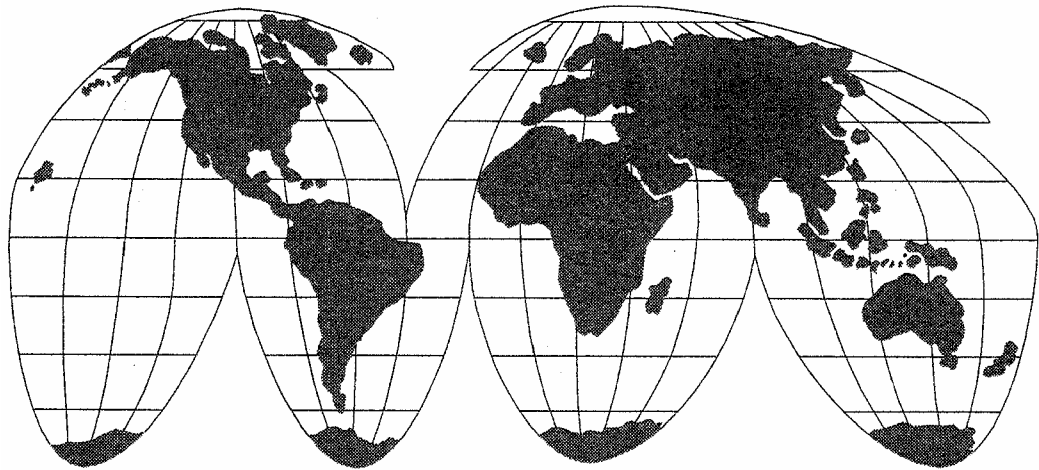


PENN FOREST TOWNSHIP ZONING ORDINANCE



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2002

PENN FOREST TOWNSHIP **ZONING ORDINANCE**

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Permitted Deviations from Required Areas
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ARTICLE VIII REGULATIONS GOVERNING CERTAIN USES

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ARTICLE IX SIGNS

Section 9.100

9.200

Definitions

Signs Permitted in Residential Districts

(R-i, R-2 and R-3), and Planned Residential
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9.300 Signs Permitted in Commercial Districts (C-i and C-2) and
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ARTICLE XI CONDITIONAL USES

Section 11.100 Purpose

11.200 General Provisions

11.300 Procedure for Submission and Decisions

11.400 General Standard

ARTICLE I. TITLE, PURPOSE AND JURISDICTION

1.100 TITLE

An ordinance regulating the location, height, bulk, erection, construction, reconstruction, alteration, razing, removal and size of structures; the percentage of lot which may be occupied, the size of yards, courts and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of Penn Forest Township.

1.200 SHORT TITLE

This Ordinance shall be known and cited as the “Penn Forest Township Zoning Ordinance” of 1991, as amended.

1.300 PURPOSE

The purpose of this Ordinance is the promotion of health, safety, morals, convenience, order and welfare of the present and future inhabitants of Penn Forest Township by:

- (a) Lessening the danger and congestion of traffic on the roads and highways and limiting excessive numbers of roads;
- (b) Securing safety from fire, panic, flood and other dangers;
- (c) Providing adequate light and air;
- (d) Regulating the growth of the area, concentrating development in areas where adequate sewerage, roads and schools can be provided, and limiting development in areas where these facilities are not provided;
- (e) Providing standards to regulate the amount of open space and impervious surfaces within a development; to regulate the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people’s right to clean air, pure water, and the natural, scenic, historic and aesthetic values of the environment; and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all the people, including generations yet to come, and which must be protected to insure the health, safety and welfare of all the people;

- (f) Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing; and to meet the goals of the Federal Housing Act of 1949 as amended;
- (g) Promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks and other public facilities, educational opportunities, recreation, soil fertility and food supply;
- (h) Provide incentives to meet housing or environmental goals, or to provide public or special facilities;
- (i) Provide standards of performance which make the unique characteristics of the land or site the determinants of its capacity for residential use;
- (j) Protecting the tax base;
- (k) Securing economy in government expenditures; and
- (l) Fostering agriculture and other industries.

1.400 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

- (a) Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other ordinance, the provisions of this Ordinance shall govern.
- (b) Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulation made under authority of this Ordinance, the provisions of such statute shall govern.
- (c) This Ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinance, except those specifically or implicitly repealed by this Ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement.

- (d) Provisions in the subdivision and land development regulations of the Township providing for the varying of design standards shall not be considered to be in conflict with the provisions of this Ordinance. For the purposes of reviewing Performance Standard Subdivisions or Planned Residential Developments only, -the standards of this Ordinance shall supersede any stricter standards contained in any other ordinance of Penn Forest Township.

