

PALMYRA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ADOPTED

JULY 15, 2025

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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 August 20, 2013, 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 SETBACKS, YARDS, COURTS, 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, manufactured homes, and manufactured homes 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**1.501 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. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

1.502 Conflict**A. Township Provisions**

1. These regulations are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.
2. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

- B. **Other Laws and Regulations** Whenever the provisions of any other law, regulation and/or statute require a greater width or size of setbacks, yards, courts or other open spaces, or require a lower height of buildings and/or structures or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this Ordinance the provisions of such other law, regulation and/or statute shall govern.

1.503 Pennsylvania Municipalities Planning Code Amendments

The provisions of this Ordinance that only repeat, summarize, or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

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, ensuring 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 ensure 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 performance 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 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 any 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 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 the context clearly indicates a 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 OR WORDS NOT DEFINED AND DIAGRAMS

3.101 Terms, Phrases, Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

3.102 Diagrams

The diagrams in §3.300 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

3.300 DEFINITIONS

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

Abandon: To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention and the external act by which it is carried into effect.

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: See *domestic violence shelter*.

Access or 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 which are permitted by right as needed.

Accessory Structure (includes Accessory Building): A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Accessory Warehouse: See *warehouse, ancillary*.

Addition: An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

Adjusted Tract Area (ATA): The area remaining when the specified constrained land has been deducted from the gross lot area. ATA is used to calculate both density and open space.

Adjacent: Two or more lots that share a common lot line.

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. 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, videos, 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.
- C. Any of the following as defined in this Article:
 - 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

Additional definitions associated with *adult business* include:

- A. 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 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 regulation by this Ordinance.
- B. 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:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or

2. 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 regulation by this Ordinance.

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

1. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors, or others) appearing in a state of nudity; or,
2. Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,
3. Films, motion pictures, video cassettes, slides or other photographic or digital reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

An *adult entertainment use or facility* shall be considered an *adult business* for regulation by this Ordinance.

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

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

An *adult motel* shall be considered an *adult business* for regulation by this Ordinance.

- E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic or digital 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.

- F. 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 regulation by this Ordinance.

- G. 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.

- H. 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 regulation by this Ordinance.

- I. Massage: Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.
- J. Massage Parlor: A person or business association or establishment which furnishes, offers to furnish or advertises to furnish as one of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of any *specified anatomical areas*. A *massage parlor* shall be considered an *adult business* for regulation by this Ordinance. See also *massage facility, therapeutic*.
- K. Nude Model Studio: Any place, which is not excepted by §8.104J, 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 regulation by this Ordinance.
- L. Nudity or a State of Nudity: The showing of the human male or female genitals or pubic area 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 areola.
- M. 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*.
- N. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration 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 regulation by this Ordinance.
- O. Specified Anatomical Areas: Any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- P. Specified Sexual Activities: Any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
 - 3. Masturbation, actual or simulated.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1, 2 and 3, above.

Adult Care Facility: See *assisted living facility*.

Agent: Any person other than the owner who, acting for the owner, applies for the purpose of obtaining approval in accordance with this Ordinance.

Agriculture, Agricultural Use, or Agricultural Operation: As defined by the Pennsylvania Right to Farm Act, the activities, practices, equipment, and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is not less than 10 contiguous acres in

area. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations, riding academies, livery or boarding stables and dog or other animal kennels. (See also *crop production, animal husbandry, and concentrated animal feeding operation.*)

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 tanneries, dairies and food canning and freezing operations.

Agritourism: Any activity carried out on a working agricultural operation that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming operations, wineries, historical or cultural features, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

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

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, other than a repair or an addition. See also *addition* and *repair*.

Amusement Arcade: A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained, excluding the use of less than five such devices as an accessory use to any lawful principal 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: See *veterinary clinic*.

Animal Husbandry, Commercial: The raising and keeping of livestock, small animals, and fowl, and/or fur bearing animals with the intent of producing capital gain or profit or with the intent of selling any livestock and/or poultry products.

Animal Husbandry, Home Use: The raising and keeping of livestock and/or small animals and fowl for personal satisfaction or consumption and with no intent of producing capital gain or profit. This shall not preclude the incidental sale of livestock and/or small animal or fowl products produced within the limits of the home use provisions of §8.202B.

Animal Kennel: See *kennel*.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted pets and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare protection, and humane treatment of animals.

Antenna, Standard: A device, partially or wholly exterior to a building, that is used for sending or receiving electromagnetic waves such as television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals.

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 Ordinance.

Application: Any application required to be filed for approval in accord with the requirements of this Ordinance.

Archery Range, Indoor Commercial: Any area within a fully enclosed building used for the shooting of arrows for recreational or training purposes.

Archery Range, Outdoor Commercial: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes.

Assisted Living Facility: Residences that provide rooms, meals, personal care, and supervision of prescribed medication and which may provide other services such as recreational activities, financial services, and transportation, and which is licensed as an assisted living facility by the Commonwealth of Pennsylvania.

Attic: Nonliving space in or above a dwelling unheated with headspace of less than 6.5 feet.

Auction House: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Rental Operation: 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 automobiles (i.e., passenger cars and passenger vans used for transport of people but not goods and materials) at any given time.

Awning or Canopy: An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic, or other materials.

Bakery or Confectionery, Retail: An establishment where bread, cakes, cookies, candy, fudge and similar items are produced and sold on the premises to consumers.

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

Banquet Hall: See *meeting, assembly, or banquet hall*.

Basement: An enclosed floor area partly or wholly below the finished grade with at least one-half of its floor-to-finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than 6.5 feet. A basement is counted as a story for building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if it is used for business or dwelling occupancy or storage purposes and not solely for heating, mechanical and similar equipment. See *cellar*.

Bed and Breakfast Inn: An owner or operator-occupied single-family dwelling in which transient visitors to the area are lodged for compensation, only breakfast for lodging guests may be included, and no cooking facilities are provided in any rental room.

Best Management Practices: Activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities.

Billiard Hall: An establishment with the principal use of playing cue sports such as pool, snooker, or carom billiard.

Bituminous Concrete Batch Plant: An operation which combines asphalt or bituminous materials and aggregates and heat to manufacture a bituminous seal coat or bituminous concrete product.

Block: A tract of land, a lot, or groups of lots, bounded by streets, railroad rights-of-way, public parks, watercourses, municipal boundary lines, unsubdivided land or by any combination of the above.

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

Boarding or Lodging House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally, but not necessarily, included as a part of the services rendered and no cooking facilities are provided in any rental room. *Boarding or lodging house* does not include a short-term rental or any other use defined in this §3.300.

Brewery Pub/Distillery Pub/Winery Pub: A *restaurant* which includes as an accessory use, and primarily intended for sale or consumption on the premises, the brewing of malt beverages of alcoholic and/or non-alcoholic content, the distilling of liquor, and/or the making of wine, with total production of less than 15,000 gallons.

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 15,000 gallons or more of malt beverages per year.

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 provide a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust, and litter. The separation may be accomplished 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, Principal: A building in which the main or principal use of the lot on which said building is situated, including any structure that is physically attached to the principal building.

Building Envelope: An area on a lot or development parcel 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 shall be specifically designated on the development plan and established by deed covenants and restrictions.

Building Height: The vertical distance from grade plane to the average height of the highest roof surface. (See *grade plane* and *structure height*.)

Building Permit or Construction Permit: See *permit*.

Bulk: A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Bulk Fuel Storage Facility: Any facility where kerosene, home heating oil, diesel fuel, gasoline, or propane is stored in large volume tanks for distribution to retail or wholesale establishments; or any *retail home heating fuel distributor* where the storage of fuel on the site exceeds a combined total of 10,000 gallons.

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

Business Office: A use comprised primarily of administrative and clerical services and involving no retail trade, lodging, warehousing, or manufacturing. Such uses include, but are not limited to, financial services, legal services, travel agencies, insurance agencies, corporate offices, and other similar uses.

Business Services: Establishments primarily engaged in rendering services to businesses including such activities as advertising and mailing, credit reporting and collection, duplicating, mailing, telemarketing, stenographic services, employment services, research and development and other similar services.

Café: *A restaurant.*

Camp/Retreat: A parcel or parcels of land with lodging facilities in permanent buildings where transient clientele participate in organized recreation, receive instruction or training, or are afforded peace, quiet, privacy or security.

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located, established, or maintained for temporary occupancy by people using tents or recreational vehicles not exceeding 180 days, and which shall not be used for long term occupancy or residency of occupants.

Campsite: A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

Canopy or Awning: An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic, or other materials.

Carport: A roofed building intended for the storage of one 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 the 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.

Catering Service: The business of providing food and/or beverage service for consumption at a site other than the site where the food/beverage is prepared.

Cellar: A story partly underground but having at least one-half of its height (measured from finished floor to finished ceiling) below the average height of the finished grade where such grade abuts the exterior walls of the building. A cellar shall not be counted as one story in determining the permissible number or stories. See *basement*.

Cemetery: A place for the interment of deceased pets or human beings in a grave, mausoleum, vault, columbarium or other receptacle, or a memorial garden/area for the dispersal of cremated remains but not including a private family cemetery.

Certificate of Use: See *permit*.

Change of Use: Any conversion of a use from one use as regulated by this Ordinance to a different regulated use.

Church: See *place of worship*.

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

Clinic: See *medical clinic*.

Club/Lodge, Private: An area of land or building used by a nonprofit civic, social, fraternal, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws. A *club/lodge, private* does not include commercial recreation clubs, tennis or racquetball clubs, or any other use which is specifically defined by this Ordinance.

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

College: An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

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.

Commercial Vehicle: A truck with a gross or combined vehicle weight of 26,001 pounds or more which is classified by the Motor Vehicle Code of the State of Pennsylvania (75 Pa. C.S. §1916) as a truck of Weight Class 9 or greater.

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

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 may or may not be 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.

Community Center: A use that exists solely to provide exclusively indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential dwelling uses. It does not include a facility that is accessory to a private community.

Composting: The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Composting Facility: A facility using land for processing municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

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

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

Concentrated Animal Feeding Operation (CAFO): Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

Concrete Batch Plant: A facility in which materials (cement, aggregates, water, admixtures) are combined by a central mixer to produce concrete for transportation to and use at another site, and shall include customary accessory uses, including offices, maintenance and storage garages, material storage facilities, equipment and truck storage areas, scales, conveyors, water storage and heating facilities, stormwater management, sediment basins, concrete recycling/reclamation equipment and other uses customarily necessary to produce, sell and transport mixed concrete.

Conditional Use: A use in a zoning district to be allowed or denied by the Township Board of Supervisors pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(2) of the

Municipalities Planning Code.

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. Condominiums are regulated by dwelling type as defined in this Ordinance.

Conference Center: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness center, and/or retail stores and services primarily for conference center guests.

Conservation Area, Primary: Lands within the floodway, wetlands, lakes, ponds, watercourses, and slopes of 25 percent or more. (Related to conservation subdivision design. (See §6.100.)

Conservation Area, Secondary: All landscape elements not included in the primary conservation area. These include: (Related to conservation subdivision design. (See §6.100.)

- A. 100-year floodplain, hydric soils, swales, springs, lowland areas other than wetlands.
- B. Moderately steep slopes between 15 and 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails, especially those connecting the tract to other locations in the Township.
- I. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Pike County.

Conservation Design Subdivision: A subdivision designed at the regulated dwelling unit density 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 Easement: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

Conservation Open Space: See *open space, conservation*.

Constrained Land: Selected resources and areas of restricted land multiplied by a protection factor, totaled, and used for the calculation of *adjusted tract area* related to conservation design development.

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

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

Convenience Store: A one-story, retail store 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.

Conversion, Residential: One dwelling unit converted into two or more dwelling units.

Conversion Apartment: See *dwelling, multi-family*.

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.

Correctional Facility: A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced, or adjudicated delinquent by the criminal justice system, or for juveniles adjudicated delinquent by the court, including, but not limited to, jails, prisons, penitentiaries, reformatories, , secured juvenile detention facilities, and similar facilities.

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 country clubs, nor shall other residential or commercial properties have operated for profit.

County: The County of Pike, Commonwealth of Pennsylvania.

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

Coverage, Lot: See *lot coverage*.

Crawl Space: An enclosed portion of a building or an open pier area not exceeding six feet in height from floor to ceiling, located below the first occupied floor of a building and not used for business or dwelling purposes. A crawl space shall not be counted as a story for building height measurement or determining the gross floor area of a building.

Crematorium: A furnace or establishment for the incineration of human or animal 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 Ordinance.

Crusher Plant: An operation which processes minerals or other materials and crushes them to various sizes for resale or use.

Cultural Center: A public or nonprofit operated building open to the public which contains exhibits of cultural interest, such as a museum, art gallery, or nature center.

Data Center: A facility used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity, or is filled with servers that process and store the data commonly referred to as *the cloud*.

Daycare Center: A facility not located in a dwelling unit which cares for seven or more children or adults for periods of less than 24 hours per day at any hours of any day of the year.

Daycare, Home: A private residence where six or fewer children or adults receive care or supervision for periods of less than 18 hours per day at any hours between 6:00 a.m. and 10:00 p.m.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district.

Deck: An attached accessory structure elevated more than 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.

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

DEP: The Pennsylvania Department of Environmental Protection.

Detached Building: See *building, detached*.

Determination: Final action by an officer, body or agency charged with the administration of this Ordinance or applications hereunder, except the following: (1) the governing body; (2) the zoning hearing board; and (3) the planning commission, only if and to the extent the planning commission is charged with final decision on preliminary or final plans under the subdivision and land development. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner or agent thereof, or tenant or equitable owner under an agreement of sale having the permission of the landowner, who makes or causes to be made a subdivision of land or a land development, or who is required to file for a zoning permit.

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 municipality 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: The provisions for development a plat of a proposed use, subdivision, or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities.

Development Sales Office: Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a short-term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate use of the structure in conformance with the standards applicable in the district in which the structure is located.

Distillery: A facility for the production and packaging of alcoholic liquor for retail and/or wholesale distribution off the premises and licensed as such by the Commonwealth of Pennsylvania. (See also *brewery pub/distillery pub/winery pub*.)

Distribution/Fulfillment Center or Truck Terminal: An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. It includes value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and the consolidation of several orders into one large order for distribution to several recipients and/or vice versa.

District (or Zone or Zoning District): A designated land area in 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.

Disturbed Area: Any area of land on which the vegetation has been cut or removed, or where the soil has been turned, displaced, graded, or removed.

Dock: See *watercraft dock*.

Domestic Violence Shelter: A residential use providing food, shelter, medical care, legal assistance, personal guidance, or other services to people who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance to protect their physical or psychological welfare.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use which is owned by and is located on the same parcel as the institution it serves.

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: See *theater, drive-in*.

Drive-in Use: An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor 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*.)

Dump: See *landfill and solid waste facility*.

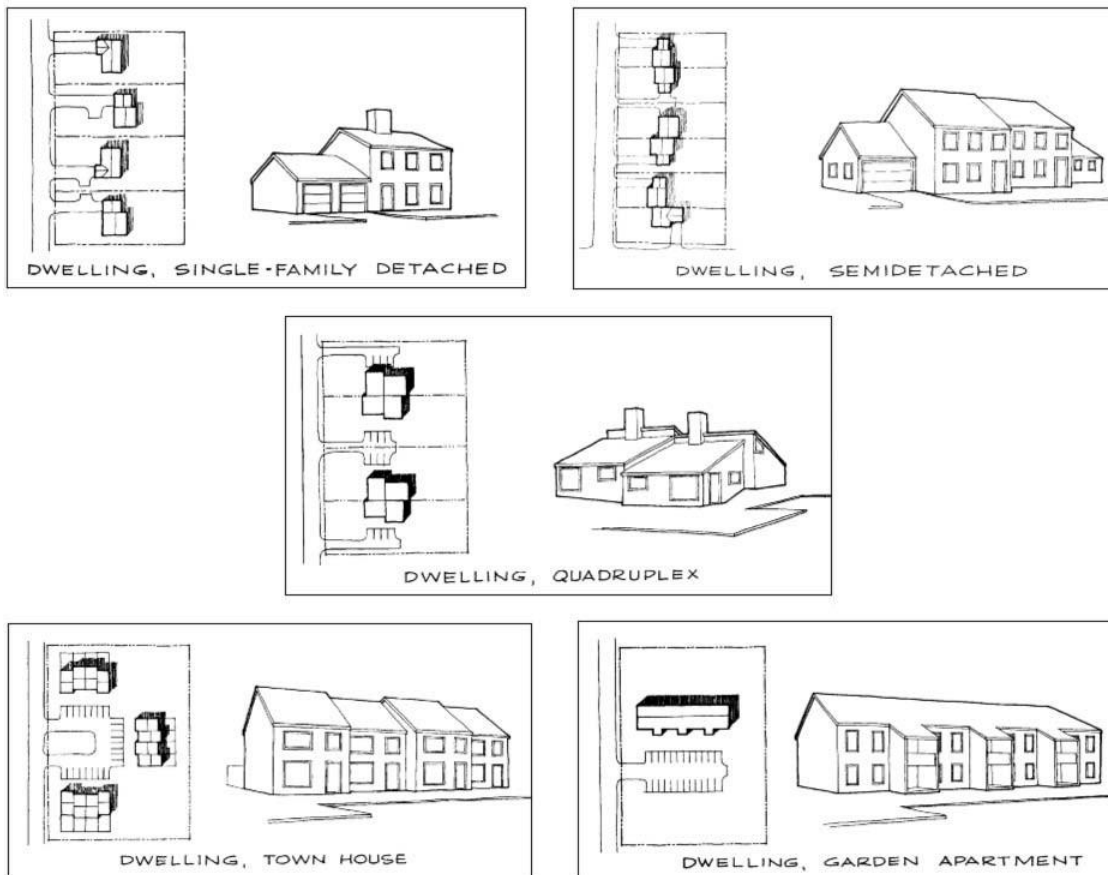
Dwelling: A building or structure designed, arranged, intended, or used as the living quarters for one or more families living independently of each other upon the premises. The term *dwelling* shall not be construed to include hotel, motel, boarding or lodging, short-term rental unit, or tourist home.

Dwelling, Apartment Unit: One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units, or a dwelling unit located on the upper floors of a nonresidential building.

Dwelling, Multi-Family: A building or buildings designed for occupancy by three 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. Apartment Building: A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of this Ordinance.
- B. Quadraplex: Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.
- C. Townhouse: A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.

- D. Conversion Apartment: The conversion of an existing building into three or more dwelling units.



Dwelling, Single-Family Detached: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Single-Family Semi-detached: See *two-family dwelling*.

Dwelling, Two-Family: A building containing two dwelling units either attached side by side using a vertical 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: A building or portion thereof consisting of one or more rooms arranged as separate living quarters with separate cooking and sanitary facilities used or intended to be used by one or more individuals living together and maintaining a common household as a single-family, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units. *Dwelling unit* does not include a *short-term rental unit* as defined in this Article. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

Dwelling in Conjunction with a Nonresidential Use: A dwelling unit in conjunction with a nonresidential use.

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: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Emergency Services Station: A building for the housing of fire, emergency medical or police personnel and equipment and for related activities and which may, as an accessory use, include housing for emergency personnel while on-call and social halls.

Employee: Including, but not limited to, full or part-time workers, volunteers, proprietors, and all professionals.

Encroachment: Construction of any building, structure, or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way street, setback, watercourse or public or reserved ground shown or laid out on any official map, Township approved plot plan or in violation of any provision of set forth in this Ordinance.

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

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

Erect: To build, construct, alter, repair, display, relocate, attach, hang, place, suspend or affix to any building or structure.

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 and any other use specifically defined by this ordinance shall not be considered *essential services*. (For essential services requiring enclosure in a building see *semi-public building or use*.)

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.

Exotic Animal: See *wild or exotic animal*.

Explosive: As defined by PA Code, Title 25, Chapter 211 - Storage, Handling and Use of Explosives, a chemical compound, mixture, or device that contains oxidizing and combustible materials or other ingredients in such proportions or quantities that an ignition by fire, friction, concussion, percussion, or detonation may result in an explosion.

- A. The term includes safety fuse, squibs, detonating cord, and igniters.
- B. The term does not include the following:
 - 1. Commercially manufactured black powder, percussion caps, safety, and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. §921 (relating to definitions).
 - 2. Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.

Explosive Plant or Storage Facility: Land with buildings or structures used in connection with the manufacturing or processing of explosives, as well as the storehouses and magazines for the storage of explosives.

Fair: An exhibition of farm products, livestock, etc., often combined with entertainment and held annually by a state, county or local municipality or a nonprofit organization.

Fairground: A place where fairs, horse races, etc., are held; usually an area set aside by a city, county, or state for an annual fair and often containing exhibition buildings.

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: (See §6.600 for functional families.)

- 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. Up to three unrelated people;
- C. Two unrelated people and any children related to either of them;
- D. Not more than eight people who are residents of a group home meeting the requirements of §6.500; or
- E. Not more than eight 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 because of criminal offenses.

Farm: See *agriculture, agricultural use, or agricultural operation*.

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

Farmers' Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

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.

Financial Institution: See *bank*.

Firewood Processing and Sales: The importing of trees or firewood from any property to any another property for cutting or sale for use as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for sale as firewood.

Fireworks: As defined by PA Code, title 34, Part 1, Chapter 5 - Blasting, Demolition, Fireworks and Explosives, a combustible or explosive composition, substance or combination of substances, or article prepared for producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

Fireworks Plant or Storage Facility: Land with buildings or structures used in connection with the manufacturing or processing of fireworks, as well as the storehouses or magazines for the storage of finished fireworks. This does not include a fireworks retail business operated in accord with state and federal requirements.

Flea Market, Indoor: Any sales activity conducted entirely in an enclosed building 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.

Flea Market, Outdoor: Any sales activity conducted in the open air or under any pavilion or other building, tent 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.

Flood and Related Terms: See §12.900.

Floor Area: See *gross floor area*.

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

Fraternity or Sorority House: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

Frontage: See *lot frontage*.

Fulfillment Center: See *distribution/fulfillment center or truck terminal*.

Functional Family: See *family* and §6.600.

Funeral Home: A building or part thereof used for human or animal 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. (A *crematorium* is a separate regulated use.)

Fur Bearing Animal: Animals raised or trapped in the wild for their pelts such as mink, sable, and ermine.

