Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this Zoning Ordinance. This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a *mineral extraction* operation.

8.2602 Location Requirements

Mineral extraction shall be permitted only in those districts specified in the Schedule of Use Regulations and only in accord with the requirements of this §8.2600 and all other applicable Ordinance requirements. The mineral extraction operation shall comply with the following additional location requirements:

- A. Parcel Size - The minimum parcel size shall be fifty (50) acres.
- B. Property Line Setback - A setback of two hundred (200) feet shall be maintained between any mineral extraction operation and adjoining properties. This setback area shall be undisturbed to provide a buffer and the Township may require additional buffers in accord with this Zoning Ordinance.
- C. State Road Access - Mineral extraction operations shall be permitted only on sites using access to a state road.

8.2603 Local, State and Federal Regulations

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

8.2604 Informational Requirements

The applicant shall provide the information required by this §8.2604 to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with the conditional use requirements of this Ordinance and Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.

- A. Conditional Use and Land Development Information - Applicants for mineral extraction operations shall, at a minimum, provide the information required for conditional uses by this Zoning Ordinance and the information required for land developments in the Township Subdivision and Land Development Ordinance.
- B. DEP Application Information - In addition to the information required in §8.2604.A, the applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations.
- C. Information for DEP-Defined *Small Noncoal Operations* - Applicants proposing mineral extraction operations qualifying as *small noncoal operations* under DEP regulations shall provide all information required by Chapter 77 - Noncoal Mining of DEP Rules and Regulations for operations which are not considered *small noncoal operations*.
- D. Traffic Impact Study - The Township may require the applicant to submit a Traffic Impact Study in accord with this Zoning Ordinance.

8.2605 Reporting Requirements

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

8.2700 MINI-WAREHOUSES AND WAREHOUSES (Hereinafter referred to as *warehouses*.)**8.2701 Bulk and Density Standards**

The bulk and density standards of the District in which the warehouse is proposed shall apply.

8.2702 Additional Standards

- A. Landscaping - In addition to all other applicable landscaping and buffer standards in this Ordinance, warehouse shall comply with the additional standards in this §8.2702.

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

- B. Parking And Loading Areas - Parking and loading facilities shall, at a minimum, comply with §5.500 of this Ordinance: and further, shall be designed to meet the requirements of the proposed warehouse.
- C. Residential Uses - No warehouse or mini-warehouse shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system. However, a water supply adequate for fire fighting purposes shall be supplied on premises for all warehouse projects.
- D. Performance Standards - All warehouses shall comply with the performance standards for commercial and industrial uses as provided in §7.100 this Ordinance. Mini-warehouses shall not be used for the storage or keeping of animals, food or any other type of perishable substance or material.

- E. Storage Use Only - Unless otherwise approved in accord with this Ordinance, no warehouse or mini-warehouse shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. With the exception of the vehicles required for the operation of the warehouse, no material, supplies, equipment, vehicles or goods of any kind shall be stored outside of the warehouse structure unless approved as part of the warehouse use.
- F. Lighting - All warehouses shall be provided with adequate outdoor lighting for security purposes: and such lighting shall be so directed as to prevent glare on adjoining properties.

8.2703 Storage of Materials

All warehouse proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §8.2700 are or will be satisfied.

8.2800 RESERVED

8.2900 MODEL HOMES

8.2901 Definition of Model Home

A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

8.2902 Procedures

The placement of a model home in association with a principal permitted commercial use shall be considered a Land Development and shall comply with the requirements of the Palmyra Township Subdivision and Land Development Ordinance.

8.2903 License

An annual license is required for the placement of a model home. The license shall be issued only upon the completion of the land development approval process and an inspection by the zoning officer to confirm compliance with all required standards. If the model home is found to be in violation of any required standards the license shall be revoked until compliance is achieved. No license shall be renewed more than three (3) times.