1.500 SEVERABILITY

It is hereby declared to be the intent of the Supervisors that:

- (a) If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.
- (b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

1.600 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

The following Statement of Community Development Objectives shall serve as a guideline for growth and development within the Township of Penn Forest. This statement is in compliance with the requirements of Section 606 of the Pennsylvania Municipalities Planning Code. This Ordinance is enacted for the following purposes:

1. To protect and promote the public health, safety, morals and general welfare
 - of the residents of the Township.
2. To provide for future development, both private and public, including residential, commercial, industrial, agricultural, recreational and institutional so that the uses of land, including the location and bulk of buildings, are
 - arranged orderly, conveniently, aesthetically, economically, are in harmony with natural and man-made surroundings and reasonably free from evoking and causing nuisances to surrounding uses.
3. To encourage growth in terms of population and commercial and industrial activity so that the Township captures at least its fair share of regional growth.

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 - arranged orderly, conveniently, aesthetically, economically, are in harmony with natural and man-made surroundings and reasonably free from evoking and causing nuisances to surrounding uses.

3. To encourage growth in terms of population and commercial and industrial activity so that the Township captures at least its fair share of regional growth.

14. To provide, in areas where industrial and commercial uses are adjacent to residential districts, suitable site development standards, such as setback, screening and landscaping measures, in order to insure that locational convenience does not compromise development quality.
15. To allow all citizens maximum opportunities to develop their land consistent with the other objectives of this Ordinance, with the abilities of the public to provide necessary facilities and services, and consistent with the prevention and elimination of use nuisances.
16. To insure that future development causes the minimum amount of soil loss due to erosion.
17. To relate and coordinate the development of the Township with surrounding municipalities.
18. To promote a community identity for the Township as a good place to live, work, shop and recreate by shaping future growth in patterns that are in harmony with these objectives.
19. To preserve Agricultural Land and to protect the natural resources of Penn Forest Township.

1.700 ENACTMENT AND **APPLICABILITY**

This Ordinance, prepared by the Penn Forest Township Planning Commission, was enacted by the Supervisors of the Township under the provisions of Section 608 of the Pennsylvania Municipalities Planning Code. The Ordinance is administrated by the Supervisors, the Planning Commission, the Zoning Officer and the Zoning Hearing Board of the Township under the further provisions of the Pennsylvania Municipalities Planning Code for the land area within the Township as illustrated on the municipal Zoning Map incorporated in this Ordinance. The Penn Forest Township Planning Commission shall serve the Township in an advisory capacity under Article II of the Pennsylvania Municipalities Planning Code.

ARTICLE II . DEFINITIONS

2.100 GENERAL

- (a) Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings given in the following clauses.

- (b) For the purpose of this Ordinance, words and terms herein used shall be interpreted as follows:
 - (1) Words used in the present tense include the future,
 - (2) The singular includes the plural.
 - (3) The word “person” includes a corporation, partnership, and association, as well as the individual.
 - (4) The word “lot” includes the word “plot” or “parcel”.
 - (5) The term “shall” is mandatory.
 - (6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be occupied.”
 - (7) The word “Municipal” or “Township” means the Township of Penn Forest.
 - (8) The word “Supervisors” refer to the Board of Supervisors oi Penn Forest Township.
 - (9) The words “Township Planning Commission”, “Planning Commission” or “Commission” mean the Penn Forest Township Planning Commission.
 - (10) The word “Board” or the words “Zoning Hearing Board” always mean the Penn Forest Township Zoning Hearing Board.

- (c) Any word or term not defined herein shall be used with a meaning of standard usage.

2.10 1 **ACCESSORY STRUCTURE.** A subordinate structure, the use of which is entirely incidental to that of the main building, and is used for an accessory use, and is located on the same lot.

2.101A **ACCESSORY USE.** A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

2.102 **AGRICULTURE.** The cultivating of the soil, and the raising and harvesting of products of the soil, including, but not by way of limitations, nursery, horticulture and forestry, and the raising and maintenance of livestock and poultry. The keeping of horses for domestic purposes shall not be considered as an agricultural use.