Gaming Establishment: Any facility in which any form of gaming is conducted as authorized by the laws of the Commonwealth of Pennsylvania including, without limitation, gaming authorized by: (i) the Pennsylvania Racehorse Development and Gaming Act, P.L. 572, No. 71, 4 Pa. C.S.A. §1101, et seq., as amended from time to time (the *Racehorse Development and Gaming Act*); and (ii) the Racehorse Industry Reform Act, P.L. 435, No. 135, 4 P.S. §325.101, et seq., as amended from time to time (the *Racehorse Reform Act*). Notwithstanding the foregoing, for purposes of this Ordinance, the term *gaming establishments* shall not include or encompass facilities or establishments at which small games of chance are played, facilities participating in any lottery authorized by the Commonwealth of Pennsylvania, or any other games of chance permitted by Pennsylvania law as accessory to a commercial use.

Garage, Private Customer and Employee: A structure that is accessory to an institutional, commercial, or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the public.

Garage, Private Residential: A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicle(s) owned and operated by the residents thereof and is not a separate commercial enterprise available to the general public.

Garage Sale: See *yard, lawn, garage, tag, or estate sale*.

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

Gazebo: An unenclosed or partially enclosed, detached, covered accessory structure primarily used for recreation or socializing.

Glamping: A shorthand term for *glamorous camping* involving accommodation and facilities more luxurious than those associated with traditional camping with amenities such as beds, electricity, heat, and indoor plumbing and, in some cases, resort-style services not usually associated with traditional camping.

Glamping Unit: A canvas or membrane-covered frame structure designed to be used or occupied for commercial, transient or recreational purposes. Glamping unit structures include, but are not limited to, tents, yurts, teepees, covered wagons, inflatable spheres, geodesic domes, or similar canvas or membrane-covered structures. Glamping unit structures do not include recreational vehicles, cabins, or shipping containers

Glampground: An area consisting of more than one glamping unit. Considered a *campground or recreational vehicle (RV) park* for regulation by this Zoning Ordinance.

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.

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.

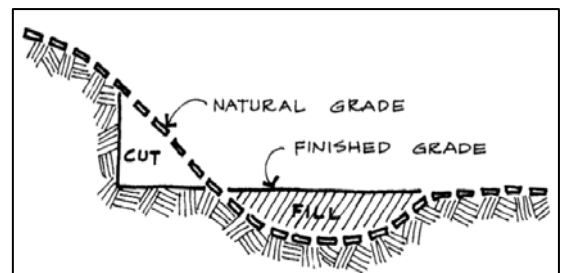
Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include putting green.

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 60 days shall be considered current for the purposes of this definition.

Grade: 1) The average ground elevation adjoining a building, or 2) The degree of inclination of a slope, road, or other surface.

Grade, Finished: The final elevation of the average ground level adjoining a building at all exterior walls after development.

Grade, Natural: The elevation of the ground level in its natural state before construction, filling, or excavation.



Grade Plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. (See *building height*.)

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

Greenhouse, Accessory Plant: An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use for raising plants.

Gross Floor Area: The sum of the total horizontal areas of all 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 feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks, and breezeways.

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 people permitted by the *group home* standards of §6.500 and meets all other standards of §6.500.
- B. Involves people functioning as a common household.
- C. Involves providing non-routine support services and oversight to people who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of people 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 a *Group Home, Institutional* which is a separate use.

Group Home, Institutional: A use that would otherwise meet the definition of *group home*, but which includes more than the permitted number of residents specified by this Ordinance.

Guard House: An accessory building or structure, together with any associated gates and related equipment, which is designed, occupied, and operated for controlling vehicular access.

Hearing: An administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code.

Height: See *building height* and *structure height*.

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. 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.
- B. 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 known as a helistop.

Home Daycare: See *daycare, home*.

Home Occupation: An accessory use which is clearly incidental or secondary to the residential use of the dwelling unit or is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit. (See also *no-impact home-based business*.) STANDARDS NOW INCLUDED IN A SEPARATE SECTION

Homeless Shelter: A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless people.

Homeowners' Association: See *property owners' association*.

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 people, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

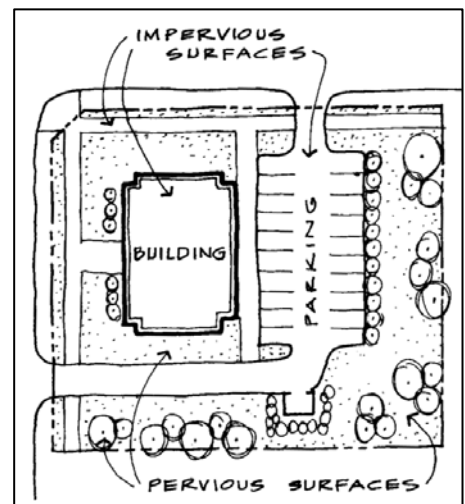
Hotel: A facility offering temporary (generally for periods of two weeks or less and not used as a permanent residence) lodging accommodations to the public, typically based on daily or weekly rentals, and may provide additional services such as restaurants, meeting rooms and recreational facilities.

Household: A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. See *family*.

Hunting Preserve, Commercial: Any area of land which is used for hunting animals where a fee or other consideration is charged.

Impervious Surface (Impervious Area): A surface that prevents or retards the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth, or turf to be used as such.

Improvements: See *development improvements*.



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 motor 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 the contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junkyard: 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 junkyards. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of two or more abandoned or junked vehicles.
- B. The outside storage or deposit on a lot of one or more mobile/manufactured homes that are not in a habitable condition.
- C. The commercial use of any lot for the placement or storage of any number of abandoned or junk vehicles.

Kennel: Any of the following:

- A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.
- B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels, and commercial kennels.
- C. The noncommercial keeping of more than a combined total of four domestic dogs or domestic cats that are more than six months of age.

Lake or Pond: A natural or artificial body of water one acre or larger which retains water year-round. Artificial ponds may be created by dams or result from excavation.

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 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 residential dwelling units unless such units are intended to be a condominium.

Landfill: See *solid waste facility*.

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

Library: See *semi-public building or use*.

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 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: See *animal husbandry*.

Loading/Unloading Space: An interior or exterior off-street space or berth used for the loading or unloading of people, cargo, products, or materials from vehicles.

Long-Term Residency (or Occupancy): Occupancy of a dwelling, generally for periods of more than 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds, recreational vehicles, and similar dwellings, and which serves as the primary residence for the occupants. *Long term residency (or occupancy)* also includes any dwelling or structure where children who attend school reside.

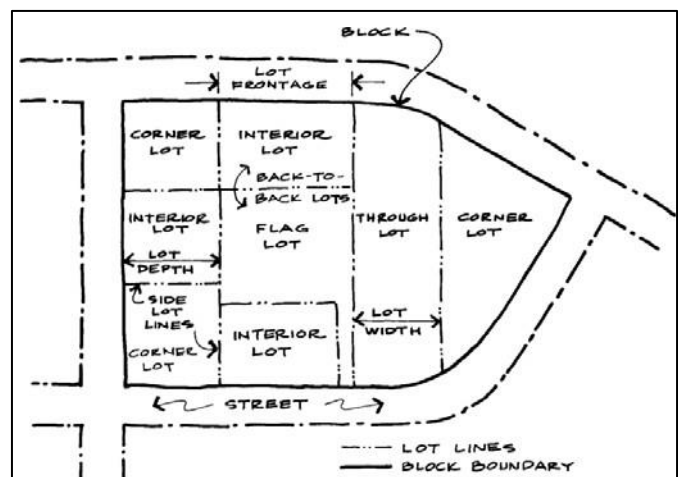
Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Existing of Record: Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds.

Lot, Flag: A lot which does not meet minimum frontage requirements and where access to the public road is by a private driveway which is part of the lot. The area representing the staff of the flag lot shall not be considered part of the lot area.

Lot, Interior: A lot other than a corner lot, the rear and side lines of which do not abut a street.



Lot, Reverse Frontage: A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Area: The area contained within the lot lines.

Lot Coverage: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools, and other impervious areas.

Lot Depth: The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line. On corner lots, lot depth shall be measured along the longest dimension of the lot.

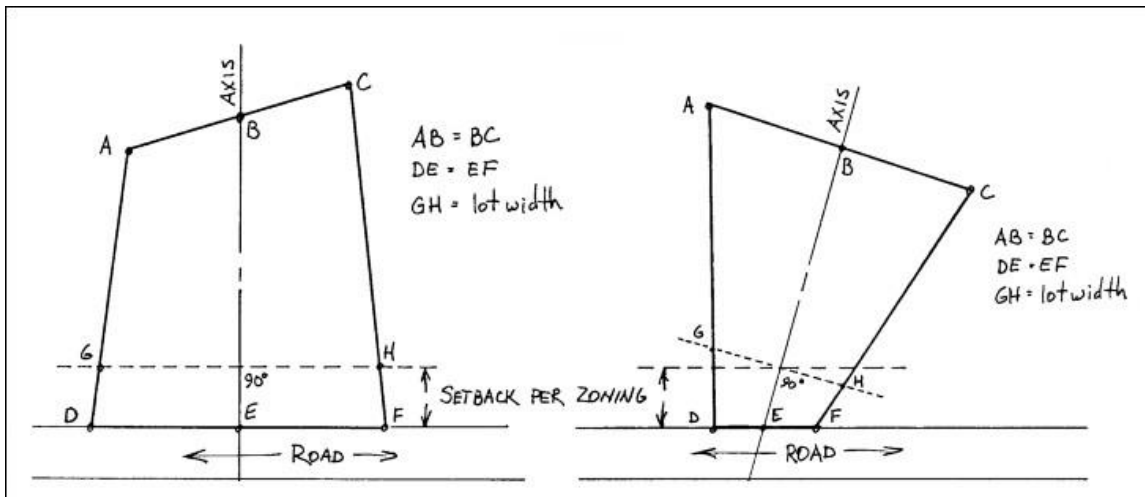
Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See also *setback, required*. (See illustration on the next page.)

Lot Line, Front: The lot line(s) separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from 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, the 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 50 percent of the lot width as required by the Township Subdivision and Land Development Ordinance.



Lumbering: See *forestry*.

Lumberyard: An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Manufactured Housing or House (Mobile Home): Housing which bears a label as required by and referred to in the act of November 17, 1982, PL.676. No. 192). known as the Manufactured Housing Construction and Safety Standards

Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

Manufactured Housing (Mobile Home) Lot: A parcel of land in a manufactured housing park which is leased by the park owner to the occupants of the manufactured house erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

Manufactured Housing (Mobile Home) Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured housing lots for the placement thereon of manufactured houses.

Manufactured Housing (Mobile Home) Sales: The use of any building, land area or other premises for the display and sale of new and used manufactured houses or trailers including any warranty repair work and other repair service as an accessory use.

Manufacturing and Industry: Establishments engaged in the mechanical, chemical or other transformation of 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.

Massage: Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.

Massage Facility, Therapeutic: A facility which meets all of the following criteria:

- A. Massages are conducted for a fee, tip, or other consideration; and,
- B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic massage organization that requires substantial professional training.
- C. The establishment does not meet the definition of *massage parlor*.

Medical Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than 24 hours.

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Commonwealth to dispense medical marijuana.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Commonwealth to grow and process medical marijuana.

Meeting, Assembly, Banquet Hall, or Wedding Venue: A structure designed for an assemblage of people for gatherings such as weddings, banquets, parties, and meetings.

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

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

Mineral Depot: Any site, facility or operation with the primary use being the transfer of minerals from a railroad car or vehicle to another railroad car or vehicle for distribution, and/or the primary use being storage of minerals for distribution. This shall not include a *bulk fuel storage facility* or the storage or transfer of minerals incidental to another approved use.

Mineral Extraction: The mining, removal, or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining, and drilling) of minerals as defined in this Article and including the incidental screening, washing, crushing, and grading of materials originating on the site. Mineral extraction shall not include:

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. The on-site extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the on-site extraction of minerals associated with a public construction contract.
- D. The handling, processing, or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- E. The extraction, handling, processing, or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:
 - 1. Extraction, handling, processing, or storing are conducted concurrently with construction.
 - 2. The area mined is limited to the area necessary to construction.
 - 3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals 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. It also includes the collection, processing, reprocessing, and/or storage of stone; rock; soil; sand; wood; post-construction concrete, masonry, or asphalt; or similar materials. It shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*.

Mini-Mart: See *convenience store*.

Mini Warehouse: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Mobile Food Service Operation: The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle, or trailer. Examples are food trucks and hotdog stands/carts. Such operations which are conducted as a temporary event by a public use or a semi-public use (e.g., a fair or carnival) are not included and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included.

Mobile Home: See *manufactured housing*.

Mobile Home Lot: See *manufactured housing lot*.

Mobile Home Park: See *manufactured housing park*.

Mobile Sales Operation: Sales from a portable stand, vehicle, or trailer. Examples are furniture, rug and produce sales. Such operations conducted as a temporary event by a public use or a semi-public use (e.g., a fair or carnival) and vendors who

travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included.

Motel: A facility offering temporary (generally for periods of two weeks or less and not used as a permanent residence) lodging accommodations to the public, typically based on daily or weekly rentals, each of which is provided with a separate exterior entrance and a parking space, and which may provide recreational facilities but not additional services such as restaurants and meeting rooms.

MPC: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

Multi-Family Project: Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property is also considered a multi-family development. Two-family dwellings in a multi-family development are considered townhouses.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality.

Municipality: Palmyra Township, Pike County, Pennsylvania.

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

Nightclub: An establishment dispensing food and drink and in which music, dancing, or entertainment is an integral and significant part of the operation.

No-Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity shall not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business shall not involve any illegal activity.

Nonconformity and Associated Definitions: See Article IX.

Nuisance: A condition or situation that results in an interference with the enjoyment and use of real estate.

Nursery, Plant Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail businesses.

Nursery, Retail: See *garden center, retail*.

Nursing Home: See *personal care home*.

Occupancy: Any use of or activity upon a premise or holding real property by being in possession.

Office or Office Building: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity. It may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day care facilities.

Official Zoning Map: The Official Zoning Map of Palmyra Township, Pike County, Pennsylvania.

Off-Site Sewage Disposal: 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 plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling, or two dwelling units located on the same property, or adjacent properties shall not be considered as off-site 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.

Off-Track Wagering Facility: A facility licensed pursuant to the provisions of the Racehorse Reform Act for gaming authorized at a non-primary location pursuant to the provisions of the Racehorse Reform Act. Considered a *gaming establishment* for regulation by this Ordinance.

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 Space or Open Land: An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this Ordinance or the subdivision and land development ordinance. It may be part of a particular development tract set aside for the protection of sensitive natural features or for the use of residents of the development. It is restricted from further development and cannot be used as a basis for density for any other development.

Open Space, Common: Open space that is part of a conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

Open Space, Conservation: Open space that is part of a conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views, and other primary and secondary conservation areas and which are permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. 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.

Open Space, Required Public: Open space that is dedicated or reserved for the use of the general public in accord with the

requirements of this Ordinance.

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.

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to apply for the development or use of land.

PA DEP or DEP: The Pennsylvania Department of Environmental Protection.

PA DOT or PennDOT: The Pennsylvania Department of Transportation.

Parcel: See *lot*.

Park and Ride Facility: A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.

Parking Area: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets. See *garage*.

Parking Area, Private: A parking area for the exclusive use of the clients, customers, or owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parking Area, Public: A parking area available to the public, with or without payment of a fee.

Parking Space, Off-Street: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a street right-of-way.

Parking Space, On-Street: A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

Patio: A surfaced area or courtyard or a deck less than one foot above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls less than four feet in height, shrubs, or hedges. Outdoor areas which are screened against insects or enclosed by a roof or awning shall be considered a structure. (See *porch*.)

Pawn Shop: A business which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the shop.

Permanent Foundation: A permanent foundation which meets the requirements of the Uniform Construction Code.

Permit: A document issued by the proper authority which authorizes the applicant to undertake certain activities in compliance with all the applicable codes and ordinances.

- A. Zoning Permit: Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this Ordinance. Issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Township Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.
- B. Certificate of Use: A document issued by the Zoning Officer stating that a newly constructed or altered building, structure, and/or use complies with this Ordinance and may be lawfully used.

- C. Building Permit or Construction Permit: Issued by the building code official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Uniform Construction Code.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Care Home: A residential use providing residential and support services primarily to persons who are over age 60, ill, physically disabled and/or the developmentally disabled and which is licensed as a personal care home by the Commonwealth of Pennsylvania.

Place of Worship: Buildings, synagogues, churches, temples, cathedrals, chapels, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization qualifying under §501(c)(3) of the Internal Revenue Code for nonprofit and noncommercial purposes which people regularly attend to participate in or hold religious services, meetings or functions, or religious instruction, and which may include customary incidental accessory uses such as kitchen and dining facilities, meeting and activity rooms, and recreation facilities.

Planing Mill: A commercial operation equipped with machinery for cutting, finishing, or molding lumber after it has been through a sawmill and is seasoned.

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

Plat or Plat Plan: A map or plan of a subdivision or land development, whether preliminary or final.

Pond or Lake: See *lake or pond*.

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 feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Power Plant: Any facility, including structures, machinery, and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, 75 percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used.

Principal Building: See *building, principal*.

Principal Permitted Use: A use allowed in a zoning district which may be approved by the Zoning Officer provided the application complies with all requirements of this Ordinance.

Principal Use: The primary or predominate use(s) of a lot as opposed to an accessory use.

Professional Office: The office of a member of a recognized profession such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister, optometrist, planner, physician, or realtor.

Property Owners, Association (POA): A non-profit corporation organized by the developer or homeowners for 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: Something owned, operated, and supported by a government or government agency for the use or benefit of the public.

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 uses specifically defined by this Ordinance.

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

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

Public Notice (for a public hearing): Notice published once each week for two 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 30 days, and the second publication shall not be less than seven days from the date of the hearing.

Qualified Professional: An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

Racetrack: 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 recreation, 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 Facility, Commercial: Outdoor or indoor areas or structures, operated by non-governmental entities, open to the public, which may contain entertainment and amusement devices or attractions including, but not limited to, picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding theaters, public parks, and playgrounds.

Recreation Facility, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government. Considered *public building and use* for regulation by this ordinance.

Recreational Cabin: A building or structure designed, arranged, intended, or used as the living quarters where all of the following apply:

- A. The cabin is utilized principally for recreational activity.
- B. The cabin is not utilized as a domicile or residence for any individual for any time period.
- C. The cabin is not utilized for commercial purposes.

- D. The cabin is not greater than two stories in height, excluding basement.
- E. The cabin is not utilized by the owner or any other person as a place of employment.
- F. The cabin is not a mailing address for bills and correspondence.
- G. The cabin is not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

Recreational Vehicle: A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled, or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

Recreational Vehicle Park: See *campground or recreational vehicle 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 recyclable as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance.

Related or Relative: See *family*.

Repair: The reconstruction or renewal of any part of an existing building for its maintenance. See also *addition* and *alteration*.

Research, Engineering or Testing Laboratory: A facility in a fully enclosed building for investigation into the natural, physical, or social sciences, which may include engineering and product development, physical activities usually associated with wet labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions. It may also include pilot plant operations not exceeding 25 percent of the gross floor area of the facility used to test concepts and ideas, to determine physical layouts, material flows, type of equipment required, costs, and to secure other information prior to full-scale production.

Reservoir Space: A parking place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant, or a car/truck wash.

Resort: A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including *bed and breakfast inns*, *campgrounds*, *recreational vehicle parks*, *manufactured housing parks*, *short-term rentals* or any other use defined by this Ordinance. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, fitness centers, day care centers, facilities for special commercial events, and employee living quarters.

Resource Recovery Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste (as defined by PA Code Title 25, §271.1).

- A. The term includes a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy and a chemical and biological process that converts municipal waste into a fuel product.
- B. The term includes a facility for the combustion of municipal waste that is generated offsite, whether or not the

facility is operated to recover energy.

- C. The term includes land affected during the lifetime of operations, including, but not limited to, areas where processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.
- D. The term does not include:
 - 1. A *composting facility* as defined herein.
 - 2. Methane gas extraction from a municipal waste landfill.
 - 3. A recycling facility as defined herein, an accessory drop-off point or collection center for recycling, or a source separation or collection center for composting leaf waste.

Restaurant: An establishment, where food and drink are prepared, served, and consumed, mostly within the principal building, and which may include limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows shall be considered a *nightclub*. 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.

Retail Home Heating Fuel Distributors: An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not exceed a combined total of 10,000 gallons. Any such establishment where the storage of fuel on the site exceeds a combined total of 10,000 gallons shall be considered a *bulk fuel storage facility*.

Retaining Wall: A solid or integrated vertical structure more than four feet in height designed for the separation or retention of varying ground levels.

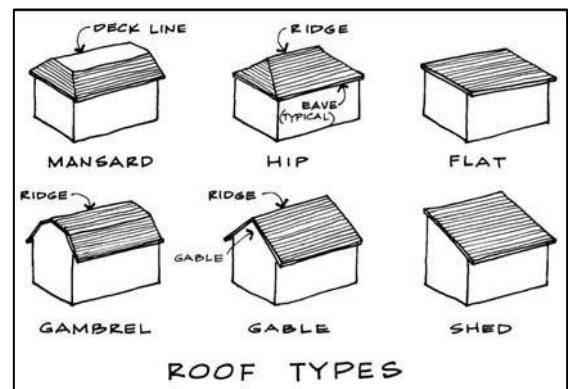
Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Roof: The outside top covering of a building.

Row House: See *dwelling, townhouse*.

Satellite Dish Antenna or Satellite Antenna: Apparatus designed for transmitting radio energy to satellites or receiving it from satellites and including any attached mountings or brackets.

Sawmill: A commercial operation where timber is sawed into boards. This does not include a portable sawmill operating temporarily as an accessory to a timber harvest.



School, Public or Private Primary or Secondary School: An educational institution that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools*.

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 topography, fencing, 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.

Self-Storage Facility: See *mini warehouse*.

Semi-Public Building or Use: A building or use operated by community-based organizations for the general use of residents, including fire houses, ambulance buildings, private schools, libraries, and the like, but excluding institutional uses such as nursing homes, hospitals, clinics and other uses specifically defined by this Ordinance. It also includes essential services and public utilities that require enclosure within any structure or building.

Service Establishment: An establishment engaged in providing services involving the care of a person or a person's goods or apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries and similar uses, and which is not otherwise listed as a use in the Schedule of Uses.