8.2904 Standards

- A. Associated with Commercial Use - Model homes shall be permitted only on the same lot with a permitted principal commercial use.
- B. Permanent Foundation Prohibited - Model homes shall not be placed upon permanent foundations.
- C. Setbacks; Height; Lot Coverage - Model homes shall comply with the setback and height requirements for principal structure and shall be included in the maximum lot coverage calculations.
- D. Water and Sewer Prohibited - Model homes shall not be served by any water supply or sewage disposal facilities.
- E. Structure Separation - No model home shall be located closer than twenty (20) feet to any other model home or principal structure.

8.3000 OUTDOOR SALES/PROMOTION

(This §8.3000 shall not apply to events conducted by nonprofit or community based organization the benefits of which are for the direct benefit of the organization or other nonprofit or community organization or purpose.)

8.3001 Definition

Outdoor sales/promotions of food, merchandise or services shall include any such use which is conducted in the open air, or from any trailer, cart, platform, tent, shed or other temporary structure.

8.3002 Prohibition; Exceptions

The outdoor sales/promotions of food, merchandise or services shall not be permitted except:

- A. Temporary Permit - As part of a temporary special sale/promotion permitted in accord with §5.306.C.3.
- B. Approved Accessory Structure - Using a permanent accessory structure (e.g., in a pavilion or on a deck.) approved as part of the principal use in accord with the performance standards in §7.100 and all other applicable provisions of this Ordinance.
- C. Approved Area - As part of an outdoor sales or storage area approved in accord with §7.103.

8.3100 - 8.4000 RESERVED**8.4100 SHOOTING PRESERVES, SHOOTING RANGES AND ARCHERY RANGES -- OUTDOOR**

This §8.4100 is intended to provide minimum standards to regulate shooting preserves, outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such ranges shall be permitted only in those districts as specified in the Schedule of Uses.

8.4101 Setbacks; Minimum Parcel Size

- A. Setbacks
 - 1. All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this §8.4100. This shall not apply to structures on the same parcel as the shooting range.
 - 2. All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this §8.4100. This shall not apply to structures on the same parcel as the archery range.
- B. Parcel Size - The minimum parcel size for shooting preserves shall be one hundred (100) acres.

8.4102 Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §8.4100. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

8.4103 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §7.100 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

8.4104 Hours of Operation

No firearm shall be discharged outdoors between the hours of 10:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

8.4105 Fence

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

8.4106 Posting

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

8.4107 NRA, State and Federal Regulations

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

8.4200 SHOPPING CENTERS, MALLS, AND MULTIPLE OCCUPANT COMMERCIAL ESTABLISHMENTS**8.4201 Intent**

It is the intent of this §8.4200 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as *multiple occupant commercial establishments*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

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

8.4202 Conditional Use and Land Development

- A. Conditional Use - Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this §8.4200.
- B. Land Development - The proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.
 - 1. A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
 - 2. Preliminary architectural drawings for all buildings;
 - 3. Location, size, height, and orientation of all signs other than signs flat on building facades;

8.4300 SOLAR POWER GENERATION, COMMERCIAL

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

8.4301 Purposes

To accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

8.4302 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.
- B. Associated Use - All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- C. Solar Power Facility as a Second Principal Use - A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

8.4303 Standards and Design

- A. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- B. Parcel Size; Setbacks; Separate Parcel - If the parcel on which the solar power facility is a separate and distinct parcel or if the parcel is leased, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied to the property line and/or lease line. The setback solar collectors, all structures, equipment containers and any associated mechanical facilities shall comply with setback requirements for principal structures of the underlying zoning district.
- C. Fencing - A fence may be required around the facility or portions of the facility for safety reasons.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- E. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.
- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- G. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads will be controlled.
- I. Historic Structures - A solar power facility shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- M. Warnings - A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (ten) feet from the ground.
- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

8.4304 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

8.4305 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within (12) twelve months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

- B. Removal of Improvements - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Land Restoration - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Cost Estimate - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security
 - 1. The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide financial security with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
 - 2. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- F. Landowner Responsibility - If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have eighty (180) days to complete decommissioning.
- H. Township Action - If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Security - The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

8.4400 SOLID WASTE

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §8.4400.