- 2.103** **ALLEY.** A public or private way affording only secondary means of access to abutting property.
- 2.104** **ALTERATIONS.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement or diminution, or the moving from one location or position to another.
- 2.105** **AREA.**
- (a) **Lot Area:** The area contained within the property lines of individual parcels of land shown on a subdivision plan or within the property lines of other individual parcels of land use or occupied as a lot, excluding any area within an existing or designated future street right-of-way, or the area of any easement which would interfere with the proposed use. In addition, the minimum lot area does not include any area designated as open space under the requirements of Section 5.200, Site Capacity Calculations, and Section 5.300, Table of Performance Standards.
- For all proposed residential uses having a lot area greater than two (2) acres, there shall be an area within the overall lot of at least two (2) acres for the primary building, accessory buildings, driveways, parking areas and on-site sewer and water systems. This area shall not contain floodplains, floodplain soils, lakes, ponds, water courses or wetlands. For all proposed residential uses having a lot area of two (2) acres or less, the lot area shall not contain any of these noted natural features. For all proposed nonresidential uses, the proposed lot area shall contain an area of at least the minimum lot size, as specified in Section 5.300, in addition to any area containing these noted natural features.
- Lots with natural features must comply with the requirements of Section 5.500 Environmental Performance Standards when the lot is developed.
- (b) **Floor Area:** The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include uninhabitable cellars, unenclosed or screened porches, attics not used for human occupancy, nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of the Ordinance, nor any such floor space intended and designed for accessory heating and ventilating.
- 2.106** **BUILDING.** Any structure or part thereof, fifteen (15) sq. ft. or more in size, and having a roof supported by columns or walls, used for shelter, housing or enclosure of persons, animals or property.

- 2.107 **BUILDING HEIGHT.** The vertical distance measured from the highest point of the proposed finished grade, that is accessible by a mud free and permanently passable street, to the roof nearest said street. In the event no part of a building is accessible by a mud free and permanently passable street, the building height shall be the vertical distance measured from the highest point of the proposed finished grade at the front of the building to the roof. The height of the roof shall be its highest point on the roof for flat roofs; the deck line of mansard roofs; and, the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 2.108 **BUILDING COVERAGE, MAXIMUM.** The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breeze-ways, but excluding open patios).
- 2.109 **BUILDING SETBACK LINE (BUILDING LINE).** An established line within a property defining the minimum front yard and required distance between any structure to be erected and the ultimate adjacent right-of-way, or street line.
- 2.110 **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is situated.
- 2.111 **CAR WASH.** A building or portion thereof where automobiles or other motor vehicles are commercially cleaned.
- 2.112 **CHURCH.** A building or group of buildings, including customary accessory buildings designed or intended for public worship. For the purpose of this Ordinance, the word “church” shall include: chapels, cathedrals, synagogues, mosques, temples, community centers and similar designations. This shall not include meeting halls for : secular purposes, profit or non-profit organizations, clubs, fraternal institutions or organizations, veteran organizations, labor organizations or associations, political organizations, rallies, concerts (except religious) or lobbying groups.
- 2.113 **CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at Street intersections defined by lines of sight between points at a, given distance from the intersection of the Street rights-of-way, cartways, or centerlines.
- 2.114 **COMMERCIAL STORAGE FACILITIES.** Any structure in which goods or materials are stored based upon a fee. Such facilities include self-storage garages.
- 2.115 **COMMON AREA.** That portion of a subdivision or other development common with or under direct or indirect control of the owners of land within the subdivision or the unit owners in a condominium and set aside for the exclusive use and enjoyment of the condominium.

- 2.116 **COMMON OPEN SPACE.** A parcel or parcels of land, or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public utilities.
- 2.117 **COMMUNICATION TOWER.** A structure in excess of thirty (30) feet in height, and necessary auxiliary components, proposed by a public, semi-public or private entity for the purpose of sending and receiving electronic or analog signals as an integral component of a communications system including, but not limited to radio towers, cellular phone transmission towers, etc.
- 2.118 **CONDITIONAL USE.** A use permitted by the Supervisors in a particular zoning district pursuant to the provisions of this Ordinance and the PaMPC.
- 2.119 **CONDOMINIUM.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and organized in accordance with the Pennsylvania Uniform Condominium Act, 68 P.S. s 3101, et seq., as amended.
- 2.120 **CONVALESCENT OR NURSING HOME.** Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and limited nursing care.
- 2.121 **CONVERSION.** To change or adapt land or structures to a different use, occupancy or purpose.
- 2.122 **DENSITY, NET.** Density is a measure of the number of dwelling units per acre of area. It shall be expressed in dwelling units per acre. The measure is determined by dividing the number of dwelling units by the net build able site area. See Section 5.300, Table of Performance Standards, for the density requirements for the various districts and Section 5.200, Site Capacity Calculations, for the calculations used to determine the net build able site area.
- 2.123 **DETACHED.** Used to describe a structure which has yards on all sides.
- 2.124 **DEVELOPER.** Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.125 **DISTRICT OR ZONE.** A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provision of this Ordinance.