Setback: An open unoccupied space extending the full depth or width of a lot and which is not occupied by any portion of any building. Front setbacks shall be measured from the edge of the street right-of-way and other setbacks from property lines. (See next page for *Required Setbacks Diagram*.)

Setback, Front: The required minimum open space measured from the street right-of-way extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. In the case of a street without a right-of-way, it is measured from the lot line adjoining the street. (See also *yard* and *lot line*.)

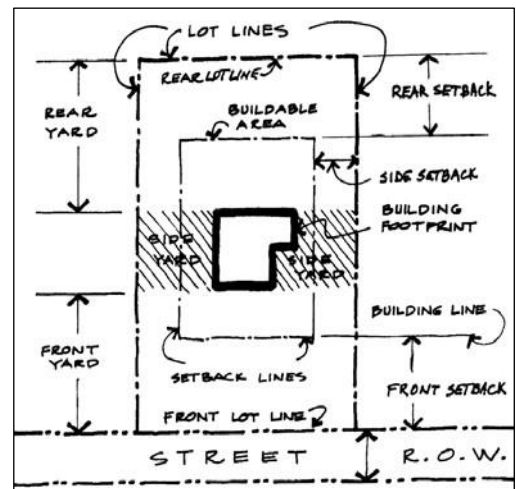
Setback, Rear: The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.

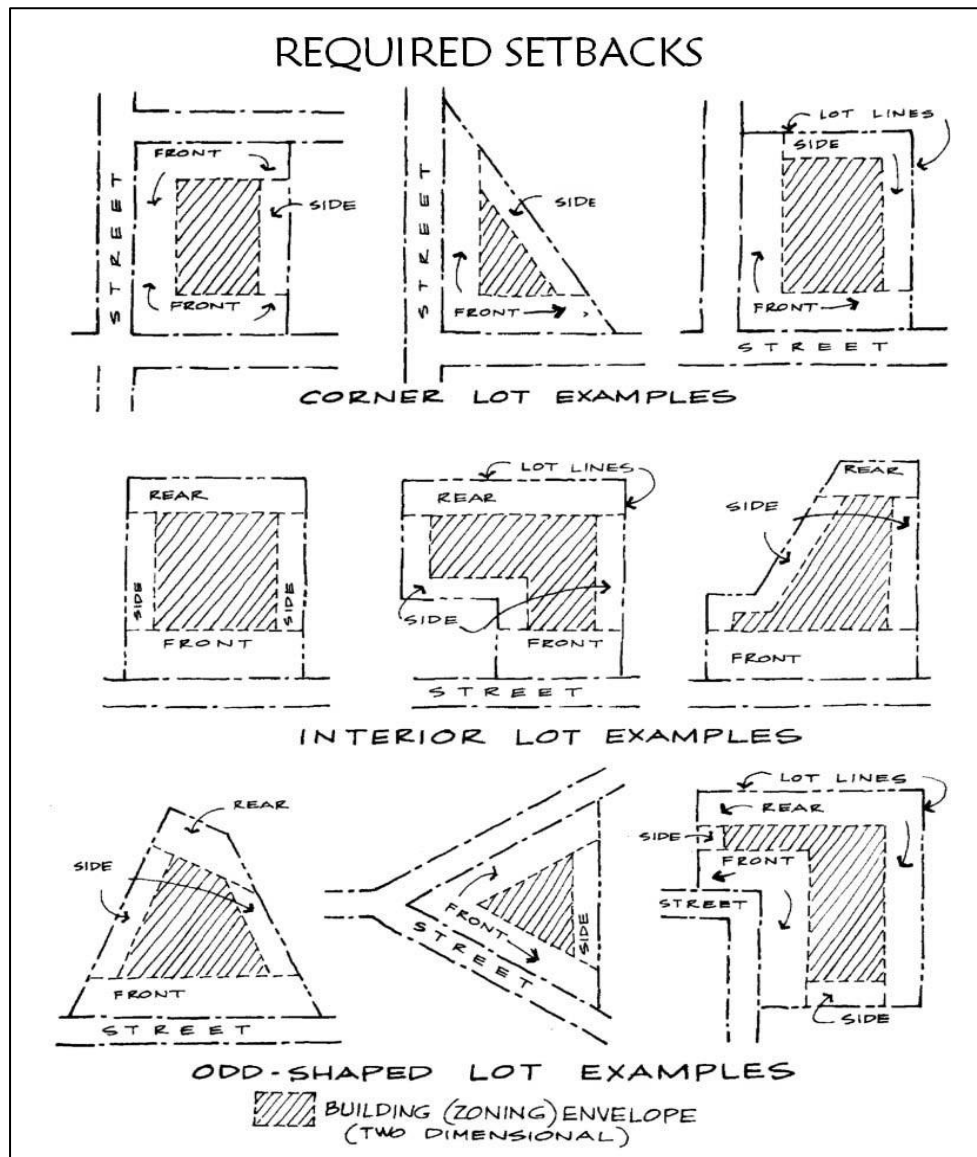
Setback, Side: A required minimum open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.

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, Central, Community or Off-Site: A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment and subsurface or other type of disposal area or stream discharge in compliance with the Pennsylvania Department of Environmental Protection regulations and/or regulations of the Township, whichever may be more stringent. A system designed to serve a two-family dwelling, or two dwelling units located on the same property, or adjacent properties shall not be considered as off-site 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: Any system designed to biochemically treat sewage within the boundaries of an individual lot from one individual dwelling or one individual nonresidential building. A system designed to serve a two-family dwelling, or two 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 Treatment Plant: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system, which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

Shed: A detached accessory structure used for the storage of tools, minor equipment, and materials.

Shooting Range, Indoor Commercial: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes.

Shooting Range, Outdoor Commercial: Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes.

Shopping Center or Mall: A group of independent (i.e., not dependent on each other for operation) commercial establishments (otherwise allowed in the District of location) occupying spaces separated by walls which are 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, landscaping, and signs.

Short Term Rental Unit: Any dwelling unit within a residential dwelling structure rented for overnight lodging for a period of not less than one day and not more than 30 days.

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, Air Dancer: A temporary inflatable sign comprised of a long fabric tube which is attached to and powered by an electric fan, causing the tube to move about in a dynamic dancing or flailing motion and which takes on the three dimensional shape of an animal, person, or another object.

Sign, Banner: A temporary sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric, or similar material.

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, Feather Flag: A temporary sign made from durable, lightweight fabric with a sturdy or flexible frame designed to be tall and narrow, generally shaped like a feather, and is attached to a pole for outdoor display. (Also known as a *teardrop flag*, *advertising flag*, or *promotional flag*.)

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, Inflatable: A temporary sign made of flexible material or fabric that is made to take on a three-dimensional shape when filled with a sufficient volume of air or gas or constant flow of air. including, but not limited to, balloons and tube.

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, Snipe: A temporary sign attached to a tree, pole, stake, fence, or similar object which is readable from a street, and which is not allowed in that location because the advertising matter appearing on the is not applicable to the present use of

the premises upon which such sign is located.

Sign, Temporary: Any sign constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard, wood or other like materials, with or without frames; or any sign not permanently attached to the ground, wall, or building. This includes, but is not limited to, banners, pennants, valances, inflatable signs, feather signs, balloons, inflatable tube signs, and any other signs identified as a *temporary sign* by the §5.400.

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.

Single-Family Dwelling: See *dwelling, single family detached*.

Slaughterhouse: A use involving the killing of animals to produce 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 slaughterhouse. Slaughterhouse shall not include a custom butcher shop that does not involve killing of animals which is considered a *retail business*.

Slope: The change in elevation over a horizontal distance is usually expressed in percent. (See *grade*.)

Slope, Steep: Areas of land where the grade is 25 percent or greater.

Small Animals and Fowl: Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons, and any other similar animal.

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

Solar Access: A property owner's right to have sunlight shine on the owner's land.

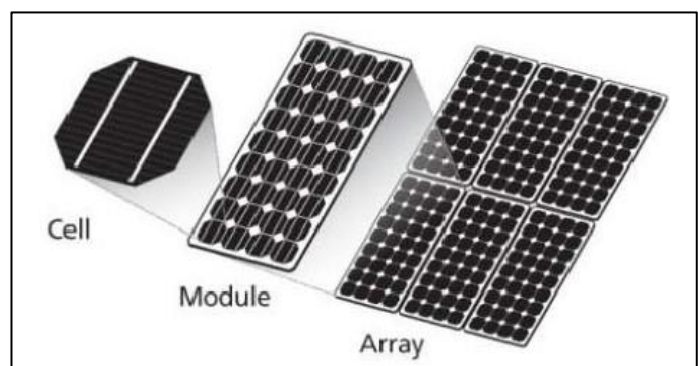
Solar Array: A grouping of multiple solar modules for harvesting solar energy.

Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Solar Commercial Energy Facility: A facility where one 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.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar electric system.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.



Solar Energy System, Accessory: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Solar Related Equipment: Items including, but not limited to, a solar photovoltaic cell, module, or array, or solar hot air or water collector devices, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

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 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: Any facility or operation 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. Considered a *solid waste facility* for regulation by this Ordinance.

Solid Waste Transfer Facility: A building or area of land which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a processing or disposal facility. Considered a *solid waste facility* for regulation by this Ordinance.

Sorority House: See *fraternity house*.

Special Exception: A use in a particular zoning district to be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(1) of the Pennsylvania Municipalities Planning Code.

Sports Courts: Typical sports courts such as basketball, tennis, pickleball, bocce and similar such sports courts as provided for and regulated under §5.301I.

Sport Vehicle: All terrain vehicles, four wheelers, golf carts, motorcycles, snowmobiles, watercraft, trailers used for such vehicles, and utility trailers.

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, training, riding, or show, and which includes the commercial hire of horses to the 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 Area 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.

State: The Commonwealth of Pennsylvania and its agencies.

Storage Container: A receptacle such as a wooden or metal box or a trailer of a tractor trailer with wheels removed in which raw materials, products or other items are stored. (e.g., a POD)

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, flagstone, 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.

Stream: A natural watercourse. See *watercourse*.

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.

Structural Alteration: See *alteration*.

Structure: Any material or combination of materials which are constructed or erected, the use of which requires location on or in the ground or water or attached to something located on or in the ground or water.

Structure Height: The vertical measurement from the average grade at the front of the structure to its highest point unless otherwise specified by this Ordinance for a specific type of structure. (See also *building height*.)

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

Structure, Portable: Any structure that is not permanently affixed to the ground but is designed to be moved from place to place including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering.

Structure, Temporary: Any structure that is erected for the limited period specified in the zoning permit.

Studio: An establishment or workspace for:

- A. The creation, manufacture, and/or preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.
- B. The production of radio, television, or movies.
- C. The teaching of dance, acting, martial arts and similar training activities.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [See the subdivision and land development ordinance for types of subdivisions.]

Swimming Pool: A body of water or receptacle for water having a depth at any point greater than two feet, which is used or intended to be used for swimming or bathing and constructed or maintained in or above the ground.

Tattoo, Body Piercing, Scarifying or Branding Parlor: An establishment engaged in any of the following:

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarifying beneath the skin by use of needles for adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.
- C. The cutting or tearing of human skin for creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

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.

Temporary Construction Building: A building erected on a lot for temporary use in conjunction with construction on that lot.

Temporary Outdoor Sales/Promotions: A 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.

Tent: A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

Theater, Drive-In: 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.

Theater, Indoor: A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use where patrons are seated in the building but not including an *adult motion picture theater*.

Tour Boat: Any watercraft used to transport sightseers in exchange for remuneration of any kind typically starting and ending in the same place and of a duration less than a day.

Townhouse: See *dwelling, single-family attached/townhouse*.

Township: The Township of Palmyra/Palmyra, Pike County, Pennsylvania.

Tract: See *lot*.

Tract Area, Adjusted (ATA): See *adjusted tract area*.

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 16.

Transient Use: Occupancy of a dwelling unit for less than 30 consecutive days at separate times over the course of a year; not including unrelated individuals who may be temporarily staying at the location as guests of the principal occupant for no type of compensation.

Transitional Living Facility: A temporary home for individuals after release from an institution, hospital, or treatment center/clinic (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Travel Plaza: Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

Treatment Center/Clinic: A use licensed under the Pennsylvania Drug and Alcohol Abuse Control Act or other state statute which provides persons with housing, treatment, and/or counseling who need such facilities because of chronic abuse of or addiction to alcohol and/or a controlled substance, or a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. This includes, but is not limited to, *inpatient non-hospital activity, residential treatment and rehabilitation services, transitional living services, short-term detoxification*, and other uses as defined and regulated by the Pennsylvania Drug and Alcohol Programs. It does not include inpatient hospital services as defined and regulated by the Pennsylvania Department of Drug and Alcohol Programs or a *correctional facility*.

Trip: A single or one-way motor vehicle movement either to or from a subject property or study area.

Trip Distribution: The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.

Trip Ends: The total of single or one-direction vehicle movements entering and leaving a specified land use or site over a designated period.

Trip Generation: The total number of vehicle trip ends produced by a specific land use or activity.

Truck Stop: See *travel plaza*.

Truck Terminal: See *distribution/fulfillment center or truck terminal*.

Two-Family Dwelling: See *dwelling, two family*.

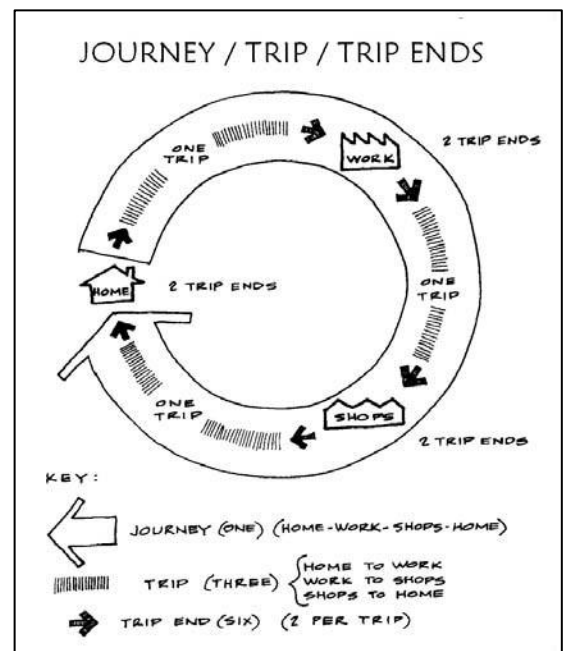
Undisturbed Area: Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded, or removed.

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

Utility, Public: Any agency or entity that, under public ownership, or under certificate of convenience and necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

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, trailers, farm machinery and implements,



and other wheeled equipment; any vehicle requiring a state registration; 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 a *retail business* for regulation by this Ordinance.

Vehicle and 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, and which may include the dispensing of motor fuels into the fuel tanks of motor vehicles and the sale of other retail products.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used vehicles of operable condition; manufactured houses or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50 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, Indoor: 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, pens or paddocks are on the premises.

Veterinary Clinic, Outdoor Facilities: 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, with outdoor kennels, pens, or paddocks on the premises.

Wall: See *fence or wall*.

Warehouse: A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials with a use of the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. A warehouse does not include value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and shall not include the consolidation of several orders into one large order for distribution to several recipients and/or vice versa, or any manufacturing or processing. A warehouse consists only of indoor storage of products and materials. See also *distribution/fulfillment center or truck terminal*.

Warehouse, Ancillary: A building of 12,000 square feet or less gross floor area on the same lot as the establishment used exclusively for the indoor storage, transfer and distribution of products and materials produced on the premises or for the storage of supplies and materials used by the establishment used for the establishment's products or services. Any such building in excess of 12,000 square feet gross floor area shall be considered a *warehouse*. Any use which stores products, materials or supplies for another business or enterprise is not considered a *warehouse, ancillary*.

Water Extraction, Large-Scale: Any use which involves the extraction or collection of 10,000 gallons or more of groundwater, spring and/or surface water for on-site or off-site use or consumption, including the expansion of any such existing use or operation.

Water Supply, Central, Community or Off-Site: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses.

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

Waterbody: Any natural or manmade freshwater pond, lake, or stream. This shall not include any pond or facility designed and constructed solely for storm water management.

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

Watercraft: 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.

Watercraft Dock: A platform, either floating or supported by any other means, which is designed and constructed for the purpose of providing mooring space for watercraft, 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 watercraft dock.

Watercraft 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 watercraft, 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.

Watercraft Docking Facility, Commercial: The use of any parcel of land to provide access to watercraft docks; and which includes parking but does not include principal structures or the launching of watercraft, 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.

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

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

Wedding Venue or Barn: See *meeting, assembly, banquet hall or wedding venue*.

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

Wholesale Business: Establishments or places of business with no on site manufacturing, primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

Wind Energy Facility: A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes, or which is sold on the open market. A wind turbine 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 energy facility*.

Wind Rotor: The propeller or blades, plus the hub to which the propeller or blades are attached, used to capture wind for energy conversion. The wind rotor is mounted on a pole, tower, or other structural support system along with other generating, electrical and accessory equipment to form a wind energy conversion system.

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity using 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*.

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; 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.

Wireless Communications Facility: See §8.5900.

Wood Chipping Operation: The importing of trees or other wood from any property to any another property for producing wood chips. This may include the storage of the cut trees and wood chips, and customers on the site to purchase wood chips, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for wood chip production or the temporary production of wood chips accessory to a timber harvest.

Yard: The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)

Yard, Lawn, Garage, Tag or Estate Sale: A sale, open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise, and clothing, held on the property of the person who is conducting the sale. 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 Ordinance.

Zoning Hearing Board: The Zoning Hearing Board of Palmyra Township, Pike County, Pennsylvania.

Zoning Map: The Official Zoning Map of Palmyra Township, Pike County, Pennsylvania.

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

Zoning Permit: See *permit*.

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

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 or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth in the Schedule of Development Standards in §4.400.

4.103 Floodplain Regulations

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the 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 Article XII 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 watercraft in the Fairview Lake Overlay District shall be prohibited. Residential occupancy shall be considered as the use of any watercraft 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. Permitted and Accessory Uses - 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 Exceptions - Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. Listed Uses Only - 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.
- D. More Restrictive Standards - Larger lot sizes, greater setbacks, buffers, and other more restrictive standards may be required by other provisions 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 Addressed in Ordinance

- 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 Board of Supervisors which shall have the authority to permit the use or deny the use as a conditional use. The intent is to address a use which was not anticipated at the time this Ordinance was adopted and is not allowed anywhere in the Township. If a proposed use is listed in the Schedule of Uses for another district, this §4.402 shall not be applied to allow the use in a district where it is not listed.
- B. Findings - The use may be permitted only if the Board of Supervisors 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. Use is not permitted in any other zoning district.

- C. Planning Commission Review - At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Board of Supervisors shall not conduct a public hearing on the application until the comments from the Planning Commission are received or 30 days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Board of Supervisors may attach reasonable conditions and safeguards to any conditional use approval granted, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Board of Supervisors 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.

SCHEDULE OF USES

PROHIBITED USES
<ul style="list-style-type: none"> - Mobile food service operations (see §8.2800) - Mobile sales operations (see §8.2800)

ACCESSORY USES IN ALL DISTRICTS (Zoning Officer)		
<ul style="list-style-type: none"> - Accessory use customary to approved use - Animal husbandry, home use - Carport - Daycare, home - Deck - Essential services - Farm stand - Fence* (See §5.301F) - Garage, private - Gazebo - Greenhouse, plant, private 	<ul style="list-style-type: none"> - Guard house - Home garden* - Home occupation - Hot tub - No-impact home-based business - Parking area accessory to approved use - Patio* - Porch - Satellite dish antenna or satellite antenna* 	<ul style="list-style-type: none"> - Shed - Sign accessory to approved use - Solar collector, accessory** - Sports courts per §5.301I - Swimming pool, private - Tennis court, private - Wind turbine generator, accessory, lot two acres or more - Yard, lawn, garage, tag, or estate sale*
*No permit required. ** No permit required if mounted on roof.		