8.4401 Major Impact Study

The applicant shall comply with the study and other requirements of §7.200 except in cases where the requirements of this §8.4400 are more stringent.

8.4402 Parcel Size, Setbacks, Buffers

- A. Parcel Size - A minimum parcel size of ten (10) acres shall be required.
- B. Buffer and Setbacks - A buffer not less than fifty (50) feet in width shall be provided in all yards in accord with §7.100 of this Ordinance. No facility created after the effective date of this Ordinance shall be located closer than:
 - 1. Seven hundred-fifty (750) feet to any public right-of-way.
 - 2. Seven hundred-fifty (750) feet to any R or MR District.

3. Seven hundred-fifty (750) feet to an existing:
 - a. residential structure
 - b. public, semi-public or institutional use
 - c. commercial or recreational facility
 - d. Two hundred (200) feet to any body of water, stream, wetland or well.

Additional buffers and setbacks may be required in accord with this Ordinance.

8.4403 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and prior to the issuance of a certificate -of-use for a new facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

8.4404 Reserved

8.4405 Storage and Loading/Unloading

Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.

8.4406 Effluent Treatment

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

8.4407 Dangerous Materials

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

8.4408 Water Quality

The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.

8.4409 Access and Emergency Access

No access roads to or through a solid waste facility or staging area shall be less than two-hundred (200) feet from any side or rear property line. The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential

hazards. Adequate means of emergency access shall be provided.

8.4410 Hours of Operation

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

8.4411 Nuisances

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

8.4412 Attendant and Inspections

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

8.4413 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §8.4400 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

8.4500 RESERVED

8.4600 STORAGE YARDS FOR FOREST PRODUCTS AND MINERALS

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals.

8.4601 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- E. Road Ditches - Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-harvest condition.

8.4602 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than three hundred (300) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the building is located.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

8.4700 to 8.4900 RESERVED**8.5000 TEMPORARY COMMERCIAL USES****8.5001 Definition of Temporary Commercial Use**

A temporary commercial use is a commercial enterprise that operates at a fixed location for a temporary period of time on a parcel of land without other uses or in connection with some other established use which does not meet the requirements of §8.3000 - Outdoor Sales/Promotion. Temporary commercial uses shall include, but not be limited to, any use conducted from mobile trailers, from vehicles, or in the open air. Any use which involves the erection of any permanent or temporary structures including, among others, tents, platforms, or sheds, or any on-site tables or seating, shall be considered a principal use and shall comply with all requirements of this Zoning Ordinance which normally apply to such principal use as classified by the Schedule of Use Regulations.

8.5002 Prohibition of Temporary Commercial Uses

Temporary commercial uses shall not be permitted in Palmyra Township.

8.5100 to 8.5400 RESERVED**8.5500 VEHICLE RELATED USES**

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §8.5500.

8.5501 Car and Truck Wash Facilities

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

- A. Bulk and Density Standards - The bulk and density standards of the District in which the facility is proposed shall apply.
- B. Waste Water - Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. Access - The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic and, in the case of a state highway, shall meet PennDOT Highway Occupancy Permit requirements.
- D. Waiting Areas - The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Hours of Operation - Any wash facility located within two hundred (200) feet of any residential district or approved

residential subdivision shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

8.5502 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

A. Setbacks

1. The principal building housing the operation shall be setback a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
2. No vehicles shall be stored in any required setback areas.

B. Service and Repair Activities - All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.

C. Vehicles - Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall outdoors, it shall comply with the junk regulation set forth in this Ordinance.

D. Parking - No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.

E. Tire Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.

F. Front Setback Exemption - Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.

G. Truck Service - Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.

H. Fumes; Ventilation - All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

8.5503 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

A. Bulk and Density Standards

1. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the district.
2. No vehicles shall be stored in any required setback areas.