2.126 **DWELLING.** Any building, vehicle or portion thereof designed to be used or used as the residence or sleeping place of one or more persons. The term dwelling shall not be deemed to include mobile home court, rooming house, tourist home, hotel, hospital, nursing/convalescent home, dormitory, fraternity or sorority house.

- (a.) **Dwelling Single-Family.** A detached building, designed for or occupied exclusively by one family.

- (b.) **Dwelling, Two-Family.** A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, un-pierced except for access to the outside or to a common cellar.

- (c.) **Dwelling, Mobile Home.** A vehicle or part thereof, standing on wheels, used for living or sleeping quarters and which can be transported on a highway, and placed on an attached foundation, except for a travel trailer as defined herein, and containing not more than one dwelling unit, but excluding prefabricated homes or sections thereof.

- (d.) **Dwelling, Multi-Family.** A building designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units.

Such buildings shall consist of the following types:

- 1. **Apartments.** A multi-family dwelling containing three (3) or more dwelling units.

- 2. **Row Houses.** A multi-family dwelling containing three (3) to six (6) dwelling units, and not exceeding three (3) stories in height, and individual separate access from the outside of each unit.

- 3. **Garden Apartments.** A multi-family dwelling having a solid masonry firewall between each unit that shall extend one (1) foot above roof line and not exceeding three (3) stories in height.

2.127 **DWELLING UNIT.** One dwelling occupied by only one “family”. See definition of “family”. Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall have cooking facilities within a single room or two (2) abutting rooms that open into each other. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

- 2.128** **ESSENTIAL SERVICES.** Essential services are public utility facilities that do not require enclosure in a building including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and excluding communication towers and cell site antenna. The utilities that apply should conform to the height regulations of the zoning district in which they are proposed.
- 2.129 **EXCAVATION OPERATION.** Any activity in which earth, sand, gravel, rock, or other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and including conditions resulting there from, with exception of excavation clearly incidental to construction or improvements in accordance with a building permit and notes on permit.
- 2.130 **FAMILY.** One or more persons living in a single unit and functioning as a common household unit. A family shall not include more than four (4) persons who are not related to each other by blood, official foster relationship, marriage or adoption. The term “family” may specifically include a maximum of four (4) unrelated persons living within a permitted “group home” (including the highest number of staff present during any one shift), except that the provisions for group homes in Use Class 1(A) may allow a greater number of unrelated persons in certain circumstances. A “treatment center”, “rooming/boarding house”, “club”, “fraternity/sorority” or a “hotel” shall not be considered a “family” or a “group home”.
- 2.13 1** **FLOODPLAIN.** Areas adjoining any streams, ponds, or lakes subject to a 100-year-recurrence-interval flood, or area identified by the presence of Flood Plain Soils as identified in Section 2.131A. The following studies may be used to identify the Flood Plain; however, the study which indicates a Flood Plain of greater delineation shall be used.
- (1) Flood Insurance Study prepared by the Federal Emergency Management Agency, Federal Insurance Administration.
- 2.131A **FLOODPLAIN SOILS.** Areas subject to periodic flooding and listed by U.S. Department of Agriculture, Soil Conservation Service, as being “on the flood plain” or subject to “flooding”.
- 2.131B **FLOODWAY.** That portion of the Floodplain as identified in Section 2.131 including the watercourse channel and adjacent land areas which must be reserved to carry the 100-year-recurrent-interval flood without cumulatively increasing that flood elevation more than one (1) foot.

2.132 **FOREST.** Areas, groves or stands of mature or largely mature trees (i.e., greater than six (6) inches caliper (diameter) at a height of three (3) feet above ground), covering an area greater than one-quarter of an acre; or groves of mature trees (greater than twelve (12) inches caliper (diameter) at a height of three (3) feet above ground) consisting of more than ten (10) trees.

2.133 **GARAGE, PRIVATE PARKING.** A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

2.134 **GARAGE, PUBLIC PARKING.** A building, not a private or storage garage, used solely for the storage, sale, service or repair of motor vehicles.

2. 134.5 **GROUP HOME.** The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the “group home” standards of Use Class 1(A), and meets all other standards of such section;
2. Involves persons functioning as a common household;
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other “handicap”* as defined by applicable Federal Law;
4. Is not a “dormitory”, “treatments center”, “rooming/boarding house”. “club”, “fraternity/sorority”, or “hotel”; and
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

(* Note as of 1992, the Federal Fair Housing Act defined “handicap” as follows: “1) a physical or mental impairment which substantially limits one or more of such person’s major life activities .2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in section 802 of Title 21.”)

2.135 **HOME OCCUPATION.** An activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes.