R - RESIDENTIAL DISTRICT - The intent of the Residential District is to provide land in a sufficient amount to accommodate the residential needs of 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"> - Cemetery, not including a crematorium - Crop production - Dwelling, single-family - Dwelling, two-family - Forestry 	<ul style="list-style-type: none"> - Group home - Public park or playground - Recreation facility, public - Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area 	<ul style="list-style-type: none"> - Short-term rental unit - Stable, private - Utility facilities requiring enclosure in structures - Winery, farm
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none"> - Conservation design subdivision - Day care center 	<ul style="list-style-type: none"> - Development sales office - Golf course 	<ul style="list-style-type: none"> - Wind turbine generator, accessory, lot less than two acres
SPECIAL EXCEPTIONS - none		

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)		
<ul style="list-style-type: none"> - Cemetery, not including a crematorium - Crop production - Dwelling, single-family - Dwelling, two-family - Forestry 	<ul style="list-style-type: none"> - Group home - Public park or playground - Recreation facility, public - Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area 	<ul style="list-style-type: none"> - Short-term rental unit - Stable, private - Utility facilities requiring enclosure in structures - Winery, farm
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none"> - Bed and breakfast inn - Conservation design subdivision - Day care center - Development sales office 	<ul style="list-style-type: none"> - Dwelling, quadraplex - Dwelling, townhouse - Golf course 	<ul style="list-style-type: none"> - Group home, institutional - Wind turbine generator, accessory, lot less than two acres
SPECIAL EXCEPTIONS - none		

S - SPECIAL PURPOSE DISTRICT - The intent of the Special Purpose District is to designate certain areas of the Township for future residential and resort and service commercial types of 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)

- Animal husbandry, commercial (minimum of 10 acres)
- Cemetery, not including a crematorium
- Country club
- Crop production
- Day care center
- Development sales office
- Dwelling, quadplex
- Dwelling, townhouse
- Dwelling, single-family
- Dwelling, two-family
- Emergency services center
- Forestry

- Golf driving range
- Group home
- Hunting preserve, commercial, minimum 20-acre parcel
- Massage facility, therapeutic
- Medical clinic
- Nursery, plant wholesale
- Public park or playground
- Recreation facility, public
- Recreational cabin
- Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area

- School, public or private, nursery, primary or secondary
- Short-term rental units
- Studio
- Stable, commercial
- Stable, private
- Utility facilities requiring enclosure in structures
- Veterinary clinic, indoor
- Winery, farm

CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)

- Airport
- Animal shelter
- Archery range, outdoor commercial
- Bed and breakfast inn
- Brewery/distillery/winery pub
- Brewery/distillery/winery pub with not more than 80 patron seats, total inside, bar, and outside
- Camp/retreat
- Campground or recreational vehicle park not to exceed 6 sites per acre of adjusted tract acreage as calculated per §6.104D
- Concentrated animal feeding operation (CAFO)
- Conservation design subdivision
- Golf course
- Greenhouse, plant commercial
- Heliport, private

- Heliport, public
- Hotel
- Kennel
- Meeting, assembly, banquet hall, or wedding venue
- Menagerie
- Mineral extraction (see definition which allows limited processing)
- Motel
- Outdoor entertainment associated with motels, hotels, resorts
- Recreation facility, commercial (other than uses listed separately)
- Resort
- Restaurant
- Restaurant with not more than 80 patron seats total inside, bar and outside

- Sawmill
- Semi-public building or use (other than uses listed separately)
- Shooting range, indoor commercial
- Shooting range, outdoor commercial
- Solar commercial energy facility
- Storage yard for forest products and minerals
- Swimming pool, commercial
- Veterinary clinic, outdoor facilities
- Wind turbine generator, accessory, lot less than two acres
- Wireless communication facilities (see §8.5903A and §8.5905A for principal permitted uses)
- Zoo

SPECIAL EXCEPTIONS - none

MP – MOBILE HOME (MANUFACTURED HOUSING) PARK DISTRICT - The intent of the Mobile Home Park District is to provide areas for the location of manufactured housing parks and similar transient-type residential uses along with other compatible uses.		
PRINCIPAL PERMITTED USES (Zoning Officer)		
<ul style="list-style-type: none"> - Cemetery, not including a crematorium - Crop production - Dwelling, single-family - Dwelling, two-family - Forestry - Group home 	<ul style="list-style-type: none"> - Manufactured housing (mobile home) park - Public park or playground - Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area 	<ul style="list-style-type: none"> - Short-term rental unit - Stable, private - Utility facilities requiring enclosure in structures - Winery, farm
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none"> - Bed and breakfast inn - Campground or recreational vehicle park not to exceed 6 sites per acre of adjusted tract acreage as calculated per §6.104D 	<ul style="list-style-type: none"> - Conservation design subdivision - Day care center - Development sales office - Golf course 	<ul style="list-style-type: none"> - Wind turbine generator, accessory, lot less than 2 acres
SPECIAL EXCEPTIONS - none		

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"> - Agritourism - Amusement arcade - Archery range, indoor commercial - Auction house - Bakery or confectionary, retail - Bank - Bed and breakfast inn - Billiard hall - Brewery/distillery/winery pub with not more than 80 patron seats, total inside, bar, and outside - Business office - Business services - Catering service 	<ul style="list-style-type: none"> - Cemetery, not including a crematorium - Crop production - Dwelling, single-family - Dwelling, two-family - Exercise club - Forestry - Golf course, miniature - Group home - Massage facility, therapeutic - Medical clinic - Office or office building - Place of worship - Professional office 	<ul style="list-style-type: none"> - Public park or playground - Restaurant with not more than 80 patron seats total inside, bar, and outside - Retail business (other than uses listed separately) - Service establishment (other than uses listed separately) - Short-term rental unit - Stable, private - Studio - Utility facilities requiring enclosure in structure - Wind turbine generator, accessory, lot less than two acres
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none"> - Convenience store - Day care center 	<ul style="list-style-type: none"> - Development sales office - Funeral home 	
SPECIAL EXCEPTIONS - none		

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)

<ul style="list-style-type: none"> - Agritourism - Amusement arcade - Archery range, indoor commercial - Assisted living facility - Auction house - Automobile rental operation, ancillary - Bakery or confectionary, retail - Bank - Bed and breakfast inn - Billiard hall - Boarding house or lodging house - Brewery/distillery/winery pub - Business office - Business services - Catering service - Club/lodge, private - Coffeehouse - Community center - Convenience store - Country club - Crematorium - Day care center - Development sales office - Crop production - Cultural center - Domestic violence shelter 	<ul style="list-style-type: none"> - Dwelling, quadruplex - Dwelling, single-family - Dwelling, townhouse - Dwelling, two-family - Emergency services station - Exercise club - Farmers market - Flea market, indoor - Forestry - Funeral home - Garden center, retail - Group home - Group home, institutional - Library - Marina - Massage facility, therapeutic - Medical clinic - Mini warehouse - Nursing home - Office or office building - Pawn shop - Personal care home - Place of worship - Professional office - Public park or playground - Recreation facility, public 	<ul style="list-style-type: none"> - Resort - Restaurant (see also drive-in use) - Retail business (other than uses listed separately) - Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area - School, public or private, nursery, primary or secondary - Service establishment (other than uses listed separately) - Short-term rental unit - Studio - Tattoo, body piercing, scarifying, or branding parlor - Tavern - Theater, indoor - Trade school - Utility facilities requiring enclosure in structures - Vehicle and equipment rental fully enclosed in building - Veterinary clinic, indoor - Warehouse, ancillary (12,000 sq. ft. or less gross floor area) - Watercraft storage area
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CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)

<ul style="list-style-type: none"> - Bus, limousine, or taxi terminal - Camp/retreat - Conference center - Conservation design subdivision - Contractor shop or yard - Dormitory - Drive-in use for uses allowed in district - Dwelling, apartment building - Dwelling, in conjunction with a nonresidential use - Flea market, outdoor - Golf course - Greenhouse, plant commercial 	<ul style="list-style-type: none"> - Hotel - Manufactured housing (mobile home) park - Meeting, assembly, banquet hall, or wedding venue - Motel - Nightclub - Nursery, plant wholesale - Outdoor entertainment - Public building or use (other than uses listed separately) - Recreation facility, commercial (other than uses listed separately) 	<ul style="list-style-type: none"> - Recreational vehicle park - Semi-public building or use (other than uses listed separately) - Shopping center or mall - Stable, private - Swimming pool, commercial - Transitional living facility - Warehouse, ancillary (more than 12,000 sq. ft. gross floor area) - Wholesale business - Wind turbine generator, accessory, lot less than two acres - Winery, farm
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SPECIAL EXCEPTIONS - none

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)		
<ul style="list-style-type: none"> - Agritourism - Amusement arcade - Archery range, indoor commercial - Auction house - Bakery or confectionary, retail - Bank - Bed and breakfast inn - Billiard hall - Boarding house or lodging house - Brewery pub/distillery pub/winery pub - Business office - Business services - Catering service - Coffeehouse - Contractor shop or yard - Convenience store - Crematorium - Day care center - Development sales office - Dwelling, quadraplex - Dwelling, multi-family 	<ul style="list-style-type: none"> - Dwelling, single-family - Dwelling-two-family - Exercise club - Farmers' market - Flea market, indoor - Forestry - Funeral home - Garden center, retail - Golf course, miniature - Golf driving range - Group home - Group home, institutional - Lumberyard - Manufactured housing sales - Marina - Massage facility, therapeutic - Medical clinic - Medical marijuana dispensary - Medical marijuana grower/processor - Meeting, assembly, banquet hall, or wedding venue 	<ul style="list-style-type: none"> - Mini warehouse - Office or office building - Pawn shop - Professional office - Restaurant (see also drive-in use) - Retail business (other than uses listed separately) - Service establishment (other than uses listed separately) - Shopping center or mall - Short-term rental unit - Studio - Tattoo, body piercing, scarifying, or branding parlor - Tavern - Theater, indoor - Vehicle and equipment rental fully enclosed in building - Veterinary clinic, indoor - Warehouse, ancillary (12,000 sq. ft. or less gross floor area) - Watercraft storage area or structure
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none"> - Adult business - Agricultural products processing - Airport - Amusement park - Bituminous concrete batch plant - Brewery - Bulk fuel storage facility - Bus, limousine, or taxi terminal - Car wash/truck wash - College - Composting facility - Concrete batch plant - Conference center - Correctional facility - Crusher plant - Data center - Distillery - Distribution center/fulfillment center or truck terminal - Dormitory - Drive-in use for uses allowed in district - Explosive plant or storage 	<ul style="list-style-type: none"> - Dwelling, apartment building - Fairground - Firewood processing and sales - Fireworks plant or storage - Flea market, outdoor - Fraternity house - Gaming establishment - Heliport, private - Heliport, public - Homeless shelter - Hospital - Hotel - Junkyard - Manufacturing and industry - Mineral depot - Mineral extraction (see definition which allows limited processing) - Mineral processing - Motel - Nightclub - Oil or gas well - Outdoor entertainment - Park and ride facility 	<ul style="list-style-type: none"> - Planing mill - Power plant - Public building or use (other than uses listed separately) - Racetrack - Recreation facility, commercial (other than uses listed separately) - Recycling facility - Research, engineering, or testing laboratory - Resort - Resource recovery facility - Retail home heating fuel distributor > 10,000 gallons storage - Retail home heating fuel distributor 10,000 gallons or less storage - Sawmill - Semi-public building or use (other than uses listed separately) - Shooting range, indoor commercial - Slaughterhouse - Solar commercial energy facility - Solid waste facility

HC - HIGHWAY COMMERCIAL DISTRICT CONTINUED

CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
<ul style="list-style-type: none">- Sorority house- Staging area for equipment and material- Storage yard for forest products and minerals- Swimming pool, commercial- Theater, drive-in- Transitional living facility- Treatment center/clinic- Travel plaza	<ul style="list-style-type: none">- Vehicle and equipment rental, outdoor storage- Vehicle and equipment repair operation- Vehicle and equipment sales operation- Veterinary clinic, outdoor facilities- Warehouse- Warehouse, ancillary (more than 12,000 sq. ft. gross floor area)	<ul style="list-style-type: none">- Water extraction, large scale- Wholesale business- Wind energy facility- Wind turbine generator, accessory, lot less than two acres- Winery- Wood chipping operation- Zoo
SPECIAL EXCEPTIONS - none		

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 public safety; and to assure that commercial facilities are located to assure the collection of taxes on an equitable basis.		
PRINCIPAL PERMITTED USES (Zoning Officer)		
- Watercraft rental		
CONDITIONAL USES (Planning Commission / Board of Supervisors) (See §11.804 for additional requirements.)		
- 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 watercraft associated with an approved boat rental operation
SPECIAL EXCEPTIONS - none		
PROHIBITED USES - The following uses shall not be permitted. <ul style="list-style-type: none"> - Residential occupancy of any boat or other watercraft. Residential occupancy shall be considered as the use of any watercraft 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 watercraft or from one watercraft to another, or from a watercraft 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: <ul style="list-style-type: none"> - Tour boats shall not be launched from any public launching facility owned and/or operated by the Pennsylvania Fish and Boat Commission or the governing utility. - 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. - 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. - 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. 		
PROJECT LINE SETBACK - See §7.403D4		

4.403 Development Standards

The following Schedule of Development Standards establishes minimum standards for lot area; lot depth and lot width; and front, side, and rear setbacks; and establishes maximum standards for building height and lot coverage. The Schedule also establishes 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 DEVELOPMENT STANDARDS¹

(See footnotes on next page.)

SINGLE-FAMILY AND TWO-FAMILY DWELLINGS²				
TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL	MINIMUM LOT AREA (acres)			
	S DISTRICT		ALL OTHER DISTRICTS WHERE PERMITTED	
	Single-Family	Two-Family	Single-Family	Two-Family
Water supply AND sewage disposal - individual on-lot facilities	2.00 acres	4.00 acres	2.00 acres	4.00 acres
Water supply OR sewage disposal - individual on-lot facilities	2.00 acres	4.00 acres	1.00 acre	2.00 acres
Water supply AND sewage disposal - off-site facilities	2.00 acres	4.00 acres	0.75 acres	1.50 acres

SINGLE-FAMILY AND TWO-FAMILY DWELLINGS²	
Minimum lot width and depth	See Subdivision and Land Development Ordinance
Minimum Setbacks (See §9.1101A for nonconforming lots.)	
Minimum front setback ³ - 35 feet	
Minimum rear setback - 35 feet	
Minimum side setback (each) - 15 feet	
Minimum setback from Lake Wallenpaupack project line	See §7.403D4
Minimum setback from streams and other waterbodies	See §7.403D
Maximum building height ⁴	30 feet
Maximum lot coverage	30 percent

MULTI-FAMILY DWELLINGS WHERE PERMITTED	See §6.300
MANUFACTURED HOME PARKS WHERE PERMITTED	See §6.700

NONRESIDENTIAL USES							
STANDARD	R	MR	S	MP	LC ⁵	CC	HC
Minimum lot area (acres)	2.0	0.5	2.0	0.5	0.5	0.5	0.5
Minimum lot width and depth	See Subdivision and Land Development Ordinance						
Minimum front setback ³	35	30	35	30	25	30	30
Minimum rear setback (feet)	35	30	35	30	15 ⁶	30	30
Minimum side setback (feet each)	15	15	15	15	15 ⁶	15	15
Minimum setback from Lake Wallenpaupack project line	See §7.403D4						
Minimum setback from streams and other waterbodies	See §7.403D						
Maximum building height ⁴ (feet)	30	35	35	35	35	35	35
Maximum lot coverage (percent)	30	40 ⁷	30	40 ⁷	40	40 ⁷	40 ⁸

Notes:

- Special performance standards in this Ordinance may result in the modification of the standards in the Schedule.
- For more than one principal use or structure on one lot see §5.201.
- The front setback is measured from the street right-of-way extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. In the case of a street without a right-of-way, it is measured from the lot line adjoining the street.
- Maximum Building Height - Residential and Nonresidential (See also §5.103 for exemptions, §6.104C for increased multi-family building height in CC and HC Districts in conservation subdivision design residential developments, and §9.1003 for nonconforming structures.)
 - Lots of One-Half Acre or More - On lots of 0.5 acre or more in size, roofs and architectural features may be extended to a height of not greater than 45 feet measured from virgin ground level. However, for each one foot, or fraction thereof, of height above 35 feet, the minimum setback requirement for each setback shall be increased by one foot.
 - Lots Less Than One-Half Acre - On lots of less than 0.5 acre in size, roofs and architectural features may be extended to a height of not greater than 35 feet measured from virgin ground level. However, for each one foot, or fraction thereof, of height above 30 feet, the minimum setback requirement for each setback shall be increased by one foot.
- A landscaping plan shall be required in accord with §7.102 for all nonresidential uses in the LC District.
- A buffer shall be provided in accord with §7.101 wherever a side or rear yard adjoins any R, MR, S or MP District.
- Lot coverage in the CC District may be increased, as a conditional use, to 60 percent provided the required storm water control includes treatment or infiltration in accord with current best management practices.
- Lot coverage in the HC District on PA Route 6 may be increased, as a conditional use, to 75 percent provided the required storm water control includes treatment or infiltration in accord with current best management practices.

ARTICLE V - SUPPLEMENTARY REGULATIONS**5.00 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, setback, 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 setback shall be reduced to less than 10 feet.
- C. No front setback shall be reduced to less than 20 feet.
- D. Maximum lot coverage area shall not exceed 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

- A. Building or Structure - No part of any building or structure shall project into any required yard except steps, bay windows, fireplaces, chimneys, and roof overhangs (eaves) may project into a front, side, or rear yard not more than two (2) feet.
- B. Lake Wallenpaupack Project Line - Stairways not wider than four feet may extend up to the PPL Project Line.
- C. Handicapped Access - When all other reasonable alternatives have been considered, as determined by the Zoning Officer, an unroofed and open structure, including a ramp and associated landings or a chairlift, that allows a person with a physical disability to access a single-family or two-family-family dwelling shall not be subject to setback or lot coverage limitations provided the size of the structure does not exceed the minimum design specifications required by the PA Uniform Construction Code or other applicable law.
- D. Sewage Disposal Systems - Sewage disposal systems shall comply with §7.702.

5.103 Height Limitations

Except as otherwise provided for in this Ordinance, district height limitations for nonresidential uses 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 feet above the limiting height of the building. However, all of the above structures greater than 35 feet in height shall maintain a setback from all lot lines of a distance not less than the height of the structure. (See also Note 4 on the Schedule of Development Standards in Article IV, §6.104C for increased multi-family building height in CC and HC Districts in conservation subdivision design residential developments, and §9.1003 for nonconforming structures.)

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 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 LOCATIONS5.201 Two or More Uses on a Lot

- A. Development Standards - Except as otherwise provided by this Ordinance, two 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 single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one dwelling by a factor of three. 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 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 setback of a corner lot which abuts a street shall be equal in size to the front setback required for the District. Any other setbacks may be considered side setbacks.

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 2.5 feet and 10 feet above the grade. The triangular area shall be formed by a point on each street center line located 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 public or private road, one of said frontages shall be designated as the front yard where the front 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 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 setback shall be required.

5.206 Lot Combination Required

If development on two or more adjoining lots is proposed, the lots shall be legally combined into one 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 setback regulations established in Article IV except as permitted below.

- A. Unattached Structures Accessory to Residential Buildings - Structures which are accessory to residential buildings which are not attached to a principal structure and do not exceed 12 feet in height and/or 275 square feet in total floor area may be erected within the required side and rear setbacks of a principal structure, provided that they conform to the following:
 - 1. Distance from Side Lot Line - Not less than 10 feet, excepting the case of corner lots, where the full side setback as specified in §5.203 shall be maintained.
 - 2. Distance from Rear Lot line - Not less than 10 feet.
 - 3. Distance from Principal Structure - Not less than five 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 setback requirements for the principal structure and shall have a rear setback of at least 10 feet unless the rear lot line adjoins an existing residential structure or an R District in which case the rear setback shall be increased to 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 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 §5.306C4.

- 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 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 screened in accord with §7.101.
- F. Fences
1. No fence shall be erected within any public or private road right-of-way.
 2. Fences six feet or less in height may be erected up to the property line. If more than six 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 feet in height.
 2. Retaining walls of five 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 feet in height shall be set back from rear and side property lines and the road right-of-way by one foot for each foot or partial foot in excess of five feet.
- H. Sewage Disposal Systems - Sewage disposal systems shall comply with §7.702.
- I. Sports Courts - Notwithstanding anything to the contrary herein, sports courts, as generally defined in §303, shall be permitted to be constructed as an accessory use(s) on a parcel of land without first establishing a principal permitted use under the following conditions and regulations:
1. The parcel for the proposed sports court must be in excess of five acres;
 2. Placement of any such courts shall comply with any and all building setback provisions;
 3. Any such courts shall not include a covering structure;
 4. Placement of any such courts shall comply with §7.101 (Yards and Buffers);
 5. All court lighting shall comply with provisions of §7.108;
 6. Use of any courts shall be confined to the property owner, family, and guests;
 7. There shall be no commercial use of any courts;
 8. Adequate off-street parking shall be provided;
 9. Appropriate septic facilities shall be provided on-site or within 200 feet of the court, the same which may be accomplished by a portable septic facility;
 10. A plan for the proposed court(s) shall be submitted to the Zoning Officer for review and approval of the plan and all conditions provided for herein;
 11. No construction on any courts shall begin until the zoning permit is issued.
 12. This approval process shall not be applicable in any development controlled by association covenants, conditions and restrictions unless specifically approved in writing by that association.
 13. By adoption of this policy, the Township assumes no liability or responsibility relative to any construction or any use of any such courts.

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 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 people other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total number of all employees inclusive of family members shall not exceed four 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 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 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. Childcare - 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.

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 10 feet to any property line. Pools shall be drained in such manner that the drained water shall not adversely affect 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 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 manufactured 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 12 months, but the Zoning Officer may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least 15 days prior to expiration of the original permit.
- d. The manufactured 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 manufactured home or recreational vehicle at the owner's expense upon termination of the permit.

- 3. Temporary Vehicle Shelter - A temporary shelter for a car, boat or other vehicle may be erected for a period not exceeding nine 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 yard sales during any one calendar year. Each sale shall last a maximum of three 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 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 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 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 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 lit 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.

5.311 Animal Husbandry, Home Use
See §8.200.

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 §5.409B for signs advertising residential developments.) The following standards shall apply:
1. One single-sided sign or one double-sided sign is permitted to be placed upon any property unless the property fronts upon more than one street, in which event one such sign may be erected on each frontage;
 2. The sign face area of each sign shall not exceed 12 square feet;
 3. Such sign is not illuminated;
 4. Such signs shall be removed within 14 days after the sale, rental, or lease;
 5. In the case where two or more contiguous lots fronting on a public road are held in single ownership, one 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 16 square feet for two contiguous lots and shall not exceed 32 square feet for three or more contiguous lots.
- B. Generic For Sale Sign - One 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 single-sided sign or one 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 public roads;
 3. The sign face area of each sign shall not exceed two square feet, not more than two 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 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 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 square feet. The sign shall not be placed closer than 20 feet to the edge of the shoulder of the road adjacent to the subject property. The sign shall be removed within 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 signs in the Township directing travelers to the church. Each sign may be double-sided, and each sign face area shall not exceed four 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 temporary construction sign for each project or development, except that where a project or development abuts two or more streets, one 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 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 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 setback but shall not extend over any lot line or within 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 60 days prior to the commencement of construction of the project or development and shall be removed prior to a 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 §5.402H 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 60 days in advance of the election to which the signs pertain and shall be removed within seven 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 §5.402I 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 III.
- 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 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 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 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 be erected so that they are secure from damage or blowdown 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.
- P. Temporary Signs - Temporary signs shall not be permitted except as specifically authorized by this §5.400.
- Q. Snipe Signs - Snipe signs shall not be permitted in the Township.

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 double-sided free standing sign or two 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 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 sign, not exceeding a total sign face area of 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, two 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 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, two sided sign with up to four fuel prices attached to the business sign permitted in §5.404.A. The height of the letters/numerals shall not exceed the height in the accompanying table 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 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 exposed face and shall not exceed 150 square feet in surface area if located in the HC District fronting on State Route 6 and 300 square feet in surface area in other HC Districts.
 3. Spacing - An off-premises sign shall not be closer than 500 feet to another off-premises sign.
 4. Spacing at Intersections - An off-premises sign or billboard shall not be located within 50 feet of any street intersection.
 5. Setbacks - The off-premises sign shall be located in accord with the setbacks for principal structures in the HC Zoning District and shall not be less than 20 feet from any principal structure and 10 feet from any accessory structure.
 6. Height - An off-premises sign or billboard shall not project higher than 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 double-sided or two single-sided signs advertising a home occupation shall be permitted provided each sign face area does not exceed one and 1.5 square feet and said sign meets all other applicable standards of this §5.400.