B. Outdoor Display - The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.

- C. Accessory Activities - Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §8.5502.
- D. Vehicles - Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. Parking - No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. Tire Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.

8.5504 Race Tracks

All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any R or MR District, and the track/course shall not be less than five (500) feet from any property line or public road right-of-way. This §8.5504 shall not apply to cases where the race is a special event on a property where the total number of races in one (1) year does not exceed three (3) and the race course is temporary, or to rides accessory to an amusement park.

8.5600 to 8.5700 RESERVED

8.5800 WIND FARMS

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

8.5801 Purposes

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

8.5802 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind farm and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind farm (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- C. Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways

of the existing use.

- 3 The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

8.5803 Standards

- A. Wind Farm Height - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
 1. Separate Parcel - If the parcel on which the wind farm is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
 3. Principal Structures - No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Farm Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the Wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.
- G. Access; Required Parking - Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- H.. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- I. Noise and Shadow Flicker
1. Audible sound from a wind mill shall comply with §7.106 of this Ordinance.
 2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel.
 3. For the purposes of this Subsection i, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted
- J. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind farm developer.
- K. Historic Structures - A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- L. Discontinued Use - Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.
- M. Site Plan - A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.
- N. Wind Test Towers - Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements of this Zoning Ordinance. Such towers shall be removed within eighteen (18) months of installation.

ARTICLE IX - NONCONFORMITIES**9.100 PURPOSE, APPLICABILITY, REGISTRATION, AND CONTINUATION AND CHANGE****9.101 Purpose**

It is the purpose of this Article to:

- A. Vested Right - Recognize that if, prior to the adoption of the original Palmyra Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.
- B. Impacts - Limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.
- C. Standards - Prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

9.102 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally preexisted the applicable provisions of this Ordinance, as amended, or which are recognized by §9.300 or §9.400. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, preexisting nonconforming lots, structures or uses.

9.103 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

9.104 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

9.200 DEFINITIONS**9.201 Nonconforming Lot**

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Pike County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

9.202 Nonconforming Structure

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of this Zoning Ordinance, as amended; and including, but

not limited to, non-conforming signs.

9.203 Nonconforming Structure, Alteration or Expansion

As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

9.204 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

9.205 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of this Zoning Ordinance, as amended.

9.206 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

9.207 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

9.208 Nonconforming Use, Reestablishment

The reopening or reinstitution of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

9.300 NONCONFORMITIES UNDER DEVELOPMENT

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

9.400 NONCONFORMITIES BY VARIANCE

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

9.500 NORMAL MAINTENANCE AND REPAIR ACTIVITIES

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

9.600 CHANGES OF NONCONFORMING USES**9.601 Conditional Uses**

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance and the review factors in §9.1200 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an R District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

9.602 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a conditional use. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

9.603 Changes of Nonconforming Residential Uses

Changes from one nonconforming residential use to another residential use shall be permitted at the same unit density provided the required sewage disposal facilities are provided and all other applicable standards of this Ordinance are satisfied.

9.604 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

9.700 EXTENSION OF NONCONFORMING USES**9.701 Conditional Uses**

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance, and the review factors in §9.1200. (See also §9.1004.)

9.702 Extension onto Other Properties of Record in the Same Ownership; New Structures

Extensions of a nonconforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the nonconforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance. For any nonconforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

9.703 Extension Limitation

In R, MR, S, MP and LW Districts, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond the existing nonconformity. In LC, CC and HC Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond the existing nonconformity. All such extensions of a nonconforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

9.704 Prohibited Extensions

Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

9.800 RECONSTRUCTION**9.801 Time Limit**

If any nonconforming structure or use is damaged or destroyed it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a building permit is submitted and the reconstruction is completed within eighteen (18) months of the date of the casualty.