- 2.136 **HOSPITAL.** Unless otherwise specified, the term shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home, and any other place for the care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, care or amelioration of human ailments. This term shall not include a “day care center”.
- 2.137 **IMPERVIOUS SURFACE.** Impervious surfaces are those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Municipal Engineer to be impervious within the meaning, of this definition will also be classed as impervious surfaces.
- 2.138 **IMPERVIOUS SURFACE RATIO.** The impervious surface ratio is a measure of the intensity of land use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net build able site area.
- 2.139 **JUNK.** Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- 2.140 **JUNK YARD.** An area of land used for the storage of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, home furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major parts thereof, shall be deemed a junk yard.
- 2.141 **LAKES AND PONDS.** Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such water bodies shall be measured from, the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.
- 2.142 **LAND DEVELOPMENT.** (i) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space 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; (ii) a subdivision of land.

2.143 **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 persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

2.144 **LOT.**

- (a) **Lot:** The lot is a parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the right-of-way of a public or private Street upon which said lot abuts, even if the ownership to such right-of-way is in the owner of the lot. A lot for the purpose of this Ordinance may or may not coincide with a lot of record.

The lot shall not include any easement which would interfere with the proposed use. The minimum lot area does not include any area designated as open space under the requirements of Section 5.200, Site Capacity Calculations, and Section 5.300, Table of Performance Standards.

- (b) **Lot Area:** The area contained within the property lines of the individual parcels of land shown on a subdivision plan or within the property lines of other individual parcels of land use or occupied as a lot, excluding any area within an existing or designated future street right-of-way, or the area of any easement which would interfere with the proposed use. In addition, the minimum lot area does not include any area designated as open space under the requirements of Section 5.200, Site Capacity Calculations, and Section 5.300, Table of Performance Standards.

For all proposed residential uses having a lot area greater than two (2) acres there shall be an area within the overall lot of at least two (2) acres for the primary building, accessory buildings, driveways, parking areas, and on-site sewer and water systems. This area shall not contain floodplains, floodplain soils, lakes, ponds, water courses or wetlands. For all proposed residential uses having a lot area of two (2) acres or less, the lot area shall not contain any of these noted natural features. For all proposed non-residential uses, the proposed lot area shall contain an area of at least the minimum lot size, as specified in Section 5.300, in addition to any area containing these noted natural features.

Lots with natural features must comply with the requirements of Section 5.500, Environmental Performance Standards, when the lot is developed.

- (c) **Average Lot Area Per Dwelling Unit:** The average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average provided that the average size is maintained and that all other standards of this Ordinance are met.
- (d) **Corner Lot:** A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than one hundred thirty-five (135) degrees.
- (e) **Through Lot:** An interior lot having frontage on two parallel or approximately parallel streets.
- (f) **Depth of Lot:** The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.
- (g) **Lot Width:** The distance measured between the side lot lines at the required minimum building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

2.145 **LOT LINES.**

- (a) **Lot Lines:** Any boundary line of a lot.
- (b) **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
- (c) **Lot Line, Side:** Any lot line which is not a street line or a rear lot line.

2.146 **MOBILE HOME.** A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

2.147 **MOBILE HOME LOT.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

2.148 **MOBILE HOME PARK.** A parcel or contiguous parcels of land which has been so designated and improved so that it contains two or more mobile home lots for the placement thereon of mobile homes.

- 2.149** **MODULAR HOME.** A dwelling unit erected on a foundation and made of one or more sections built in a factory. The completed unit must meet the building code which is in effect and is considered to be real property.
- 2.150 **MUNICIPAL ENGINEER.** A professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as the engineer for the Township.
- 2.151 **NONCONFORMING LOT.** A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- 2.152 **NONCONFORMING STRUCTURE.** A structure or part of a structure, including signs, manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the first advertisement of this Ordinance or any amendment hereto. Such nonconforming structures include, but are not limited to nonconforming signs.
- 2.153** **NONCONFORMING USE.** A use, whether of land or of structure or of both, which does not comply with the applicable use provisions of this Zoning Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or any amendment, or prior to the application of this Ordinance or amendment.
- 2.154 **NURSING HOME.** Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.
- 2.155** **OFFICIAL MAP OR ZONING MAP.** A map adopted by, or as part of this Ordinance, or any amendment heretofore or hereafter enacted.
- 2.156** **OPEN SPACE.** **Open** space is land for recreation, resource protection, amenity, or buffers; and is protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. In single-family cluster subdivisions, performance standard subdivisions, Mobile Home Parks, and Planned Residential Developments, open space land shall be freely accessible to all residents of the development. Open space shall be used in accordance with Section 5.913, Open Space Designation open space shall be owned and maintained in accordance with Section 5.915, Ownership and Preservation of Open Space. Open space recreation uses specified in Section 5.9 13 (c) may contain impervious surfaces. Such impervious surfaces shall be included in the calculations of the impervious surface ratio.