5.407 Residential Project Identification Signs

One double-sided freestanding sign or two 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 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 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 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 20 square feet.
- B. Individual Business Sign - In addition to the sign permitted by §5.408A, one single or double-sided sign identifying each business or profession located in the project is permitted provided each sign face area does not exceed 12 square feet. Such sign(s) shall be attached to the same frame as the project sign.
- C. Facade Sign - One additional single-sided sign identifying each business profession in the project is permitted provided the sign face area does not exceed 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 §5.408A, B, and C, one two-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 12 square feet and the sign shall be attached to the same frame as the sign permitted by §5.408A. 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 temporary advertising or business identification signs not exceeding 40 square feet in total surface area including, but not limited to, signs announcing any special events such as grand openings, 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 21 days. Not more than two 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 weeks apart. The information on said signs shall relate only to the business or activity on the property.
- B. Residential Developments - At each entrance, one double-sided freestanding sign or two 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 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 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 temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 2. Area - Each sign face of a temporary development sign shall not exceed 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 setback but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway.
 4. Height - Temporary development signs shall not project higher than 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 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 60 square feet. No nonconforming 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 III "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 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 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 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 (§5.404A).
2. Shopping center and multiple occupant business freestanding identification sign (§5.408A).
3. Changeable copy sign (§5.404C and §5.408D).
4. Off-premises advertising sign or billboard (§5.405).
5. Retail fuel sales sign (§5.404D).

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 electronic message sign shall be permitted per development parcel. If the sign structure has two 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 seconds with a transition time not exceeding one 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.

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.

- 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.
- 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 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 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 nine 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.

5.500 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 rights-of-way.

5.501 Public Rights-of-Way

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

5.502 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 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 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	
1. Single-family and two-family	2 per dwelling unit
2. Multi-family	2 per dwelling unit located with the unit plus 0.25 per dwelling unit for visitors and other spillover parking. No dwelling unit shall be more than 250 feet from a spillover parking area. No spillover parking area shall have less than 5 spaces.
B. Homes for handicapped or infirm, nursing homes, group care homes, transitional living, 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

USE	PARKING SPACES REQUIRED
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
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 watercraft 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

USE	PARKING SPACES REQUIRED
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	
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.	

5.503 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 or other nonresidential uses, to provide adequate off-street areas for loading and unloading 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.

5.504 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.

5.505 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 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 15 feet in depth. The buffer area along adjoining property lines, but not the public road buffer, may be reduced to five feet if a dense evergreen planting strip is provided and maintained.

5.506 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 10 vehicles.

5.507 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 off-site parking area 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.

5.508 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.)

5.509 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 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 25 percent

The primary conservation areas shall be included in the conservation open space except that slopes in excess of 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 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 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 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 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 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)	<u>Density Factor</u> (# 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 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 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	
Setback 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 setback less than 5 feet	20 feet
Maximum Lot Coverage	40 percent per individual lot	25 percent per individual lot

C. Dimensional and Design Standards for Multi-Family Dwellings - The standards in §6.303 shall apply except for the following:

1. Setbacks - Setbacks shall be governed by §6.105B.
2. Building Height in CC and HC Districts - When located in a CC or HC District, the building height of a multi-family building may be increased in accord with the following:
 - a. An automatic sprinkler system shall be provided meeting the most current edition of Chapter 9, Fire Protection Systems, of the International Building Code (IBC) as incorporated in the PA Uniform Construction Code, as amended.
 - b. A standpipe system shall be provided meeting the most current edition of Chapter 9, Fire Protection Systems, of the IBC as incorporated in the PA Uniform Construction Code, as amended.
 - c. An automatic smoke detection system in accordance with §907.2.13.1 of the 2009 IBC or successor code shall be provided
 - d. A fire department communication system in accordance with §907.2.13.2 and an emergency voice/alarm communication system in accordance with §907.5.2.2 of the 2009 IBC or successor code shall be provided.

- e. A minimum of one fire service access elevator in accordance with §3007 of the 2009 IBC or successor code, capable of accommodating an ambulance stretcher, shall be provided.
 - f. No multi-family building wall shall exceed a height of 75 feet from the adjoining grade to the top of the building.
 - g. A visual impact analysis in terms of blocking views of adjoining parcels shall be provided by the applicant to determine the extent of such impacts and potential means of mitigating the impacts. The analysis shall be conducted by a qualified professional in accord with generally accepted methods.
- 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

Multiply the area of:	by this Constraint Factor:
100-year floodplain (if not mapped by FEMA area is included in floodway above)	0.50
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 the following Dwelling Setbacks Table.
- C. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

DWELLING SETBACKS				
SETBACK FROM:	Single-family and two-family dwellings	Multi-family dwellings		Multi-family dwellings exceeding 35 feet height in CC and HC Districts
		in or adjoining R and S Districts	in or adjoining MR, CC, and HC Districts	
external road rights-of-way	50 feet	50 feet	50 feet	greater of 50 feet or building height
boundary line of the entire project parcel other than external road rights-of-way	50 feet	50 feet	50 feet	greater of 50 feet or building height
Lake Wallenpaupack Project Line	see §7.403D4			

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. Pastureland 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 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 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 30 percent of the total conservation open space. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes in excess of 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 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 dwelling units constructed with one 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 or more separate lots of record, said lots shall be combined into one 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 subdivisions 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 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	Apartment Buildings
Minimum size for project parcel (acres)	none	
Density - number of dwelling units per acre of adjusted tract acreage (See §6.302C.)	1.5	1.5

TABLE 6.302 MULTI-FAMILY DWELLING STANDARDS		
PROJECT STANDARDS	Townhouses	Apartment Buildings
Maximum number of dwelling units per building	6	12
Maximum building height (feet)	35	35
Maximum lot coverage (percent)	see §6.301D1	
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 setback	10 feet front / 15 feet rear	
Minimum side setback for end unit	15 feet	
Maximum lot coverage for individual townhouse parcels	75 percent	

- 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
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

Multiply the area of:	by this Constraint Factor:
100-year floodplain (if not mapped by FEMA area is included in floodway above)	0.50
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.	

6.303 Design Criteria

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

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

MULTI-FAMILY DWELLINGS DIMENSIONAL STANDARDS	
MINIMUM SETBACKS APPLICABLE TO ALL MULTI-FAMILY DWELLING STRUCTURES	
Access drives without a designated right-of-way - 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)
Parking areas - minimum setback of any multi-family dwelling structure	10 feet
Existing or proposed public or private road rights-of-way - minimum setback of any multi-family dwelling structure	50 feet
Boundary line of the entire project parcel - minimum setback of any multi-family dwelling structure	50 feet
Lake Wallenpaupack; Project Line	see §7.403D4
Separation of principal buildings	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)
Setback 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 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 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 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 changes in the front wall plane with a minimum offset of four feet shall be provided for every attached grouping of townhouses in one 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 setbacks 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 persons trained in the field for which the group home is intended.

6.500 Certification

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

6.501 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.

6.502 Counseling

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

6.503 Parking

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

6.504 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.

6.505 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.

6.506 Number of Residents

The following maximum number of people 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 acre and minimum building setbacks from all residential lot lines of 15 feet: eight total people.
- B. Any other lawful dwelling unit: six people in total.

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 MANUFACTURED HOUSING PARKS

Manufactured housing (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 -Manufactured housing 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 subdivisions 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 manufactured housing 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; Manufactured Home Sites

- A. Single Parcel - All land proposed for a particular manufactured home park shall be part of the same parcel and contiguous.
- B. Parcel Size - The minimum parcel size for a manufactured home park shall be 10 acres and the overall density of a manufactured home park shall not exceed four units per acre as determined by adjusted tract acreage in accord with §6.104.D.
- C. Lot Size - Each manufactured home site shall have a minimum area of 5,000 square feet for exclusive use of the occupants of the manufactured home placed upon the lot. Minimum lot widths and depths shall be 45 feet. Each manufactured 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 **MANUFACTURED HOUSING ON INDIVIDUAL LOTS**

Manufactured housing (mobile homes) placed on lots not in a manufactured housing 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 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 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 roof 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.

6.1001 Parking

Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one space for each rentable room; one space for each non-resident employee, and two spaces for the dwelling unit.

6.1002 Number of Rooms

Not more than three rooms shall be rented for bed and breakfast establishments in the MR District and not more than five rooms in other districts where permitted.

6.1003 On-Site Residence

The owner or manager of the bed and breakfast must reside on the premises.

6.1004 Sewage Disposal

Sewage disposal meeting the requirements of the Township and PA DEP is provided.

6.1005 Nonconforming Lots

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 10 per acre.

6.1102 Design Criteria

- A. District Standards - Setback, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. R and MR Districts - In cases where the project parcel adjoins a Residential or Mixed Residential District or where a project structure(s) exceed(s) 1,500 square feet in total floor area, larger front side and rear setbacks may be required.
- C. Structure Separation - No structure shall be erected within a distance equal to its own height of any other structure.
- D. Permanent Residency Prohibited - Rental units of hotels, motels, seasonal cottages, and resort facilities shall not be utilized as a permanent residence as defined by Pennsylvania Law.
- E. Single Parcel - 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. The 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, bona fide 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 10 acres in

size.

2. At least 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 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 (number of dwelling units per acre) in the Calculation of Transferable Development Rights Table. The density factor is increased by 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	<u>Density Factor</u> (# 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 §6.1203C1 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 §6.104A1 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 §6.104D 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 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 Setback Prohibition - No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum 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 publicly 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 20 transferable development rights are received, applicable area and bulk requirements, but not density requirements, may be modified up to 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 shall 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.

6.1300 RECREATIONAL CABINS

Recreational cabins, as defined by the Pennsylvania Uniform Construction Code, shall comply with the following requirements:

- A. Recreation cabins shall be permitted only in those districts as specified on the Schedule of Uses established by §4.401.
- B. A minimum lot size of five acres shall be required.
- C. The maximum size of a recreational cabin shall be no greater than 1,000 square feet of gross floor area.

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 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 feet in height will be formed within three 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 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 inch as measured one foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one 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:

1. *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.

2. *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 5,000 feet of the source, by more than 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 5,000 feet of the source, by more than 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 5,000 feet of the source, by more than 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 10 and 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

TABLE 7.106		
Hours of Operation per Day	Column A	Column B
	Level (dBA)	Level (dBA)
0.25 or less	Background+30	Background+36
0.5	Background+27	Background+33
1.0	Background+24	Background+30
2.0	Background+21	Background+27
4.0	Background+20	Background+26

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.

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 30 minutes of data collection during operation of the suspected noise source, and 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 periods of monitoring. At least two 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 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 affect 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 as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.
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 lit 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 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, graywater, 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 groundwater 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 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 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 of 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, waterbody or onto the ground.
- C. 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 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 feet high.

7.117 Security

In cases 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 - The 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 Decommissioning

The Board of Supervisors finds that the abandonment of certain facilities which have an anticipated useful life of 50 years or less constitutes a threat to the public health, safety, and welfare. Those facilities must be decommissioned to remove above and below ground structures and other facilities and equipment to prevent blight in the community and restore the land for building, agricultural, or other constructive use.

A. Applicability

1. Regulated - This §7.120 shall apply to:
 - a. Solar power generation, commercial;
 - b. Wind energy facilities, commercial;
 - c. Wireless communications facilities, tower-based; and,
 - d. Any other facility determined by the Planning Commission to require decommissioning for the protection of the public health, safety, and welfare.

All of these are referred to as *facility* or *facilities* in this §7.120.

2. Not Regulated This §7.120 shall not apply to a solar or wind energy system which is sized and intended to be used

to generate electricity for the principal structure to which it is accessory.

- B. Other Requirements - Each *facility* shall comply with the other applicable requirements of this Article VII and this Ordinance.
- C. Decommissioning Plan
1. Plan Required - Prior to conditional use approval, a decommissioning plan shall be provided detailing the timing, steps and procedures that will be taken to decommission the *facility* and the amount, form, and timing of financial security to assure its timely completion in form and content acceptable to the Board of Supervisors. Prior to final plan approval the plan shall be in the form of a Decommissioning Agreement entered into with the Board of Supervisors and recorded with the County Recorder of Deeds. The Decommissioning Agreement shall be in a form and substance acceptable to the Board of Supervisors.
 2. Transferability - The decommissioning plan and the associated financial security shall not be separated from the *facility* through a change in ownership. Any new owner shall become a party to the decommissioning plan via appropriate amendment in form and substance acceptable to the Board of Supervisors. The new owner shall submit proof of financial security that complies with the requirements of §7.120D4. The prior owner may not release or revoke the prior owner's financial security until the new owner's proof of financial security is accepted by the Board of Supervisors or affected municipality and notice is provided to the landowner.
- D. Decommissioning Requirements - Decommissioning of a *facility* and all related structures, equipment and materials shall comply with the following:
1. Notification of Board of Supervisors - If a *facility* or any of its solar energy system(s) have not been in operation for a period of six consecutive months, the *facility* owner or operator shall notify the Board of Supervisors and the affected municipality in writing with the reason(s) for inoperability and their intentions to reestablish operations or plans for decommissioning. The *facility* owner or operator is required to notify the Board of Supervisors and the affected municipality immediately upon cessation or abandonment of the operation. The *facility* shall be presumed to be discontinued or abandoned if it is not in use for its intended purpose for a period of 12 continuous months.
 2. Removal - The *facility* owner and/or operator shall begin the removal of the facility within six months from cessation or abandonment to dismantle and remove the *facility* including all related equipment or appurtenances related thereto, including, but not limited to, buildings, structures, towers, cabling, electrical components, roads, foundations, and other associated facilities from the property and shall comply with the decommissioning plan required by §7.120C. The removal shall be completed within 12 months from cessation or abandonment.
 3. Decommissioning Costs - An independent and certified Pennsylvania professional engineer shall be retained by the *facility* owner or operator to estimate the total cost of decommissioning without regard to salvage value of the *facility* related equipment. Said estimates shall be submitted to the Township prior to conditional use approval and every fifth year of operation. Said estimate shall be acceptable to the Board of Supervisors based on the recommendation of the Township Engineer.
 4. Decommissioning Financial Security
 - a. The *facility* owner or operator, prior to conditional use approval, shall provide financial security in an amount to guarantee decommissioning and, in a form acceptable to the Board of Supervisors.
 - b. The security shall remain in place for as long as any part of the *facility* exists at the site and until decommissioning is satisfactorily completed.
 - c. The amount of financial security shall be adjusted each time the decommissioning cost estimate is provided per §7.120D3 so that the amount is at least equal to the updated estimate of decommissioning costs.

- d. Except In the case of a cash escrow, the *facility* owner or operator shall be responsible for having the issuer of the financial security describe the status of the financial security in an annual report submitted to the Board of Supervisors and the affected municipality.
 - e. The financial security shall not be subject to revocation, reduction, or termination unless and until approved by the Board of Supervisors based on the determination that decommissioning has been satisfactorily completed.
 - f. In the event that the decommissioning has not been completed in accord with the approved plan, the Board of Supervisors or the affected local municipality may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of completing the decommissioning, the Board of Supervisors or the affected local municipality may, at its option, complete the decommissioning in all or part, and may institute appropriate legal or equitable action to recover the monies necessary for the completion. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action, or both, shall be used solely for the completion of the decommissioning covered by such security and not for any other municipal purposes.
 - g. If the owner or operator of the regulated facility fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner. The responsibility for decommissioning by facility heirs, successors and assigns shall be established by a recorded Landowner Agreement, if not addressed in the Decommissioning Agreement, in a form and substance acceptable to the Board of Supervisors.
5. Standards for Completing Decommissioning - If the *facility* owner or operator ceases operation of the facility, or begins, but does not complete, construction of the *facility*, the owner and/or operator shall restore the site to its condition prior to any disturbance related to the *facility*. The site shall be restored to a useful, nonhazardous condition, including but not limited to the following:
1. Removal of aboveground and underground equipment, structures, and foundations to a depth of at least four feet below grade.
 2. Mitigation of any areas of chemical, heavy metal, and other hazardous material contamination as documented by soil testing conducted at locations on the site susceptible to contamination from the operation of the facility.
 3. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 4. Removal of graveled areas and access roads.
 5. Revegetation of restored soil areas with native seed mixes and plant species listed in Appendix D.
 6. For any part of the *facility* project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place or regarding restoration of agricultural crops or forest resource land.

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 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 stricter, 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. The report shall be used for the purpose of determining what, if any, conditions should be attached to an approval if granted.

7.204 Buffer Requirements

Special setback 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
Located in or adjacent to a LC, CC or HC District	60	50
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 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 percent 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 25 percent 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-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 50 percent slope.
 5. Where fill is used to later support structures, a minimum compaction of 90 percent of maximum density shall be achieved.
 6. At least 50 percent of the area to be used for any building or construction purposes shall be less than 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 Buffers for Streams and Waterbodies

See Article XII.

7.500 RESERVED

7.600 RESERVED

7.700 WATER SUPPLY AND SEWAGE DISPOSAL

7.701 Water Supply

- A. Water Supply Required - All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant.
- B. Community Wells - Any well used to supply more than one principal permitted use shall be located on a separate lot not less than 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.
- B. Discharge Limitation - 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.
- C. Community On-lot Sewage Systems
1. 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 10 feet to any property line or any public or private road right-of-way.
 2. No part of a community on-lot sewage system shall be placed on any individual building lot.

**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 bookstores, 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 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 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. 75 feet from any property line or public road right-of-way;
 2. 300 feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to people 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. 1,500 feet from any:
 - a. place of worship
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within 500 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 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 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 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 §8.104E. 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 §8.104A is developed within the required setback distance. Any additions or expansions of the use shall comply with §8.104A.
- 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 30 square feet and signs attached to the building facade shall be limited to a maximum total of 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 days in advance of the class; and
 - c. where no more than one 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 ANIMAL HUSBANDRY

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 Animal Husbandry

A. Animal Husbandry, Commercial - *Animal husbandry, commercial* shall only be permitted in the S District and shall comply with the following:

1. A minimum parcel size of five acres shall be required
2. The minimum front, side and rear setback distances shall be two hundred (200) feet for any pens (but not pasture areas), stables, barns, coops, or other animal housing structures and for the indoor or outside storage of manure, by-products or waste.

B. Animal Husbandry, Home Use - *Animal husbandry, home use* shall be permitted in all districts and shall comply with the following:

1. The following minimum parcel sizes shall be required (including the dwelling unit):
 - a. Livestock - five acres.
 - b. Small animals and fowl - no minimum parcel size.
2. The following minimum front, side and rear setback distances shall be maintained for any pens (but not pasture areas), stables, barns, coops, or other animal housing structures and for the indoor or outside storage of manure, by-products, or waste:
 - a. Swine -200 feet.
 - b. Other livestock - 100 feet.
 - c. Small animals and fowl - 25 feet.
3. The maximum number of animals shall not exceed the following:
 - a. Cattle, bison, swine, and similar animals - one per acre with a maximum total of three.
 - b. Sheep, goats, llamas, alpacas, ostriches, emus, and similar animals - four per acre with a maximum total of 12.
 - c. Small animals and fowl - 10 per acre with a maximum total of 60.
4. The raising of fur bearing animal(s) shall be prohibited.
5. All animals shall be confined to the property of the owner by fencing, housing in a pen or building or other effective means.
6. Notwithstanding compliance with this §8.202B, the keeping of any livestock or small animals and fowl which constitutes a public nuisance as regulated by the Township Nuisance Ordinance (Ordinance NO. 96-2005, as amended) shall be prohibited.

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 AGRITOURISM ENTERPRISES

In addition to all other applicable requirements, the following requirements shall apply to an agritourism enterprise activity

incidental to and directly supportive of the agricultural use of the property.

8.301 Location; Parcel Size

Agritourism enterprises shall be on the same parcel or lot with an existing and operating agricultural use having a minimum lot area of 10 acres.

8.302 Permitted Activities

The following activities, and activities that the applicant demonstrates are closely similar in use and operation, shall be permitted as an agritourism enterprise.

- A. U-pick operations (i.e., berry or fruit picking)
- B. Wineries, distilleries, breweries, and tours and tasting rooms associated with these facilities.
- C. Production of products from items grown/raised on the farm (including, but not limited to, wine, cider, dairy products, ice cream, baked goods, and clothing products), provided that at least 25 percent of all the raw materials used in the production of the items are grown/raised on the farm or from a facility in same ownership for sale of products. This shall not apply for a start-up period of five years.
- D. Local agricultural products retail operations provided that at least 25 percent of all of the items for display or sale are grown, raised, or produced on the property or from a facility in same ownership for sale of products.
- E. Agriculture related interpretive facilities and exhibits.
- F. On-site tours.
- G. Walking and bicycle tours and trails.
- H. Christmas tree sales, cut-your-own.
- I. Corn mazes.
- J. Horseback/pony rides.
- K. Petting zoos on a minimum of 25 acres located not less than 100 feet from any property line and not less than 125 feet from any residential use on adjacent properties.
- L. Additional uses listed in the applicable district Schedule of Uses may be permitted in accord with all applicable requirements.

8.303 Food Service

Packaged snacks, catered food and food vendors/trucks are permitted on site during activities for any permitted agritourism enterprise. All food and/or beverages sold for consumption on site shall comply with federal, state, and local regulations.

8.304 Hours of Operation

The applicant shall identify the anticipated hours of operation for the agritourism enterprise.

8.305 Outdoor Lighting

Outdoor lighting shall be limited to that needed to provide illumination of parking areas for three or more cars after dark and for pedestrian walkways. Lighting shall comply with §7.108.

8.306 Parking

Off-street parking shall be provided in accordance with §5.500. The applicant shall provide details as to how the number and type of spaces provided will meet the needs of the proposed use. In no case shall parking be permitted in a location that would require visitors to have to cross a public road.

8.307 Sewage Disposal

Sewage disposal facilities shall be provided in accord with Township and PA DEP requirements.

8.308 Waste and Recyclables The operator shall provide adequate waste and recycling containers to store the materials until disposal and to prevent litter.

8.400 AIRPORTS AND HELIPORTS

The standards in this §8.400, 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.

8.401 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 affect 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 affecting the location areas of airport hazard zones;

C. Airport Rating - Any change in airport rating category under *67 Pa. Code §471.5* as amended, affecting 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.