B. The nonconformity is not increased and no new nonconformity is created.

9.802 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use if the reconstruction involves a change or extension of use as regulated by §9.600 and §9.700 of this Ordinance, respectively.

9.803 Extension

The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §11.800 of this Ordinance, grant a one-time extension of not more than one (1) year for the reestablishment of the nonconforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

9.900 ABANDONMENT AND REESTABLISHMENT OF NONCONFORMITIES

9.901 Abandonment

Unless extended in accord with this §9.900, if a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

9.902 Extension

The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §11.800 of this Ordinance, grant a one-time extension of not more than one (1) year for the reestablishment of the nonconforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

9.1000 ALTERATIONS AND EXPANSIONS OF NONCONFORMING STRUCTURES

9.1001 Alterations

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §9.1000

9.1002 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §9.600 and §9.700, respectively.

9.1003 Nonconforming Setbacks

A one-time alteration of a residential structure shall be permitted to extend along the nonconforming setback line a distance not to exceed fifty (50) percent of the nonconforming length of the structure as it existed at the effective date of this Ordinance. In the case of a commercial structure an extension of one hundred (100) percent shall be permitted. However, the height of any such residential or commercial extension shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.

9.1004 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, no permit shall be issued for the same unless a variance is granted by the Zoning Hearing Board.

9.1100 USE OF NONCONFORMING LOTS OF RECORD**9.1101 Single Family Dwelling**

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided:

- A. Setbacks - The required front setback is maintained at a minimum of twenty (20) feet and side and rear yards are maintained at a minimum of ten (10) feet each.
- B. Lot Coverage - Maximum lot coverage area shall not exceed thirty (30) percent.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.
- E. Shared Well/Sewage - Any on-site sewage disposal system or any well which serves more than one dwelling unit shall not be permitted on a non-conforming lot.
- F. Other Standards - All other applicable standards in this Ordinance are satisfied.

9.1102 Commercial Uses

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Setbacks - All setbacks normally required in the District are maintained.
- B. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.
- E. Other Standards - All other applicable standards in this Ordinance are satisfied.

9.1200 REVIEW FACTORS

In addition to the standards in §11.800, Article XI, and other applicable requirements, the Township shall consider any nonconformity conditional use application in terms of the effect on the following factors:

9.1201 Nuisance Considerations

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage.
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

9.1202 Specific Considerations

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in §9.1202.B.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of

material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Yards and buffers shall be provided in accord with §7.101 of this Ordinance.

- C. Yards and Setbacks - No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. Storm water - Storm water shall be controlled pursuant to the Palmyra Township Subdivision Ordinance and any applicable Township storm water management ordinance.
- E. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five (25) percent over those available as of the date of the enactment of this Ordinance, the Board of Supervisors may require vegetative screening of the parking area from nearby residential areas.

**ARTICLE X
OWNERSHIP AND MAINTENANCE OF
OPEN LAND, RECREATION LAND, AND COMMON FACILITIES**

This Article X shall apply to any development which involves the ownership and maintenance of open land, recreation land, or common facilities (referred to as *common area* in this Article) as required by this Ordinance and the Township Subdivision and Land Development Ordinance.

10.100 PURPOSE

The requirements of this Article X are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

10.200 PLAN AND LEGAL DOCUMENTS

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The plan shall be approved by the Township with the advice of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the plan and which can be enforced by the Township.

10.300 USE RESTRICTION

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Subdivision and Land Development Ordinance.

10.400 METHODS FOR USE DEDICATION AND COMMON AREA OWNERSHIP AND MAINTENANCE

The use of common areas and common area ownership and maintenance shall be addressed in accord with the requirements of the Township Subdivision and Land Development Ordinance.

ARTICLE XI - ADMINISTRATION**11.000 APPLICABILITY****11.001 Conformance**

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

11.002 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.

11.003 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

11.004 Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provide such activity does not involve any of the following:

- A. A change in use.
- B. An expansion, construction or placement of a structure.
- C. An increase in the number of dwelling units or boarding house units.
- D. An increase in the number of bedrooms in a dwelling unit.
- E. Any other activity regulated by this Ordinance.