Open space required by Section 5.200, Site Capacity Calculations, and Section 5.300, Table of Performance Standards, does not include the minimum lot area and minimum yard requirements for single-family or multi-family dwelling units for Uses noted above. This open space does not include land occupied by nonresidential buildings, roads, road rights-of-way, or parking areas.

- 2.157** **OPEN SPACE RATIO.** The open space ratio is a measure of the intensity of land use. It is determined by dividing total amount of open space within the development by the base site area.
- 2.158** **PARKING AREA, PRIVATE.** An open area for the same uses as a private garage.
- 2.159** **PARKING AREA, PUBLIC.** An open area, other than a street or other public way, used for the parking of automobiles and motor vehicles available to the public whether for a fee, free, or as an accommodation for clients or customers.
- 2.160** **PARKING SPACE.** A reasonably level, hard surface space available for the parking of one (1) motor vehicle, not less than nine (9) feet wide and having an area of not less than two hundred (200) square feet exclusive of passageways, driveways, or other means of circulation or access.
- 2.161** **PARTY WALL.** A vertical fire wall that separates two (2) buildings.
- 2.162** **PERMITTED USES.** Any use which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer.
- 2.163** **PLANNED RESIDENTIAL DEVELOPMENT.** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of Penn Forest Township Zoning Ordinance.
- 2.164** **PROFESSIONAL OFFICE.** Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, real estate broker, accountant, lawyer, or author.
- 2.165** **PUBLIC GROUNDS.** “Public grounds” includes (i) parks, playgrounds and other public areas; and (ii) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- 2.166** **PUBLIC RESTROOM.** A public or privately owned facility designed for the use by the General Public for the purpose of eliminating bodily waste.

2.166.5 RELATED OR RELATIVES. Persons who are closely related by blood, marriage, adoption or official foster relationship. This term shall be limited to relationships such as father, mother, daughter, son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, step-father, step-mother, legal guardian, first cousin and similar close relationships. This term shall not include relationships such as second, third or more distant cousins.

2.167 **RESTAURANT.** Four types of restaurants are classified in this Ordinance:

- (1) **Standard Restaurant** .an establishment used for the purpose of furnishing meals to the public which are to be consumed within the building or the place of business, without take-out service and where waiters and/or waitresses serve all food and beverages to patrons.
- (2) **Fast Food Restaurant** .a restaurant providing for an inside window or service area or cafeteria line where customers place their orders and food is served for consumption either at seating areas within the building or for take-out consumption off the premises.
- (3) **Fast Food Restaurant with Drive-In Service** .a restaurant providing service to customers some of whom consume food on premises in space designed for that purpose, others remaining seated in motor vehicle, either through an exterior window or service area or through service to parked motor vehicle.
- (4) **Food Stand** .a place such as a snack bar, dairy bar or hamburger or hot-dog stand where customers are served at an exterior window or service area and where no inside seating facilities are provided.

2.167.5 **RESUBDIVISION/REVERSE SUBDIVISION.** Any re-platting or re-subdivision of land, limited to changes in lot lines on approved Final Plans or Recorded Plans, as defined in Section 3.3.85 of the Penn Forest Township Subdivision and Land Development Ordinance.

2.167.6 **SELF-SERVICE STORAGE FACILITY.** Any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

2.168 SERVICE STATION. Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

2.169 SEWER.

- (a) **Public Sewer:** A “public sewer” is any municipal or privately owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as “off-lot” or “off-site” sewer. This shall include capped sewers when installed to Township specifications.
- (b) **Private Sewer:** An “on-lot” septic tank disposal system providing for disposal of effluent for one (1) building and its accessory building.

2.170 ADULT ENTERTAINMENT: Adult entertainment shall include the following uses, and uses similar thereto:

- (a) **Adult Book Store:** An establishment having a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to “specified sexual activities,” or “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material.
- (b) **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (c) **Adult Motion Picture Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (d) **Cabaret:** An adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