8.402 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 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.

8.403 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.

8.404 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.

8.405 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 14 days before the date of the hearing.

8.406 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.

8.407 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.

8.500 **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.

8.501 Parcel Size

A minimum parcel of five acres shall be required.

8.502 Fencing

A fence not less than six 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 10 feet from any property line or public road right-of-way.

8.500 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.

8.501 Hours of Operation

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

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 acres shall be required.
- B. Setbacks - No structure used for the keeping of dogs shall be located closer than 125 feet to any property line or 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 space per four dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six feet in height or a dense vegetative planting of not less than six feet in height shall be provided at a distance not to exceed 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 waste shall be stored in an area meeting the setbacks in §8.601B and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust, or other factors 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 acres shall be required for the residence and stable.
- B. Number of Horses - No more than two horses shall be kept except that one additional horse may be kept for each additional full one acre of land.
- C. Stable Size - 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 10 feet from all property lines.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided per two 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 50 feet of any adjoining property line and 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.

8.600 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 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 equines are kept with the exception that one additional equine may be kept for each additional acre of land.
- C. Stable Size - 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 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 space per two 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 100 feet of any adjoining property line and 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 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 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 people 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.

8.601 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 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 ensure 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 100 feet of any adjoining property line and 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 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 tiers of boats; and may not exceed a total height, including to the top of the upper most boat, of 17 feet.

2. Portable racks for the storage of boats shall comply with front 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 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.

8.800-8.900 RESERVED

8.1000 CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This §8.1000 is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supersede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients, or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act and all information and studies required by this section shall, at a minimum, include the information required by the Act.

8.1001 Compliance

Concentrated animal feeding operations shall, in addition to all other applicable requirements, comply with this §8.1000.

8.1002 Definition

Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations shall be considered a concentrated animal feeding operation for regulation by this ordinance.

8.1003 Standards

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

- A. Parcel Size and Setbacks - The minimum parcel size shall be 50 acres. CAFO buildings and corrals used for housing or confinement of animals shall not be less than 250 feet from any property line and not less than 500 feet from any existing principal building not located on the land with the CAFO.
- B. Nutrient Management - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- C. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of The subdivision and land development ordinance.
- D. Conservation - A soil erosion and sedimentation control plan shall be prepared meeting the requirements of the County Conservation District and DEP.
- E. Buffer - A buffer plan shall be prepared in accord with §7.101 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- F. Solid and Liquid Wastes - Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan shall be prepared.
- G. Operation and Management - The applicant shall demonstrate that they will meet the operational and management

standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.

- H. Odor - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety, and welfare.
- I. Pesticides - The applicant shall document that the use of pesticides will meet state and federal requirements.
- J. Floodplain - No CAFO buildings shall be erected in the FEMA-defined one hundred-year floodplain.

8.1100 CORRECTIONAL FACILITIES

In addition to all other applicable standards, correctional 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.

8.1100 Correctional Facilities

In addition to all other applicable standards, correctional 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.

8.1101 Parcel Size

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

8.1102 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 200 feet from any property line and the right-of-way line of any abutting public road, and 500 feet from any:
 - 1. residence
 - 2. group home
 - 3. commercial enterprises catering primarily to persons under 18 years of age
 - 4. public or semi-public building or
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. place of worship
 - 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.

8.1103 Security

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

8.1104 Accessory Uses and Ancillary Activities

Accessory uses permitted in conjunction with the facility may include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided.

8.1200 - 8.1500 RESERVED

8.1600 EXPLOSIVES AND FIREWORKS PLANTS OR STORAGE FACILITIES

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards of this ordinance, the following shall apply.

8.1601 Setbacks

Setbacks for the facilities shall comply with state and federal regulations. Ancillary facilities such as offices, employee parking, truck parking and loading and accessory structures and uses shall comply with the buffer requirements in §7.101.

8.1602 Buffer

- A. Undisturbed Area - An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. 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. Landscaping in Buffer - If any additional landscaping is required as a condition of approval, it shall be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- C. Buffer Design - Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in The subdivision and land development ordinance.
- D. Maintenance - It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

8.16.3 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

8.1604 Local, State and Federal Regulations

The facilities 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.

8.1605 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §8.1605, all other application information required by this ordinance, and all other necessary information to enable the Township to determine compliance with this ordinance.
- B. Hazardous Materials Inventory - An inventory of hazardous materials, a drawn-to-scale site plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials.
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations
- D. Conditions - The findings based on this information shall serve as a basis for the establishment of conditions of approval in accord with §11.800 and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

8.1606 Reporting Requirements

For any facility 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 15 days of the date of the document or report.

8.1700 RESERVED**8.1800 HUNTING PRESERVES, OUTDOOR SHOOTING RANGES, AND OUTDOOR ARCHERY RANGES**

This §8.1800 is intended to provide minimum standards to regulate hunting preserves, commercial 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 specified in the Schedule of Uses.

8.1801 Setbacks; Minimum Parcel Size**A. Setbacks**

1. All outdoor shooting ranges shall be situated not less than 500 feet from any property line and not less than 750 feet from any principal residential or commercial structure existing on the effective date of this §8.1800. 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 200 feet from any property line and not less than 300 feet from any principal residential or commercial structure existing on the effective date of this §8.1800. This shall not apply to structures on the same parcel as the archery range.

B. Parcel Size - The minimum parcel size for hunting preserves shall be 100 acres.**8.1802 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 §8.1800. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

8.1803 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.

8.1804 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.

8.1805 Fence

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

8.1806 Posting

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

8.1807 NRA, State and Federal Regulations

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

8.1900 RESERVED**8.2000 JUNKYARDS**

Junkyards 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:

8.2001 Federal and State Regulations

Any junkyard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junkyards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

8.2003 Fencing

All junkyards shall be completely enclosed by a chain link fence not less than eight 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 junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

8.2004 Screening

All junkyards 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 affect 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.

8.2005 Setbacks

The required fence and any structures associated with the junkyard shall not be closer than 200 feet to any property line or 750 feet from any public right-of-way or within 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.

8.2006 Dumping

The area used for a junkyard shall not be used as a dump area for any solid waste as defined by this Ordinance.

8.2007 Burning

No burning whatsoever shall be permitted on the premises.

8.2008 Waterbodies

No junkyard shall be located less than 200 feet from any body of water, stream, wetland or well.

8.2009 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 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.

8.2010 Water Quality

In cases where the junkyard includes 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 junkyard shall be required to monitor the ground and surface water in the vicinity of the junkyard. Water testing shall be conducted every three months on any stream located on the premises or any stream within 500 feet of any area used for the storage of junk if water drainage from the junkyard area is to said stream. For each testing period two samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junkyard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a 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.

8.2011 Fire Lanes

Fire lanes of a minimum width of 20 feet shall be maintained so that no area of junk shall span a distance of more than 100 feet.

8.2012 Hours of Operation

Any activity associated with the operation of the junkyard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. and not on Sundays.

8.2013 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 feet.

8.2014 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 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.

8.2015 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 junkyard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.

8.2016 Fireproof Structures

Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

8.2017 Licensing

All junkyards shall be subject to Township licensing requirements.

8.2018 Financial Guarantees

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

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 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 tiers of boats and may not exceed a total height, including to the top of the upper most boat, of 17 feet.
- B. Setbacks - Portable racks for the storage of boats shall comply with front 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 tiers of boats, or exceeding a height, including to the top of the upper most boat, of 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.

8.2504 Accessory to Marinas

The sale, service and repair of recreation vehicles and sport vehicles shall be permitted as part of a legally operating marina in accord with this §8.2504 and all other applicable standards.

8.2600 MINERAL EXTRACTION AND MINERAL PROCESSING

8.2601 Location Requirements

Mineral extraction and mineral processing 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 operation shall comply with the following additional location requirements:

A. Parcel Size

1. The minimum parcel size for mineral extraction shall be 50 acres.
2. The minimum parcel size for mineral processing shall be 10 acres.

- B. Property Line Setback - A setback of 200 feet shall be maintained between any mineral extraction or processing 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 Ordinance.

- C. State Road Access - Mineral extraction operations shall be permitted only on sites using access to a state road.

8.2602 Local, State and Federal Regulations

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

8.2603 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 and mineral processing 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 §8.2604A, 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 and mineral processing 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 and mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within 15 days of

the date of the document or report.

8.2700 MINI-WAREHOUSES

8.2701 Bulk and Density Standards

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

8.2702 Additional Standards

- A. Landscaping - In addition to all other applicable landscaping and buffer standards in this Ordinance, the mini-warehouse shall comply with the additional standards in this §8.2702.
1. 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 feet in height, shall be provided in all setback areas.
 2. The plantings shall be maintained in good growing condition; and whenever necessary, plantings shall be replaced to ensure continued compliance with screening requirements.
 3. A landscaping plan shall be submitted with the permit application for approval by the Township.
 4. Building colors shall be of earth tone colors to complement the landscaping plan.
 5. 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 the mini-warehouse.
- C. Residential Uses - No 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 firefighting purposes shall be supplied on premises for all warehouse projects.
- D. Performance Standards - All the mini-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 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 mini-warehouse structure unless approved as part of the use.
- F. Lighting - All the mini-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 the mini-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 ensure that the requirements of this §8.2700 are or will be satisfied.

8.2704 Accessory to Mini-Warehouses

The sale, but not service or repair, of recreation vehicles and sport vehicles shall be permitted as part of a legally operating mini-warehouse in accord with all other applicable standards.

8.2800 MOBILE FOOD SERVICE OPERATIONS AND MOBILE SALES OPERATIONS**8.2801 Prohibition**

Mobile food service operations and mobile sales operations as defined in §3.300 shall not be permitted in Palmyra Township.

8.2802 Temporary Outdoor Sales/Promotions

This §8.2800 shall not apply to uses which comply with §8.4800.

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 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 20 feet to any other model home or principal structure.

8.3000 - 8.3400 RESERVED**8.3500 POWER PLANTS**

Power plants shall comply with this §8.3500.

8.3501 Purposes

- A. To accommodate the need for such uses while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.
- B. To avoid potential damage to adjacent properties through engineering and proper siting of such structures.

8.3502 Standards

- A. Building; Noise - All turbines, compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §7.106 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.

- B. Setbacks and Buffers - The following setbacks and buffers shall be applied to any facilities used as part of the electricity generation process:
1. Setbacks - The following setbacks shall be maintained:
 - a. Property Lines, Road Rights-of-Way - 200 feet to adjoining properties and public road rights-of-way.
 - b. Existing Dwellings - 750 feet to any existing dwelling.
 2. Buffer
 - a. An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. 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. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
 - c. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 - d. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Fencing - A fence may be required around the perimeter of the facility unless the design of the structures adequately provides for safety.
- D. Access; Required Parking - Access to the facility shall be provided by means of a public street or easement to a public street adequate to serve the number and type of vehicles anticipated. The access and parking shall be improved with a dust-free, all weather surface. The number of required parking spaces shall equal the number of people on the largest shift.
- E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- F. 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 developer.
- G. Historic Structures - The facility shall not be located within 500 feet of any structure listed on any public historic register.

8.3503 Site Plan

A full land development plan shall be required for all such sites, showing all facilities, fencing, buffering, access, and all other items required by this ordinance and by The subdivision and land development ordinance.

8.3504 Local, State and Federal Regulations

All facilities and 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.

8.3505 Informational Requirements

The applicant shall provide the information required by this §8.3505 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The Applicant shall provide the following:

- A. Application Information - The information required by this §8.3505, all required application information, and all other necessary information to enable the Township to assess compliance with this ordinance.
- B. Additional Information - The Township may require the applicant to submit details about ground and surface water protection, an Environmental Impact Statement, and a Traffic Impact Study.
- C. State and Federal Application Information - A copy of all applications and information required by the applicable state and federal agencies.
- D. Emergency Response - The Applicant shall submit the name, address and emergency telephone number for the operator of the facility; and shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township and the County Emergency Management Agency.

8.3506 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all state or federal required or issued documents and reports associated with the operation, within 15 days of the date of the document or report.

8.3500 - 8.4000 RESERVED**8.4100 SHOPPING CENTERS, MALLS, AND MULTIPLE OCCUPANT COMMERCIAL ESTABLISHMENTS****8.4101 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.

8.4102 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.

8.4200 SHORT-TERM RENTALS

Short-term rentals shall comply with all applicable requirements of this Ordinance and *The Short-Term Rental Ordinance of Palmyra Township*, as amended.

8.4300 SLAUGHTERHOUSES

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to slaughterhouses which shall be permitted only in the districts as provided by the Schedule of Uses.

8.4301 Parcel Size

A minimum parcel of five acres shall be required.

8.4302 Setbacks

corral

- A. Buildings - The minimum setbacks for all buildings shall be 100 feet from property lines and road rights-of-way.
- B. Animals - Structures which are not fully enclosed, corrals and other areas for the outdoor confinement of animals shall not be less than 200 feet from any property line or road right-of-way.

8.4033 Animal Confinement

All animals shall be confined to the slaughterhouse property at all times by fences or other structures.

8.4304 Wastes

Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage, or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges comply with the standards of local, state and/or federal regulatory agencies.

8.4305 Operating Standards

The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.

8.4306 Odor (See also §7.110.)

The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety, and welfare.

8.4400 SOLAR POWER GENERATION, COMMERCIAL

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to solar power generation, commercial facilities (referred to as *solar power facility*) which shall be permitted only in the districts as provided by the Schedule of Uses.

8.4401 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.

8.4402 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. 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.

8.4403 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 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 20 feet in width and shall be improved to a width of at least 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 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 the same 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 10 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.

8.4404 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.

8.4405 Decommissioning

See §7.120.

8.4500 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 §8.4500.

8.4501 Major Impact Study

The applicant shall comply with the study and other requirements of §7.200 except in cases where the requirements of this §8.4500 are more stringent.

8.4502 Parcel Size, Setbacks, Buffers

- A. Parcel Size - A minimum parcel size of 10 acres shall be required.
- B. Buffer and Setbacks - A buffer not less than 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. 750 feet to any:
 - a. public right-of-way.
 - b. R or MR District.
 - c. residential structure
 - d. public, semi-public or institutional use
 - e. commercial use
 - f. recreational facility
 - 2. 200 feet to any body of water, stream, wetland or well.

Additional buffers and setbacks may be required in accord with this Ordinance.

8.4503 Fencing

All facilities shall be completely enclosed by a chain link fence not less than 10 feet in height. The erection of said fence shall be completed within six 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.

8.4504 Reserved

8.4505 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 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.

8.4506 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.

8.4507 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 people or animals with seriously contagious diseases.

8.4508 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 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 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.

8.4509 Access and Emergency Access

No access roads to or through a solid waste facility or staging area shall be less than 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.

8.4510 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.

8.4511 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.

8.4512 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.

8.4513 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 §8.4500 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.

8.4600 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 300 feet from any existing residential, commercial, institutional, public, or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than 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 50 feet from any public road right-of-way.
- D. Streams, Waterbodies and Wetlands - Storage yards shall not be less than 100 feet from any stream, waterbody 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 RESERVED

8.4800 TEMPORARY OUTDOOR SALES/PROMOTIONS

8.4801 Definition

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.

8.4802 Standards

- A. Two Permits per Year - Not more than two permits for temporary outdoor sales/promotions shall be issued for any premises in any calendar year, each sale/promotion shall not exceed five consecutive days, and such sales/promotions shall be conducted not less than two weeks apart.
- B. Setbacks - District side and rear setbacks shall be maintained, and no part of the sale/promotion shall encroach on a public road right-of-way.

- C. Site Plan - A plan shall be provided by the Applicant, drawn to scale, and 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.
- D. Sewage Disposal - An adequate means of sewage disposal shall be provided for any amount which cannot be handled by the system serving the use.
- E. Hours of Operation - The hours of operation shall be limited to 9:00 AM to 9:00 PM.
- F. Noise Control - Noise shall be controlled in accord with §7.106 of this Ordinance.

8.4803 Public, Nonprofit, or Community Based Organizations

This §8.4800 shall not apply to events conducted by public, nonprofit, or community based organizations the proceeds of which are for the direct benefit of the organization or other nonprofit or community organization or purpose.

8.4900 **RESERVED**

8.5000 **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 §8.5000.

8.5001 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. Wastewater - Appropriate facilities for the handling of wastewater 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 waiting for washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three automobiles.
- E. Hours of Operation - Any wash facility located within 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.

8.5002 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 set back a minimum of 60 feet from the road or street right-of-way line and 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 bona fide, service station stores more than four 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 to comply 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 appliances may be located in the required front setback but shall not be situated closer than 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 or more axles or tractor-trailer trucks shall have a minimum lot area of two acres, and all areas for fueling and servicing shall be not less than 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.

8.5003 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, manufactured 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 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, manufactured homes, recreation vehicles, and travel trailers shall meet the appropriate front, side, and rear setback requirements for the district.
- C. Accessory Activities - Activities which are normally accessory to such sales operations, such as engine tune-up and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §8.5002.
- D. Vehicles - Only vehicles with a 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, bona fide, service station stores more than four vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of the 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 to comply 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.

8.5004 Racetracks

In addition to all other applicable standards, the following additional standards shall apply to outdoor racetracks:

- A. Setbacks - All racetracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, watercraft, and the like, shall be located not less than one mile from any R or MR District, and the track/course shall not be less than 500 feet from any property line or public road right-of-way.
- B. Animal Racetracks - In addition to the other standards in this §8.5004, the following additional standards shall apply to animal racetracks:
 - 1. The racecourse for any animal racetrack shall not be less than 500 feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §7.101 to address community effects.
 - 2. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than 100 feet from any property line or public road right-of-way.
 - 3. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state, and federal regulations.
- C. Buildings - All buildings on the racetrack parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations - No motor vehicle race shall be conducted between the hours of 10:00 P.M. and 9:00 A.M. However, the Township may establish more restrictive time limits as a condition of approval.
- E. Repair Activities - All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing, and other similar normal activities may be conducted outside the said building.
- F. Tire and Part 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, but in no case shall such outdoor storage exceed 500 square feet in area.
- G. Storage - No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation - Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. Fencing and Barriers - Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.
- J. Safety Plan - A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees, and participants which shall, at a minimum, address the following:
 - 1. Design standards of all safety fencing/barriers.
 - 2. Procedures for fuel storage, handling, and dispensing.
 - 3. Emergency services, including fire and ambulance, will be available during events.
 - 4. Disaster/emergency response procedures.
 - 5. Crowd management.

- K. Financial Guarantee/Insurance - Based on the type and size of the racetrack, the Board of Supervisors may require the Applicant to provide a financial guarantee and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

8.5100 RESERVED

8.5200 WIND ENERGY FACILITIES, COMMERCIAL

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities, commercial (referred to as *wind facility*) which shall be allowed only in the districts as provided by the Schedule of Uses.

8.5201 Purposes

- A. Need and Community Protection - To accommodate the need for wind facilities 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.

8.5202 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind facility and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind facility (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind facility, unless otherwise permitted in the zoning district in which the wind facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind facility.
- C. Second Principal Use - A wind 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 wind facility 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. 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.

8.5203 Standards

- A. 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 facility 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 30 feet.
 2. Lease, License or Easement - If the land on which the wind facility 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 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 500 feet from any principal residential structure existing prior to the erection of the windmill.
- C. 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 facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within 45 days of initial operation, the owner and/or operator of the wind facility shall provide a certification from a Pennsylvania registered professional engineer that the wind facility 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 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 wind 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.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from 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 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 wind facility.
- G. Access; Required Parking - Access to the wind facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length. If the wind 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.
- 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 lit except as required by FAA requirements. The applicant shall provide a copy of the response to the *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 windmill 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 facility developer.

- K. Historic Structures - A wind facility shall not be located within 500 feet of any structure listed on any public historic register.
- L. Decommissioning - See §7.120.
- M. Site Plan - A full site plan shall be required for all wind facility sites, showing the wind facility, 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 18 months of installation.

8.5300 WIRELESS COMMUNICATION FACILITIES (WCF)

8.5301 Purpose and Intent

- A. The purpose of this §8.5300 is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in the Township. While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions.
- B. By enacting these provisions, the Township intends to:
 - 1. Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision of necessary services;
 - 2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
 - 4. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, small wireless communications facilities, cable Wi-Fi and other wireless communications facilities;
 - 5. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color, and finish, and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing towers;
 - 6. Promote the health, safety, and welfare of the Township's residents.