11.100 GENERAL PROCEDURE FOR PERMITS**11.101 Principal Permitted Use**

Within ninety (90) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative.

11.102 Reviews

Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

11.103 Appeal

See §11.502 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

11.104 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant. (See certificate of use process in §11.207)

11.200 PERMITS AND CERTIFICATES**11.201 Applicability** See §11.000.**11.202 Types of Uses**

- A. Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Special Exception Use or Application Requiring a Variance - A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- C. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

11.203 Applications

- A. Applications - Any request for a decision, interpretation or variance by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made in writing on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - Unless waived by the Zoning Officer, five (5) copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two (2) copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. Type of Application
 - 1. Construction - In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §11.203 shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
 - 2. No Construction - In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by this section. However, a plot plan, as required by §11.203.D.6 which follows, shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.
- D. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of

Supervisors shall include the following information. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 - (1) Water courses, lakes and wetlands (with names).
 - (2) Rock outcrops, ledges and stone fields.
 - (3) Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 - (4) Approximate location of tree masses.
 - (5) Utility lines, wells and sewage system(s).
 - (6) Entrances, exits, access roads and parking areas including the number of spaces.
 - (7) Drainage and storm water management facilities.
 - (8) Plans for any required buffer plantings
 - (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
8. Tract boundaries accurately labeled.
9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
11. A statement of the type of water supply and sewage disposal proposed.

12 The present zoning district and major applicable lot requirements.

- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision or land development approval has been granted and a Certificate of Use has been properly issued pursuant to §11.207 of this Ordinance.

11.204 Issuance of Permit

- A. Permit Required - No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.
- B. Number of Copies - At least two (2) copies of any permit required under this Ordinance shall be made.
 - 1. One (1) copy of any such permit shall be retained in Township files and one (1) copy shall be retained by the applicant.
 - 2. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- C. Time for Action - The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of ninety (90) days after a complete, duly filed application and fees are submitted.

11.205 Revocation of Permits

- A. Cause for Revocation - The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:
 - 1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based: (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or,
 - 2. Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
 - 3. Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; or,
 - 4. For any other just cause set forth in this Ordinance.
- B. Surrender of Permit - If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

11.206 Changes to Approved Plans

- A. Approval Required - After the issuance of a permit and/or approval under this Ordinance by the Township, such approved application shall not be changed without the written consent of the Township.
- B. Special Exceptions; Conditional Uses
 - 1. Changes to an approval by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body.
 - 2. Such approval by the Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer. A copy of such adjustment or correction shall be provided in writing to the Planning Commission, the Board of Supervisors or the Zoning Hearing Board if the change concerns a plan approved by such bodies.

11.207 Certificate of Use

- A. Change or Completion - A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. Application - An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. A minimum of one (1) copy shall be retained in Township records.
- C. Issuance - The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- D. Request by Zoning Officer - The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

11.300 FEES**11.301 Application Fees**

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

11.302 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

11.400 ZONING OFFICER**11.401 Appointment**

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office

within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

11.402 Duties and Powers

The Zoning Officer shall:

- A. Administration - Administer the Zoning Ordinance.
- B. Information to Applicants - Provide information to applicants regarding required procedures.
- C. Applications - Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Complaints - Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. Records - Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exception granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.
- F. Inspections - Make all required inspections and perform all other duties as called for in this Ordinance.
- G. Conformance - Not have the power to permit any activity which does not conform to this Ordinance or all other Ordinances of the Township known to the Zoning Officer.