- 2.170A SPECIFIED ANATOMICAL AREAS:** Shall include less than completely and opaquely covered:
- (a) Human genitals, pubic region.
 - (b) Buttocks.
 - (c) Female breasts below a point immediately above the top of the areola.
 - (d) Human male genitals in a discernible turgid state, even if completely opaquely covered.
- 2.170B SPECIFIED SEXUAL ACTIVITIES:**
- (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse or sodomy.
 - (c) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- 2.171 **SITE.** The site shall be defined as a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.
- 2.172 **SITE AREA.** All land area within the site as defined in the deed. Actual area shall be from an actual site survey rather than deed description.
- 2.173 **SITE AREA~ BASE.** The Base Site Area is the area of a tract of land remaining after subtracting land which is not contiguous, land previously subdivided and existing road and utility rights-of-way from the site area. See Section 5.200.
- 2.174 **SITE AREA~ NET BUILDABLE.** The Net Build able Site Area is a calculated area upon which the density and impervious surface ratio requirements for the various districts are computed. It can be determined for a particular tract of land by completing the calculations found in Section 5.200.
- 2.175 **SITE CAPACITY.** The maximum number of dwelling units, the maximum impervious surfaces, the build able portion of the site, and the minimum open space as calculated under the provisions of Section 5.200, Site Capacity Calculations.
- 2.176 **SPECIAL EXCEPTION USE.** A use which because of its unique characteristics requires individual consideration in each case by the Zoning Hearing Board.
- 2.177 **STEEP SLOPES.** Areas one-quarter of an acre or larger, where the average slope exceeds eight (8) percent which, because of this slop, are subject to high rates of storm-water run-off and therefore erosion.

- .178 **STORY**. That portion of a building, included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- (a.) **Story, Half**. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- (b.) **Story, First**. The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
- 2.179 **STREET**. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- 2.180 **STRUCTURE**. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 2.18 1 **STRUCTURAL ALTERATION**. Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.
- 2.182 **SUBDIVISION**. The division or re-division 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, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.
- 2.183 **SUBDIVISION, PERFORMANCE STANDARD**. A type of cluster development in which the developer may choose to develop a variety of housing types subject to the regulations in Articles IV and V of this Ordinance. Performance standard subdivisions allow the grouping or clustering of dwelling units, permitting a variety of housing types to encourage better, more flexible designs. The subdivision as a whole must meet prescribed standards for open space, density and impervious surfaces.
- 2.184 **SUPERVISORS**. The Board of Township Supervisors of Penn Forest Township, Carbon County, Pennsylvania.
- 2.185 **TRAVEL TRAILER**. A vehicle used, or designed to be used, for temporary living or sleeping purposes, and standing on wheels.

- 2.186** **TRAVEL TRAILER PARK.** A planned development, under single ownership, for rental, license or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.
- 2.186.5 **TREATMENT CENTER.** A use (other than a prison/jail or a permitted accessory use in a “hospital”) providing housing facilities for persons who need specialized housing, treatment and/or counseling because of:
1. Criminal and juvenile (delinquent, dependent, etc.) rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol:
 2. Addiction to alcohol or a controlled substance; or
 3. A type of mental illness, criminal history or other behavior that has caused or could reasonably be expected to cause a person to be a threat to the physical safety of others.
- 2.187 **USE.**
- (a) U~. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
 - (b.) Use, Accessory. A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.
 - (c.) Use, Principal. The main use on a lot.
- 2.188 **UTILITIES.** Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like), excluding communication towers and cell site antenna.
- 2.189 **VARIANCE.** Permission or approval granted by the Zoning Hearing Board in accordance with this Ordinance and the PaMPC, constituting a modification of or deviation from the provisions of this Ordinance as applied to a specific piece of property.
- 2.190**WETLANDS.** Wetlands are lowlands greater than one-quarter acre which are covered with shallow and sometimes temporary or intermittent waters. Wetlands typically lie along streams, channels or swales or are adjacent to floodplains soils and have a slope of less than .5 percent. In addition, wetlands are those areas

identified as marshes, swamps, and bogs, or any other areas recognized as such by the regulations or orders duly promulgated by the PA Department of Environmental Resources, the U.S. Fish and Wildlife Service, or the Army Corps of Engineers.

2.19 1 **YARD.** An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted. Notwithstanding any other provision of this Ordinance, with the exception of landscaping and fences, no structures shall be erected, installed, placed or maintained within five (5) feet on either side of a lot line.

(a.) **Yard, Front.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein permitted.

(b.) **Yard, Rear.** An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

(c.) **Yard, Side.** An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

2.192 **ZONING INSPECTOR OR BUILDING INSPECTOR.** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

Penn Forest Township is divided into the following six (6) districts:

R- 1 Rural Residential -Agricultural

Rural Residential -Agricultural Districts are designed to encourage the preservation of sizable hilly, stream valley and wooded areas of the Township for conservation, recreation and other open space and historic purposes. Accordingly, the district regulations contain a density standard which, among other things, provides for agricultural and low density residential uses and facilitates the conservation and proper utilization of ground water supplies and the control of soil erosion and surface water flooding.