8.5302 Definitions

Words and phrases used in this §8.5300 shall have the meanings set forth in this §8.5300. Words and phrases not defined in this §8.5300 but defined in Article III shall be given the meanings set forth in that Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

- A. accessory equipment - any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term *accessory equipment* includes but is not limited to utility or transmission

equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

- B. Antenna - an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
- C. Collocation - the mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
- D. Decorative Pole - A Township-owned pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a Small Wireless Communications Facility, lighting, or municipal attachments have been placed or are permitted to be placed.
- E. Distributed Antenna System (DAS) - network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- F. Eligible Facilities Request - any request for modification of an existing WCF that does not substantially change the physical dimensions of such tower or base station, involving:
 - 1. Collocation of new transmission equipment;
 - 2. Removal of transmission equipment; or
 - 3. Replacement of transmission equipment.
- G. Emergency - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
- H. Equipment Compound - an area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.
- I. FCC - Federal Communications Commission.
- J. Height of a Tower-Based WCF - the vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.
- K. Modification or Modify - the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the wireless support structure.
- L. non-tower Wireless Communications Facility (non-tower WCF) - Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.
- M. Person - individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that "Person" does not include or apply to the Township, or to any department or agency of the Township.
- N. Replacement - the replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the

wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

O. Small Wireless Communications Facility - A wireless communications facility that meets the following criteria:

1. The structure on which antenna facilities are mounted:
 - a. is 50 feet or less in height, or
 - b. is no more than 10 percent taller than other adjacent structures, or
 - c. is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;
4. The facilities do not require antenna structure registration under 47 CFR Part 17;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

P. Stealth Technology - camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Q. Substantially Change or Substantial Change - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or by more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;
 5. It would defeat the concealment elements of the eligible support structure; or
 6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified by FCC rules and regulations.
- R. Tower-Based Wireless Communications Facility (Tower-Based WCF) - any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying antenna and accessory equipment.
- S. WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)
- T. Wireless - transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
- U. Wireless Communications Facility (WCF) - an antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a standalone basis or commingled with other wireless communications services.
- V. Wireless Communications Facility Applicant (WCF Applicant) - any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other Township owned land or property.
- W. Wireless Support Structure - a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

8.5303 General and Specific Requirements for Non-Tower Wireless Communications Facilities

- A. The following regulations shall apply to all non-tower WCF that do not meet the definition of a Small WCF:
1. Permitted in All Zones Subject to Regulations - non-tower WCF are permitted by right outside of the public rights-of-way in all zones subject to the restrictions and conditions prescribed by this §8.5303 and generally applicable permitting by the Township.
 2. Eligible Facilities Request - WCF Applicants proposing a modification to an existing WCF that does not Substantially Change the dimensions of the underlying structure shall be required only to obtain a building permit from the Township Building Code Official. In order to be considered for a permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
 3. Nonconforming Wireless Support Structures - Non-tower WCF shall be permitted to collocate upon non-conforming tower-based WCF and other non-conforming structures. Collocation of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.
 4. Standard of Care - Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

5. Wind and Ice - All non-tower WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
6. Aviation Safety - non-tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
7. Public Safety Communications - non-tower WCF shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
8. Radio Frequency Emissions - A non-tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, as amended.
9. Removal - In the event that use of a non-tower WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory equipment shall be removed within 60 days of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the WCF or accessory equipment is not removed within 60 days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
10. Financial security - Prior to receipt of a zoning permit for the construction or placement of a non-tower WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the non-tower WCF. Said financial security shall remain in place until the tower-based WCF is removed.
11. Insurance - Each Person that owns or operates a non-tower WCF shall annually provide the Township with 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 non-tower WCF.
12. Maintenance - To the extent permitted by law, the following maintenance requirements shall apply:
 - a. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or Emergency repair.
 - b. Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.
 - c. All maintenance activities shall conform to industry maintenance standards.
13. Timing of Approval
 - a. Within 90 days of receipt of a complete application for a non-tower WCF on a preexisting Wireless Support Structure that Substantially Changes the Wireless Support Structure to which it is attached, the zoning officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - b. Within 60 days of receipt of a complete application for a non-tower WCF on a preexisting Wireless Support Structure that complies with the requirements of the Township Building Code and does not Substantially Change

the Wireless Support Structure to which it is attached, the Township Building Code Official shall issue the required building permits authorizing construction of the WCF. All applications for such WCF shall designate that the proposed WCF meets the requirements of an Eligible Facilities Request.

- B. In addition to the requirements in §8.5303A above, the following regulations shall apply to all non-tower WCF that Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:
1. Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennae for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this §8.5300.
 2. Small WCF Exemption. non-tower WCFs that meet the definition of a Small WCF shall be exempt from the requirements of this §8.5303B. Such Small WCF shall be subject only to applicable permitting and the requirements of §8.5305.
 3. Prohibited on Certain Structures. No non-tower WCF shall be located on single-family detached residences, single-family attached residences, semi-detached residences, duplexes, or any residential accessory structure.
 4. Historic Buildings - No non-tower WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township.
 5. Permit Fees - The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC.
 6. Development Regulations
 - a. In a district other than a commercial or industrial district, a non-tower WCF shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The non-tower WCF shall be attached to one of the following existing lawful structures:
 - (1) A principal agricultural building or silo;
 - (2) An electric high voltage transmission tower;
 - (3) An existing wireless communications facilities tower;
 - (4) A fire station or steeple or bell tower of a place of worship; or
 - (5) A water tower.
 - b. In a commercial or industrial district, the non-tower WCF shall extend a maximum of forty (40) feet beyond an existing building or structure (other than a dwelling), provided the non-tower WCF is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot. The non-tower WCF may be attached to any existing lawful structures in accordance with the requirements of this ordinance.
 - c. All non-tower WCF Applicants must submit documentation to the Township justifying the total height of the WCF.
 - d. If the WCF Applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - e. A security fence not to exceed eight feet in height shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

7. Design - non-tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
8. Removal, Replacement and Substantial Change
 - a. The removal and Replacement of non-tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall height of the WCF or increase the number of Antennae.
 - b. Any substantial change to a WCF shall require notice to be provided to the zoning officer, and possible supplemental permit approval as determined by the zoning officer.
9. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within this ordinance or state or federal law. The Township and/or its agents shall have the authority to enter the area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- C. Regulations Applicable to all non-tower WCF located in the Public Rights-of-Way - In addition to the applicable non-tower WCF provisions listed in this §8.5303, non-tower WCF located in the public Rights-of-Way are considered conditional uses and the following regulations shall apply:
 1. Location - non-tower WCF in the ROW shall be collocated on existing wireless support structures.
 2. Design Requirements
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - c. Except in the case of Collocations, no non-tower WCF shall be located within 500 feet of any existing WCF to the extent technically feasible. If a non-tower WCF is proposed for location within 500 feet of an existing WCF, the WCF applicant shall present documentation to the Township Board of Supervisors justifying the necessity of such location.
 3. Time, Place and Manner - The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
 4. Equipment Location - Ground-mounted accessory equipment shall be located underground or, if underground is demonstrated to be unfeasible, shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township Board of Supervisors. In addition:
 - a. In no case shall ground-mounted accessory equipment, walls, or landscaping be located within 18 inches of the face of the curb, within four feet of the edge of the cartway, or within an easement extending onto a privately-owned lot;
 - b. Ground-mounted accessory equipment that cannot be placed underground shall be screened from surrounding views to the fullest extent possible through the use of landscaping or other decorative features to the

satisfaction of the Township Board of Supervisors. Ground-mounted accessory equipment shall be screened, when possible, by utilizing existing structures. If screening by utilizing existing structures is not possible, ground-mounted accessory equipment shall be made architecturally and aesthetically compatible with the surrounding area through the use of coatings, landscaping, and/or screening walls or enclosures to the satisfaction of the Township Board of Supervisors. Screening shall not cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township Board of Supervisors.

- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors. The WCF owner shall be solely responsible for this requirement.
 - d. Any graffiti on any accessory equipment shall be removed within 30 days upon notification by the Township at the sole expense of the owner.
 - e. Any proposed underground vault related to non-tower WCF shall be reviewed and approved by the Township Board of Supervisors.
 - f. Accessory equipment attached to the Wireless Support Structure shall have a minimum of eight feet of vertical clearance above finished grade.
5. Relocation or Removal of Facilities - Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - b. The operations of the Township or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the Township.
6. Reimbursement for ROW Use - In addition to permit fees as described in this section, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

8.5304 General and Specific Requirements for Tower-Based Wireless Communications Facilities

The following regulations shall apply to all tower-based Wireless Communications that do not meet the definition of a Small WCF.

- A. Conditional Use Required - Tower-based WCF are permitted by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this §8.5304.
- 1. Upon submission of an application for a tower-based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within 500 feet of the proposed facility, advising of the subject matter and date of the hearing. Such notice shall be sent at least 10 days in advance of any such hearing. The WCF Applicant shall provide proof of the notification to the Board of Supervisors along with the list of return receipts received.

2. Prior to Zoning Hearing Board approval of a conditional use authorizing the construction and installation of a tower-based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, Antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The WCF Applicant shall further demonstrate that the proposed tower-based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less-intrusive alternative location exists. This test is also met when the WCF Applicant demonstrates that the WCF is being proposed to densify an existing wireless network, introduce new services, or otherwise improve service capabilities.
3. The conditional use application shall include a site plan, drawn to scale, showing property boundaries, power location, total height of the tower-based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping, and existing uses on adjacent properties.
4. The conditional use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
5. The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.
6. Where the tower-based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to the Board of Supervisors that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
7. Prior to the issuance of a zoning permit authorizing construction and erection of a tower-based WCF, a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional use hearing or at a minimum be made a condition attached to any conditional use approval given such that the certification must be provided prior to issuance of any zoning or building permits.
8. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. The Township Board of Supervisors may deny an application to construct a new tower-based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - a. The proposed Antenna and accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed Antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 - c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

The Board of Supervisors may require that an applicant reimburse the Township a maximum amount of \$1,000.00

to conduct an independent professional review of the WCF Applicant's evidence.

9. The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all applicable provisions of this ordinance.

B. Emergency Communications - A tower-based WCF that serves emergency communications by a Township-recognized police, fire, or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower-based WCF may also serve commercial purposes.

C. Development Regulations

1. Underground Utilities - Tower-based WCF shall not be located in, or within 50 feet of an area in which all utilities are located underground, unless the WCF Applicant proves to the satisfaction of the Township that installing its facility in such a location is necessary to provide Wireless service and that no other feasible alternative exists.
2. Zoning Districts - Tower-based WCF are permitted outside the public right-of-way only in the zoning districts identified by the Schedule of Uses.
3. Sole Use on a Lot - A tower-based WCF shall be permitted as the sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district.
4. Combined with Another Use - A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - a. The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - b. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.

D. Design Regulations

1. Height - Tower-based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a tower-based WCF, which is not located in the public ROW, shall not exceed 200 feet in commercial or industrial zoning districts and 150 feet in all other zoning districts in which they are allowed. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the tower-based WCF is the minimum height necessary for the service area.
2. Visual Appearance and Land Use Compatibility - Tower-based WCF shall employ Stealth Technology which may include the tower portion to be painted brown or another color approved by the Board of Supervisors or shall have a galvanized finish. All tower-based WCF and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
3. Design - Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.

4. Anti-Climbing Device - Any tower-based WCF over 40 feet in height shall be equipped with an anti-climbing device, as anti-climbing device approved by the manufacturer.
5. Minimum Setbacks - The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 100 percent of the proposed WCF structure's height or the applicable principal building setback, whichever is greater, unless the applicant shows to the satisfaction of the Board of Supervisors that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

E. Surrounding Environs

1. The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
2. The WCF Applicant shall submit a soil report to the Township Board of Supervisors complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
3. If a tower-based WCF site is within 150 feet of the center line of a perennial creek, then natural gas or propane is recommended for any emergency or backup power source as an alternative to battery and/or gasoline powered generators.
4. If a tower-based WCF is proposed within one mile of the Appalachian Trail, a letter shall be sent by the WCF Applicant to the Appalachian Trail Conference notifying the Conference of the proposed tower-based WCF at least 10 days before any public hearing on the application.

F. Fence/Screen

1. A security fence having a height not to exceed eight feet shall completely surround any tower-based WCF located outside the Public Rights-of-Way, as well as guy wires, or any building housing WCF equipment.
2. A screen consisting of a hedge planted three feet on center maximum or consisting of evergreen trees at least four feet in height and planted 10 feet on center maximum, shall surround the tower-based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible.

G. Accessory Equipment

1. Ground-mounted accessory equipment associated or connected with a tower-based WCF shall not be located within 50 feet of a lot in residential use.
2. accessory equipment associated, or connected, with a tower-based WCF shall be placed underground or screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
3. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or its equivalent may be permitted for each unrelated company sharing commercial communications Antenna(e) space on the tower-based WCF outside of the public ROW.

- H. Standard of Care - Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times

be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.

- I. Additional Antennae - As a condition of approval for all tower-based WCF, the WCF Applicant shall provide the Township Board of Supervisors with a written commitment that it will allow at least two (2) other service providers to collocate Antennae on tower-based WCF where technically and economically feasible. To the extent permissible under state and federal law, the owner of a tower-based WCF shall not install any additional Antennae without complying with the applicable requirements of this §8.5300.
- J. Eligible Facilities Request - WCF Applicants proposing a Modification to an existing WCF that does not Substantially Change the dimensions of the underlying structure shall be required only to obtain a building permit from the Township Building Code Official. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
- K. FCC License - Each Person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.
- L. Inspection - The Township reserves the right to inspect any tower-based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within this ordinance or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- M. Wind and Ice - Any tower-based WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering department of the Telecommunications Industry Association (ANSI/TIA-222, as amended).
- N. Public Safety Communications - No tower-based WCF shall interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- O. Maintenance - The following maintenance requirements shall apply:
 - 1. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair, or replacement.
 - 2. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and utilize industry standard technology for preventing failures and accidents.
- P. Radio Frequency Emissions - A tower-based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, as amended.
- Q. Signs - All tower-based WCFs shall have a sign posted in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- R. Lighting - No tower-based WCF shall be artificially lit, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- S. Noise - Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and this ordinance, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

- T. Storage - The storage of unused equipment, materials or supplies is prohibited on any tower-based WCF site.
- U. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the zoning officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township Board of Supervisors shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the 150 day review period.
- V. Nonconforming Uses - Any Non-conforming tower-based WCF which is hereafter damaged or destroyed due to any reason or cause may be repaired and restored at its former location but must otherwise comply with the terms and conditions of this section. The collocation of antennae is permitted on non-conforming structures.
- W. Decommissioning - See §7.120.
- X. Permit Fees - The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule and shall comply with the applicable requirements of the FCC.
- Y. Insurance - Each Person that owns or operates a tower-based WCF shall provide the zoning officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF.
- Z. Engineer Signature - All plans and drawings for a tower-based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

8.5305 Regulations Applicable to all Small Wireless Communications Facilities (SWCF):

The following regulations shall apply to small wireless communications facilities:

A. Location and Development Standards

1. SWCF are permitted by administrative approval from the zoning officer in all Township zoning districts, subject to the requirements of this §8.5305 and generally applicable permitting as required by this ordinance.
2. WCF Applicants proposing a Modification to an existing WCF that does not Substantially Change the dimensions of the underlying structure shall be required only to obtain a building permit from the Township Building Code Official. In order to be considered for such permit, the WCF applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
3. SWCF in the public ROW requiring the installation of a new wireless support structure shall not be located in front of any building entrance or exit.
4. All SWCF shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.

B. Nonconforming Wireless Support Structures - SWCF shall be permitted to collocate upon nonconforming tower-based WCF and other nonconforming structures. Collocation of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is nonconforming as to use within a zoning district.

C. Standard of Care - Any SWCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. A SWCF shall at all times be kept and maintained

in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.

- D. Historic Buildings - No SWCF may be located within 100 feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township.
- E. Wind and Ice - All SWCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- F. Aviation Safety - SWCF shall comply with all federal and state laws and regulations concerning aviation safety.
- G. Public Safety Communications - SWCF shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- H. Radio Frequency Emissions - A SWCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 *entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, as amended.
- I. Time, Place and Manner - The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all SWCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- J. accessory equipment - SWCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.
- K. Graffiti - Any graffiti on the small wireless support structure or on any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the Township.
- L. Design Standards - All SWCF in the Township shall comply with generally accepted design parameters and the following:
 - 1. All design techniques shall minimize the visual impact of a SWF on the public during and after the installation, modification, or repair of a SWF.
 - 2. The quantity and size of accessory equipment placed on wireless support structures shall be minimized. Long and narrow accessory equipment, as opposed to wide and bulky accessory equipment, should be used. Accessory equipment should be clustered together as much as possible and located toward the top of the wireless support structure when possible.
 - 3. No flashing lights or unnecessary, distracting, nonessential or poorly placed signage or stickers shall be installed or attached on any SWF, accessory equipment, or wireless support structure unless required by applicable codes or agreed upon by the Borough.
 - 4. No SWF or accessory equipment shall have any exposed cables or wiring. all cables and wiring shall be concealed or contained within a wireless support structure unless doing so is not technically feasible as determined by the Borough's engineer. If the cables and wiring cannot be contained within the wireless support structure, then all cables and wires shall be contained within a conduit that is flush mounted to the wireless support structure. All conduits shall be of a color that matches the wireless support structure to which the SWF is attached and be non-reflective unless otherwise agreed upon by the Permittee and Borough.

5. Spools and/or coils of excess wires or cables shall not be stored on a wireless support structure unless they are completely within the approved enclosures or conduits.
6. All cables and wiring shall be installed tautly and without excessive slack or extra cable storage on the wireless support structure. Extra wiring shall not be attached to any wireless support structure.
7. Exterior panel Antennas should not exceed the height of the wireless support structure.
8. Antennas and accessory equipment should not extend further than 20 inches from the wireless support structure.
9. Applicants and/or Permittees shall avoid installing small wireless facilities on wireless support structures that are directly in front of dwelling units or businesses. Wireless support structures near street corners, landscaped areas, or in alleys shall instead be considered for installation first.
10. Small wireless facilities and accessory equipment shall be painted with graffiti-resistant paint which matches the wireless support structure's color and surroundings.
11. Colors and materials for small wireless facilities, antennas, and accessory equipment shall be chosen to minimize visibility and be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as light green, brown, gray, or light blue, or a color that is more compatible with the surrounding architecture or environment only as approved by the Borough shall be used. Small wireless facilities, antennas, and accessory equipment shall match the 3 color of the utility pole or municipal pole that they are attached to if they are attached to such structure.
12. Advertisements are prohibited on a wireless support structure, accessory equipment, or SWF. Likewise, all manufacturer decals, logos, and the like shall be removed or otherwise entirely concealed.
13. If technically feasible, all accessory equipment shall be entirely contained or enclosed within a single cabinet which has the smallest physical dimensions possible.
14. Any replacement wireless support structure shall be placed as close as possible to the existing wireless support structure that is being replaced.
15. Any replacement wireless support structure shall substantially conform to the material and design of the existing wireless support structure or to the adjacent wireless support structures located within the contiguous right-of-way.
16. The height of any replacement wireless support structure shall not extend more than 10 feet above the height of the existing wireless support structure.

M. Timing of Approval

1. Within 60 days of receipt of an application for collocation of a SWCF on a preexisting wireless support structure, the zoning officer shall make a final decision on whether to approve the application and shall notify the SWCF Applicant in writing of such decision.
2. Within 90 days of receipt of an application for a SWCF requiring the installation of a new Wireless Support Structure, the zoning officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
3. Within 10 calendar days of the date that an application for a SWCF is filed with the zoning officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete the application.

N. Relocation or Removal of Facilities - Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a SWCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any SWCF

when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 2. The operations of the Township or other governmental entity in the Right-of-Way;
 3. Vacation of a street or road or the release of a utility easement; or
 4. An emergency as determined by the Township.
- O. Reimbursement for ROW Use - In addition to permit fees as described in this section, every SWCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each SWCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

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 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 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, change, restoration, or reconstruction 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 or demolished in whole or part to the exact or less nonconforming condition which existed prior to the casualty or demolition.

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.

9.209 Nonconforming Use, Restoration

The reestablishment or re-initiation of a use damaged or destroyed by casualty or removed in whole or part to the exact or less nonconforming condition which existed prior to the casualty or removal.

9.210 Casualty

Damage which is caused by a sudden, unexpected, or unusual occurrence such as a storm, flood, earthquake, fire, or explosion.

9.211 Nonconforming Setback Line

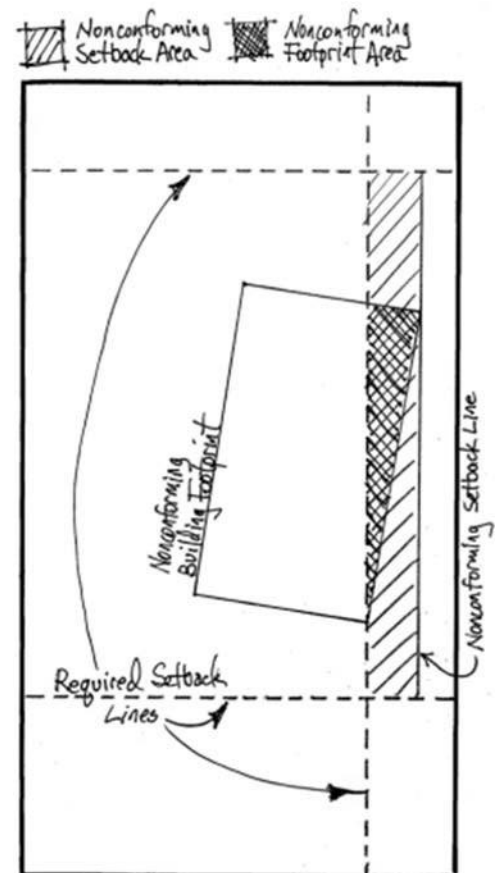
A line passing through the point of the nonconforming structure nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

9.212 Nonconforming Setback Area

The area established by a line passing through the point of the nonconforming structure nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

9.213 Nonconforming Footprint Area

The area of a structure which lies within the nonconforming setback area, and which violates the minimum required setback area. (See Nonconforming Footprint Diagram.)



Nonconforming Footprint

9.300 NONCONFORMITIES UNDER DEVELOPMENT

For the purposes of this Article, 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 effects 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.

9.600 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.

9.601 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.

9.700 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 25 percent of land and 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 50 percent of land and 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.

9.701 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 RESTORATION AND RECONSTRUCTION**9.801 Applicability**

If any nonconforming structure or use is damaged or destroyed to any extent by casualty or is demolished or removed to any extent by its owner, it may be restored or reconstructed to its preexisting condition of nonconformity in accord with this §9.800 and other applicable requirements.

908.2 Requirements

- A. Permits; Time Limit - The applicable permits for the restoration or reconstruction shall be required and the reconstruction shall be completed within 18 months of the date of the casualty, demolition, or removal.
- B. Nonconformity - The nonconformity shall not be increased, and no new nonconformity shall be created. (See §9.1000 for permitted alterations and expansions of nonconforming structures.)
- C. Change or Extension of Use - Such restoration or reconstruction shall be considered a conditional use if the restoration or reconstruction involves a change or extension of use as regulated by §9.600 and §9.700 of this Ordinance, respectively.
- D. Time Extension - The Zoning Officer may, for good cause shown by the owner, grant extensions of not more than one year each for the restoration or reconstruction. Said extension shall only be considered 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 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 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 or Expansions

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. The 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. Limit - A one-time alteration or expansion of a structure shall be permitted within the nonconforming setback area provided the nonconforming footprint area is not increased by more than 50 percent for residential structures and 50 percent for nonresidential structures. [Example - If the nonconforming footprint area before an expansion is 200 square feet, the total footprint of the building in the nonconforming setback area cannot exceed 300 square feet after the expansion: $200 \text{ sf} + (50\% \times 200 \text{ sf}) = 200 \text{ sf} + 100 \text{ sf} = 300 \text{ sf}$.] (See preceding Nonconforming Footprint Diagram.)
- B. Height - The height of any such residential or nonresidential alteration or expansion within the nonconforming setback area shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.