11.403 Qualifications

Pursuant to §614 of the Pennsylvania Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. Knowledge - The person shall demonstrate a working knowledge of zoning.
- B. Education and Experience The person shall have one of the following combinations of education and experience:
 - 1. An high school diploma or equivalent and a minimum of four (4) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 2. An high school diploma or equivalent and two (2) additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a filed such as law enforcement, community planning and/or public administration) and a minimum of two (2) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 3. A college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
- C. Due Process - The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the Magisterial District Judge.
- D. Plans - The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- E. Communication Skills - The person shall demonstrate excellent oral and written.
- F. Municipalities Planning Code - The person shall be familiar with the Pennsylvania Municipalities Planning Code.

11.404 Other Township Officials

Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

11.500 ZONING HEARING BOARD**11.501 Appointment and Qualifications**

- A. Appointment - The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
1. Demonstrate a working knowledge of zoning prior to appointment.
 2. Become familiar with the Pennsylvania Municipalities Planning Code.
 3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.
- C. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members. See §905 of the Pennsylvania Municipalities Planning Code.
- E. Organization.
1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the Pennsylvania Municipalities Planning Code.
 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

11.502 Jurisdiction; Limitation

- A. Jurisdiction - The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Substantive Challenges - Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
 2. Validity Challenges - Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 3. Appeal of Zoning Officer Action - Appeals from the determination of the Zoning Officer, including, but not limited to,

the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Variances - Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
 5. Special Exceptions - Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
 6. Preliminary Opinion Appeals - Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
 7. 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 applications.
- B. Limitation - The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted by Article III for the particular district.

11.600 ZONING HEARING BOARD -- HEARINGS AND DECISIONS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the following:

11.601 Notice of Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of this §11.600. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (For the purposes of this section *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

Notice of all hearings of the Board shall be given as follows:

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - All notice under this subsection should be intended to be received or posted at least five (5) days prior to the hearing date.
 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
 3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or

community organizations) who has made a written timely request (including an address) for such notice.

- D. Adjacent Municipalities - In any matter which relates to a lot which lies within two hundred and fifty (250) feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.
- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

11.602 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note: Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. Parties Identified - The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. Entry of Appearance - The Board shall have power to require that all person who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. Denial of Standing - The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

11.603 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

11.604 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

11.605 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

11.606 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

11.607 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

11.608 Hearings and Decision

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the Pennsylvania Municipalities Planning Code, as amended.

11.609 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven (7) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

11.700 VARIANCES

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

11.701 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that all of the following findings must be made, where relevant in a particular case:

- A. Unnecessary Hardship - There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and,
- B. Reasonable Use - Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Not Self-created - Such unnecessary hardship has not been created by the appellant; and,
- D. Community Effects - 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, not be detrimental to the public welfare; and,
- E. Minimum Variance - The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

11.702 Re-Application

The Zoning Officer shall refuse to accept a proposed application that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.

11.703 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

11.800 CONDITIONAL USES AND SPECIAL EXCEPTIONS**11.801 Applications**

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §11.806. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

11.802 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §11.804 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.
- B. Procedure
 - 1. Submission - The applicant shall submit the application as follows:
 - a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer by the applicant not less than ten (10) working days prior to the Planning Commission meeting.
 - b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.
 - 2. Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
 - 3. Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
 - 4. Planning Commission
 - a. The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board of Supervisors must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board of Supervisors may make a decision without having received comments from the Planning Commission.
 - 5. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

11.803 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in §11.804.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
2. All plans shall contain the information required in §11.806.
3. Township Procedures.
 - a. The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one (1) copy shall be retained in the Township files.
 - b. The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
4. Planning Commission Review of Special Exception Uses.
 - a. The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
5. Zoning Hearing Board Action on Special Exception Uses.
 - a. The Board shall hear and decide such request for a special exception use under the procedures in §11.600.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

11.804 Standards and Criteria and Conditions of Approval

- A. Applicant Responsibility - The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
- B. Land Development; other Requirements - Any conditional use approval granted by the Board of Supervisors or any special exception approval granted by the Zoning Hearing Board shall be conditioned on the applicant obtaining land development approval and all other required permits including, but not limited to, building, sewage, highway occupancy, Labor and Industry, etc.
- C. Standards - In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.
 1. Comprehensive Plan; Ordinances - The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.

2. Site Physical Characteristics - The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
3. Community Effects - The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
4. Public Facilities - The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
5. Additional Factors - In reviewing an application, the following additional factors shall be considered:
 - a. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - b. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - c. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - d. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - e. Adequacy of storm water and drainage facilities.
 - f. Adequacy of water supply and sewage disposal facilities
 - g. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - h. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants
 - i. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. Approval - No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met.
- G. Conditions - In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

11.805 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board, as the case may be, may grant succeeding one-year extensions of the time limitation, for good cause shown by the Applicant.

11.806 Information Required

The applicant shall supply the information required by §11.203 of this Ordinance and evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation. The applicant shall also provide as part of his application, a listing of all other required permits and the status of any applications for same.

11.807 Subdivision and Land Development Plans

The applicant shall have the option of submitting any required subdivision or land development plan preceding, concurrent with or following an application for a conditional use or a special exception.

A. Conditional Use or a Special Exception Preceding Subdivision or Land Development

1. The Township Planning Commission and Board of Supervisors or the Zoning Hearing Board will process an application for a conditional use or a special exception, respectively, prior to subdivision or land development approval, if such subdivision or land development approval is required under the provisions of the Township Subdivision and Land Development Ordinance. The intent of this provision is to afford the applicant the opportunity to obtain initial zoning approval prior to committing the resources necessary to prepare and submit a detailed plan to conform to the requirements of the Subdivision Ordinance.
2. At the time of land development approval, the Board of Supervisors shall have the right to attach any and all reasonable conditions of approval to any subdivision or land development plan which was preceded by conditional use or special exception approval.

- B. Subdivision or Land Development Preceding Conditional Use or a Special Exception - The approval of any subdivision or land development plan submitted before an application for a conditional use or a special exception shall be conditioned on subsequent approval of the conditional use or special exception.

11.900 TIME LIMITS ON PERMITS

Any building construction and/or use establishment shall be completed within twelve (12) months of issuance of the applicable permit by the Zoning Officer, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such twelve (12) month period. (See §11.805 for conditional uses and special exceptions.)

11.1000 MEDIATION

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

11.1100 TIME LIMITS FOR APPEALS

The time limitations for appeals shall be as follows:

11.1101 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the Pennsylvania Municipalities Planning Code.

11.1102 Temporary Permits

This 30-day time limit for appeal shall not apply to the revocation of a permit under §11.205.

11.1103 Subdivision or Land Development Approval

The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

11.1200 APPEALS TO COURT AND OTHER ADMINISTRATIVE PROCEEDINGS

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

11.1300 PUBLIC UTILITY EXEMPTIONS

See §619 of the Pennsylvania Municipalities Planning Code.

11.1400 LIMITED TOWNSHIP EXEMPTION

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

11.1500 AMENDMENTS

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

11.1600 VIOLATIONS**11.1601 Compliance**

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.

11.1602 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.

11.1603 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §11.1603, such violation shall be discontinued or corrected as set forth in said notice.

- A. Violation - If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §11.1603.
- B. Recipients - 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. Contents - 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 the 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 Ordinance.
 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 sanctions clearly described.
- D. Appeal - In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- F. Return of Fee - Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

11.1700 PENALTIES AND REMEDIES

11.1701 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

11.1702 Enforcement Remedies

- A. Violation - Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. Order of Stay - The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Action Limited to Township - Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this §11.1702.

11.1800 LIABILITY

- A. Review, Issuance of Permit or Approval - Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.
- B. Mistaken Issuance - If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

**ARTICLE XII
ADOPTION**

This Ordinance ordained and enacted this 20th Day of August, 2013, by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, to be effective immediately.

Thomas A. Simons, Chairman

Eric J. Ehrhardt, Vice-Chairman

Kenneth Coutts, Secretary

ATTEST:

Jo-Ann M. Rose, Administrator