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 20 feet and side and rear setbacks are maintained at a minimum of 10 feet each.
- B. Lot Coverage - Maximum lot coverage area shall not exceed 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 minimum lot size for the proposed use which is greater than that specified by the Schedule of Development Standards for the zoning district in which the proposed use is located. (For example, §8.1100 requires a minimum parcel size of 10 acres for correctional facilities so a correctional facility is not permitted on a nonconforming lot.)

- 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 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 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 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.

9.1300 SURVEY

9.1301 Required in All Cases

In the case of any proposed reconstruction or any proposed alteration or expansion of a nonconforming structure, the Applicant shall provide a survey prepared by a Professional Land Surveyor showing the position of the existing nonconforming structure with the entire proposed structure superimposed over the position of the existing nonconforming structure in addition to all other information required by this Ordinance.

9.1302 Required by Township

A survey prepared by a Professional Land Surveyor may also be required by the Township in any case as necessary to determine compliance.

9.1303 Survey Information

In addition to the information required in §9.1301, the survey shall show all details required to determine compliance, including, but not limited to, existing and proposed improvements, existing and proposed building height, existing and proposed lot coverage, minimum required setback lines, nonconforming setback lines, nonconforming setback areas, and existing and proposed nonconforming footprint 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 another 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**11.00 APPLICABILITY****11.01 Conformance**

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

11.02 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.

11.03 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.
- D. All proposed construction and other development within Special Flood Hazard Areas and the most current Flood Hazard Rate Map issued by FEMA.

11.04 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 provided 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 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 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 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. The 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 copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two 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 §11.203D6, 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 landowner 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.
- E. Other Laws - Prior to the issuance of any permit, the Zoning Officer (i.e., Floodplain Administrator) shall review the

application for the permit to determine if all other necessary government permits required by township, state and federal laws have been obtained, including but not limited to, those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made. The Zoning Officer shall 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.

- F. 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.)
- G. 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.
- H. Subdivision Approval - Applications for uses which also require 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 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.
- I. Identified Floodplain Areas - In addition to the other requirements of this §11.203, the following provisions shall apply to all applications proposing any development in an identified floodplain area. To demonstrate compliance with this Ordinance, the applicant shall provide adequate:
- site plan information,
 - building plan information, and
 - all necessary data and documentation.

Prior to issuing a permit the Zoning Officer shall consider this information to determine that the site is reasonably safe from flooding.

1. Additional Application Requirements - In addition to the information requirements of §11.203D the following shall be provided with the application:
- a. A breakout of flood-related cost and the market value of the building before the flood damage occurred if applicable.
 - b. All the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) adequate drainage is provided to reduce exposure to flood hazards;
 - (4) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (5) building materials are flood-resistant;
 - (6) appropriate practices that minimize flood damage have been used; and

- (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- c. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- d. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (1) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (2) the elevation of the base flood;
 - (3) supplemental information as may be necessary under 34 PA Code, the 2018 IBC or the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- e. The following data and documentation:
 - (1) detailed information concerning any proposed floodproofing measures and corresponding elevations
 - (2) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - (3) documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area will not increase the base flood elevation at any point.
 - (4) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
 - (5) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Identified Floodplain Area when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
 - (6) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - (7) detailed information needed to determine compliance with §12.503F, Storage, and §12.504, Development Which May Endanger Human Life, including:
 - (a) the amount, location and purpose of any materials or substances referred to in §12.503F and §12.504 which are intended to be used, produced, stored, or otherwise maintained on site.
 - (b) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in during a base flood.
 - (8) the appropriate component of the Department of Environmental Protection's *Planning Module for Land Development*.
 - (9) where any excavation or grading is proposed, a plan meeting the requirements of the Department of

Environmental Protection to implement and maintain erosion and sedimentation control.

2. General Requirements

- a. In the case of existing structures, prior to the issuance of any permit, the Zoning Officer shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accord with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- b. In the case of existing structures, prior to the issuance of any permit, the Zoning Officer shall review the history of repairs to the subject building, so that any repetitively damaged concerns can be addressed before the permit is issued.
- c. The Zoning Officer shall notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant design and construction requirements of this ordinance is required.
- d. The Zoning Officer shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement. Where BFE data are utilized, the Zoning Officer shall obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements.
- e. The Zoning Officer is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program, as requested.
- f. FEMA technical bulletins and subsequent guidance publications are incorporated herein by reference and shall be the basis for interpretation of the applicable provisions of the Uniform Construction Code and of this Ordinance.
- g. The Zoning Officer shall consider the requirements of PA Code Title 34 (Labor and Industry) and the 2018 IBC and the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- h. The Zoning Officer shall not issue any permit for a structure denied flood insurance coverage by FEMA, pursuant to §1316 of the National Flood Insurance Act of 1968, unless the permit is for activities to bring the 1316 structure into compliance with this Ordinance, 34 PA Code, and the 2018 IBC and the 2018 IRC, or the latest revision thereof adopted by the Commonwealth of Pennsylvania.
- i. In addition to the permit, the Zoning Officer shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit and the date of its issuance and be signed by the Zoning Officer.

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 copies of any permit required under this Ordinance shall be made.
 1. One copy of any such permit shall be retained in Township files and one 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 90 days after 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, the 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. Conditions of Approval - In the case of a conditional use or special exception approved with conditions, it shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until all conditions of approval have been fulfilled and a Certificate of Use has been issued in accord with this §11.207.
- C. 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 10 days of a properly submitted and duly filed application. A minimum of one copy shall be retained in Township records.
- D. 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.

- E. 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. A high school diploma or equivalent and a minimum of four years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 2. A high school diploma or equivalent and two additional years of continuing education, such as an associate degree (such continuing education preferably should be in a field such as law enforcement, community planning and/or public administration) and a minimum of two 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 eight months of 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 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. 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.
 3. Floodplain Regulations - Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 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. Erosion and Sedimentation, Stormwater - Appeals from the determination of the Zoning Officer or Township 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.
 7. Preliminary Opinion Appeals - Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- 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 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 (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. The 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 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 persons 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.

11.600 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.

11.601 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.

11.602 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.

11.603 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.

11.604 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.

11.605 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.

11.606 Solicitor Conflict

- A. Private Clients - The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. Conflict of Interest - 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 days before the scheduled hearing date.
- C. Alternate Solicitor - 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 (See §12.800 for additional requirements for variances in identified floodplain areas.)

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 §910.2 of the Municipalities Planning Code. The applicant shall have the burden of proof to show compliance with the following standards.

- 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. Applicability - The following shall be considered conditional uses:

1. The establishment of any new use listed as a conditional use in the Schedule of Uses for a specific District, including a change from one use to another.
2. Any use listed as a conditional use in the Schedule of Uses for a specific District which involves a cumulative increase (measured from the effective date of this provision) of more than 1,000 square feet of combined area of any:
 - a. additional land area devoted to the use exclusive of parking and loading areas required by §5.500 and required stormwater facilities; plus,
 - b. the total gross floor area of any new building or any addition to an existing building, each including principal and accessory buildings.
3. Changes and extensions to nonconforming uses governed by §9.600 and §9.700, respectively.

B. Procedure

1. Submission - The applicant shall submit the application as follows:
 - a. Five complete copies of any required plan shall be submitted to the Zoning Officer by the applicant not less than

10 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 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 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.

11.800 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. Plans Required - All applicants for a special exception use shall submit five 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. Information Required - 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 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 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.

11.801 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.
- H. Initiation of Use Approved with Conditions - In the case of a conditional use or special exception approved with conditions, it shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until all conditions of approval have been fulfilled and a Certificate of Use has been issued in accord with §11.207.

11.802 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 three years from the date such approval was granted if no site development or building construction as approved has taken place or the use is not otherwise progressing in terms of meeting conditions or obtaining subdivision/land development approval or required state or federal approvals 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.

11.803 Information Required

The applicant shall supply the information required by §11.203 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.

11.804 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 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 the 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 30 days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than 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 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

11.1801 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.

11.1802 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
FLOODPLAIN AND BUFFERS FOR STREAMS AND WATERBODIES**

12.100 STATUTORY AUTHORIZATION

- A. As authorized by the Pennsylvania Flood Plain Management Act of 1978 as amended by Act 65 of 2022, this Article XII shall apply to all new construction, development, and improvements in any identified floodplain area which shall constitute the Floodplain Overlay District.
- B. Palmyra Township joined the National Flood Insurance Program on November 11, 1982.
- C. Minor repairs to existing buildings or structures shall not be subject to the provisions of this section.
- D. The Zoning Officer is designated as the Floodplain Administrator for the purposes of this Ordinance.

12.200 INTENT

In addition to the provisions of §1.300 and §11.000, this Article XII is intended to:

- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- Minimize danger to public health by protecting water supply and natural drainage.
- Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- Comply with federal and state floodplain management requirements.

12.300 NEW DEVELOPMENT PROHIBITED

No new construction, no development, and no substantial improvement shall be permitted in any identified floodplain area except in strict conformance with this zoning ordinance and a variance is granted in accord with §12.800.

12.400 IDENTIFICATION OF FLOODPLAIN AREAS AND SPECIAL REQUIREMENTS**12.401 Identified Floodplain Area**

The identified floodplain area shall be the areas of Palmyra Township classified as special flood hazard areas (SFHAs) in the most current Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) including all digital data developed as part of the Flood Insurance Study. The above referenced FIS and FIRMs are hereby adopted and declared to be a part of this zoning ordinance.

12.402 Floodway Area

The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway, and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.

- A. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accord with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Within any floodway area, no new construction or development shall be allowed unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

12.403 AE Areas/Districts

The AE Areas/Districts shall be those areas identified as an AE Zone on the FIRM for which base flood elevations have been provided.

- A. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM for which base flood elevations have been provided and a floodway has been delineated.
- B. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM for which base flood elevations have been provided but no floodway has been determined.
 - 1. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
 - 2. Within Zones AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.
 - 3. See §12.501C for stream and waterbody buffers.

12.404 A Area/District

The A Area/District shall be those areas identified as an A Zone on the FIRM and for which no base flood elevations have been provided. For these areas, elevation, and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In the absence of any of the above data or documentation, the Township may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

12.405 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person document the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, the Township shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See §12.501A for situations where FEMA notification is required.

12.406 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.

12.407 Municipal Boundary Changes - Prior to development occurring in areas where annexation or other municipal boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or municipal boundary changes which meet or exceed those in CFR 44 60.3.

12.408 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be

considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

12.500 TECHNICAL PROVISIONS

12.501 General

A. Watercourse Alteration

1. 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 Township, and until all required permits or approvals have been first obtained from DEP.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. FEMA and the PA Emergency Management Agency (PEMA) shall be notified prior to any alteration or relocation of any watercourse.

B. Encroachments - When the Township proposes to permit any of the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant] shall (as per 44 CFR Part 65.12):

1. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
3. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67

C. Stream and Waterbody Buffer - For the purpose of preserving water quality, minimizing flood damage, and ensuring recreational access to the stream or waterbody the standards in this §12.501C shall apply. (See §7.403E for Lake Wallenpaupack.)

1. Streams with Identified Floodplain and Waterbodies - 50-Foot Buffer (See §12.501D for Lake Wallenpaupack) - If new construction, development, and substantial improvement are not otherwise prohibited by §12.300, a buffer zone and building setback of not less than 50 feet shall be maintained from the top of bank on each side of any stream with an identified floodplain area or waterbody (See §12.501D for Lake Wallenpaupack). 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. Streams without Identified Floodplain - 25-Foot Buffer - A buffer zone and building setback of not less than 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. Streams without Identified Floodplain - 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 25 and 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 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.

D. Lake Wallenpaupack

1. 1,187 Feet above Sea Level and Lake Owner Project Line - If new construction, development, and substantial improvement are not otherwise prohibited by §12.300, a buffer zone and building setback of not less than 50 feet shall be maintained from the 1,187 feet above sea level elevation along the Lake Wallenpaupack shoreline. However, in no case shall any part of a principal structure be located closer than 10 feet to the lake owner project line, excluding attached uncovered decks, stairways, porches and patios which may extend up to the project line.
2. Narrow Strip - In cases where a narrow strip of land has been reserved along the lake owner project line for the purposes of holding the right to obtain watercraft dock permits from the lake owner, a 10-foot setback shall apply in lieu of any other property line setback which would normally apply. The 10-foot setback shall be measured from the lake project line. This §12.501D2 shall only apply in cases where the following requirements are satisfied:
 - a. The width of the narrow strip shall not exceed five feet.
 - b. 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.
 - c. 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.
 - d. In cases where more watercraft 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 watercraft dock facilities are otherwise allowed in the Zoning District and the other requirements of this Ordinance are satisfied.

- E. Other Lakes - If new construction, development, and substantial improvement adjacent to any lake greater than one acre in surface area (other than Lake Wallenpaupack) are not otherwise prohibited by §12.300, a buffer zone and building setback of not less than 50 feet shall be maintained from the top-of-bank of any lake greater than one acres in size.

12.502 Elevation and Floodproofing Requirements

- Within any identified floodplain area any new construction or substantial improvements shall be prohibited unless a variance is obtained in accord with the criteria in §12.800.
- If a variance is granted, a zoning permit is required for all proposed construction and other development within Special Flood Hazard Areas as shown on the most current Flood Hazard Rate Map issued by FEMA.
- Where BFE data are utilized, the Zoning Officer shall obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements.
- The following provisions apply:

A. Residential Structures

1. In AE Zones any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accord with §12.404.
3. The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401- 405 as amended) shall be used, where they are more restrictive.

B. Nonresidential Structures

1. In AE Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In A Zones, where no base flood elevations are specified on the firm, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with §12. 404..
3. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled *Floodproofing Regulations* published by the U.S. Army Corps of Engineers (June 1972, as amended in EP 1165-2-314, December 1995) or the flood load, and flood resistant construction requirements of ASCE 24. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built floodproofing certificate prior to the issuance of the certificate of use.
4. Any non-residential structure that will be floodproofed must submit the following to the Zoning Officer along with the nonresidential floodproofing certificate and prior to the issuance of the certificate of use:

- a. An inspection and maintenance plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 - (1) Mechanical equipment such as sump pumps and generators,
 - (2) Flood shields and closures,
 - (3) Walls and wall penetrations, and
 - (4) Levees and berms (as applicable)
- b. Flood emergency operation plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 - (1) An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 - (2) A procedure for notification of necessary parties when flooding threatens, and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned if the primary persons responsible are unable to complete their assigned duties under the plan.
 - (3) A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 - (4) An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 - (5) A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
5. The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor which will be used solely for the parking of a vehicle, building access, or incidental storage shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term *fully enclosed space* also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space installed on two separate walls.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

- D. Historic Structures - Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places, or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- E. Accessory Structures - Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 2. Floor area shall not exceed 200 square feet.
 3. The structure will have a low damage potential.
 4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 7. Sanitary facilities are prohibited.
 8. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in §. If a variance is granted, a signed declaration of land restriction (non-conversion agreement) shall be recorded on the property deed prior to issuance of the Certificate of use.

12.500 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- A. Fill - Within any Identified Floodplain Area, the use of fill shall be prohibited. If a variance is obtained and fill is used, the fill shall:
1. extend laterally at least 15 feet beyond the building line from all points;
 2. consist of soil or small rock materials only - solid waste landfills shall not be permitted;
 3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
 5. be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems
1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located to avoid impairment to it, or contamination from it, during a flood.
 4. The design and construction provisions of the UCC and FEMA #348, *Protecting Building Utilities from Flood Damages* and *The International Private Sewage Disposal Code* shall be utilized.
- D. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets - The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in §12.504 (Prohibition of Development Which May Endanger Human Life), shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- G. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevations shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls, and Ceilings
1. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 2. Plywood used at or below the regulatory flood elevation shall be of a *marine* or *water-resistant* variety.
 3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are

water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other *water-resistant* material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of *marine* or *water-resistant* quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a *marine* or *water-resistant* variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a *marine* or *water-resistant* paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation and shall be anchored to resist flotation, collapse, and lateral movement.
2. Ductwork shall be elevated to or above the regulatory flood elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood water into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems if flood water infiltration occurs.

N. Tanks

1. Underground Tanks - Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. Above-Ground Tanks Not Elevated - Above-ground tanks which are not elevated shall be permitted in flood hazard areas (Zone A) provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris
3. Above-Ground Tanks, Elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area
4. Tank Inlets and Vents. Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the regulatory flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects

of buoyancy, during conditions of the design flood.

- O. Fences - Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of §12.402.
- P. Pools - Reference ASCE 24 and FEMA guidance document.
- Q. Uniform Construction Code Coordination - The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended, and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article XII, to the extent that they are more restrictive and supplement the requirements of this Article XII.
1. International Building Code (IBC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 2. International Residential Building Code (IRC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

12.501 Prohibition of Development Which May Endanger Human Life

Within any identified floodplain area, no approval and no variance shall be granted for any type of development or activity 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 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:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and Sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated
- Any other substance as determined by the Township

12.502 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

12.600 PROHIBITION OF SPECIFIC USES

Within any identified floodplain area, no approval and no variance shall be granted for any of the following:

- Manufactured homes
- Campgrounds, recreational vehicle parks, and/or storage of recreational vehicles
- Hospitals
- Personal car homes
- Correctional facilities

12.700 EXISTING STRUCTURES IN FLOODPLAIN AREA

12.701 Existing Structures

- A. In the case of existing structures, prior to the issuance of any development/permit, the Zoning Officer shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made in accord with FEMA's most current *Substantial Improvement/Substantial Damage Desk Reference*.
- B. 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 provisions in §12.702 shall apply.

12.702 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in §12.404.
- B. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- C. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- E. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2018 IBC and the 2018 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- F. Within any Floodway Area/District (See §12.402), no new construction or development shall be allowed, unless the appropriate permit is obtained from DEP.
- G. Within any AE Area/District without Floodway (see §12.403B), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from DEP.
- H. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- I. Any modification, alteration, reconstruction, or improvement of any kind occurring as a result of being repetitively damaged shall be undertaken only in full compliance with the provisions of this ordinance.

12.800 VARIANCES

In addition to the requirements of §11.700, the following provisions shall apply to variances in any identified floodplain area.

12.801 General

- A. No variance shall be granted within any Identified Floodplain Area that would cause any increase in BFE. In the A Area/District, BFEs are determined using the methodology in §12.404.
- B. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- C. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- D. No variances shall be granted for a proposed accessory structure that exceeds 12 feet in height and/or 275 square feet in total floor area. A signed non-conversion agreement is required as a condition of receiving the variance.
- E. No variance shall be granted for any development prohibited by §12.504 and §12.600.
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- H. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- I. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
- J. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- K. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one percent annual chance flood.

12.900 DEFINITIONS**12.901 General**

Words and phrases used in this Article XII shall have the meanings set forth in §12.902. Words and phrases not defined in §12.902 but defined in Article III shall be given the meanings set forth in that Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

12.902 Specific Definitions

- A. ASCE 24 - a standard titled *Flood Resistant Design and Construction* that is referenced by the Uniform Construction Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.
- B. Base Flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the *100-year flood* or one percent annual chance flood).
- C. Base Flood Discharge - the volume of water resulting from a base flood as it passes a given location within a given time,

usually expressed in cubic feet per second (cfs).

- D. Base Flood Elevation (BFE) -the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, and AH that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- E. Declaration of Land Restriction (Non- Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
- F. 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.
- G. Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- H. Expansion to an Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- I. Flood - a temporary inundation of normally dry land areas.
- J. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- K. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- L. 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.
- M. 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.
- N. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- O. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- P. Historic Structures - 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 which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified by an approved state program as determined by the Secretary of the Interior.
- Q. Identified Floodplain Area - this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified by the Township.
- R. Lake Owner Project Line - The boundary between the area owned by the entity licensed by the Federal Energy Regulatory Commission to manage the Lake and associated licensee-owned lands and the adjoining privately-owned lands.
- S. 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 Article XII.
- T. 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.
- U. Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- V. Market Value - The building value, excluding the land, as would be agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed tax assessment values adjusted to approximate market value by a factor provided by the county tax assessment office.
- W. New Construction - structures for which the start of construction commenced on or after the effective start date of this Article XII and includes any subsequent improvements to such structures. Any construction started after the initial Flood Insurance Rate Map issued for the Township and before the effective start date of this Article is subject to the regulations in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- X. New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Township.
- Y. Post-FIRM Structure - a structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the Township's initial Flood Insurance Rate Map (FIRM), whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- Z. Pre-FIRM Structure - a structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM), whichever is later, and as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- AA. Recreational Vehicle - a vehicle which is:

1. built on a single chassis;
2. not more than 400 square feet, measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light-duty truck;
4. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

BB. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1.5 feet. The freeboard safety factor also applies to utilities and ductwork.

CC. Repetitively Damaged - flood related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, cumulatively, equals or exceeds 50 percent of the market value of the structure before the damages occurred.

DD. Special Flood Hazard Area (SFHA) - means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

EE. Start of Construction - includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Officer. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

FF. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

GG. 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 50 percent or more of the market value of the structure before the damage occurred.

HH. Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 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* or *repetitively damaged* regardless of the actual repair work performed. The rolling period of accumulation of improvements for a building or structure ends when the permit for the first improvement is finalized or closed. The term does not, however, include 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.

II. Tanks - including those associated with utility service to a building or that are attached to or located under a building, and tanks that do not serve buildings, such as chemical and fuel tanks.

JJ. Top of Bank - the contour along a stream or lake shoreline where an abrupt change in slope is typically evident, and where the exposed rock, gravel and soil resulting from fluctuations in water level changes to permanent vegetation; and, in the case of a stream, where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

- KK. Uniform Construction Code (UCC) - the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- LL. Variance - a grant of relief by a community from the terms of a floodplain management regulation.
- MM. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

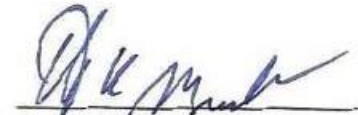
ARTICLE XIII
ADOPTION

ADOPTION

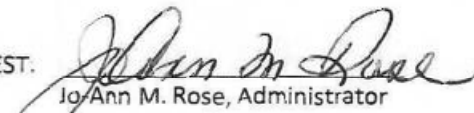
Be it Hereby Enacted and Ordained this 15 Day of July 2025, by the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, to become effective immediately.


Kenneth Coutts, Chairman


Eric J. Enhardt, Vice-Chairman


Thomas R. Mueller, Secretary

ATTEST.


Jo Ann M. Rose, Administrator