R..2 Low Density Residential

It is the purpose of this district to provide low-intensity suburban residential development. A variety of housing types are encouraged, as are clustering and the provision of open spaces. The intensities are intended to blend with existing residential uses and protect natural features and resources.

R-3 Medium Density Residential

It is the purpose of this district to provide for medium intensity residential development. A variety of residential uses are encouraged, as are clustering and the provision of open spaces. The medium intensities are to encourage good residential development near major roads.

C-i Highway Commercial

Highway Commercial Districts are designed to provide areas for development of single family residential uses and certain noncommercial and commercial nonresidential uses which are considered appropriate for those areas.

C-2 General Commercial

It is the purpose of this district to provide for the creation and continuation of commercial development in appropriate areas where its effect on adjacent residential land uses must be minimized. Highway-oriented businesses may be required to provide an access road which is intended to lessen traffic congestion and hazards by reducing the number of access points.

1 -1 General Industrial

It is the purpose of this district to encourage industrial, heavy commercial, office and laboratory uses in appropriate areas. Such development shall be with all uses fronting on an internal street. The intent is to encourage high-quality industrial and commercial development which relates to adjacent residential areas as a good neighbor~ with design standards which avoid adverse impacts on neighboring residential developments.

3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map of Penn Forest Township. The Zoning Map is hereby made a part of this Ordinance, together with all future notations, references and amendments.

3.300 INTERPRETATION OF BOUNDARIES

3.301 Designation of District Boundaries.

The district boundary lines are intended generally to follow the centerline of streets, the centerline of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or Township boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position will be determined by notes and dimensions expressing its distances in feet from a street centerline or other boundary line as indicated.

3.302 Determination of Locations of Boundaries.

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Inspector shall request the Zoning Hearing Board to render its determination with respect thereto.

3.303 Unsubdivided Property.

In un-subdivided property, or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale shown thereon.

ARTICLE IV .BASIC DISTRICT REGULATIONS

4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and buildings within each Zoning District are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article VII and by other provisions of this Ordinance.

4.101 Regulations Governing the Use of Land. Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule I and accompanying text in Sections 4.301 and 4.302.

4.102 Regulations Governing the Size of Lots~ Yards and Buildings. Regulations governing the size of lots, yards and buildings in the various Zoning Districts for Permitted Uses shall be as set forth in Schedule II and accompanying text in Article V.

4.103 Regulations Governing Special Exception Uses. Regulations governing certain Special Exception Uses are set forth in Schedule I and accompanying text in Section 4.302.

4.200 DISTRICT LANDSCAPING REGULATIONS

Hedges, trees and landscaping between adjoining properties in the same Zoned District or same Use Category. Hedge rows of deciduous or evergreen species may be maintained as a hedge directly on the property line when installed by mutual consent of both property owners and filed with the Township Zoning Officer. The hedge row shall be maintained by the owner. If no agreement is reached, planting of shrubbery to be used as a hedge shall not be less than four (4) feet from the property line, Trees shall be planted no less than ten (10) feet from a property line.

4.201 FENCES

Except for fences installed in a front yard, fences may be installed directly on a property line. Fences installed in a front yard must be set back at least five (5) feet from the right-of-way of the adjacent street. Fences shall be maintained by the owner, who shall be the person(s) applying for the permit to install the fence.

4.300 USE CLASSES IN ZONING DISTRICTS

Twenty "Use Classes" are hereby established as shown in Schedule I. The specific uses included in each Use Class are outlined below and none of these uses shall be permitted in any district if they are to be operated in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire

explosive, radioactivity, or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution, electrical glare or other disturbance, as identified in Article V, which will adversely affect the surrounding area or premises.

4.301 Permitted Uses (Use Class 1 through 6). Uses listed as Permitted Uses in Schedule I shall require no special action by the Board or by the Planning Commission before a Zoning Permit is granted by the Zoning Officer.

SCHEDULE I

REGULATIONS GOVERNING THE USE OF LAND

USE CLASS	ZONING DISTRICT					1-1
	R-1	R-2	R-3	C-i	C-2	
<u>Permitted Uses</u>						
1. Single Family Residential	X	X	X	X		
1.(A) Group Home within a lawful dwelling unit	X	X	X			
2. Highway Commercial				X		
3. Neighborhood Commercial				X	X	
4. Industrial (including Use Class 18 Heavy Commercial/Limited Industrial)						X
5. Agricultural and Open Space Uses	X	X	X	X	X	X
6. Customary Accessory Uses and Essential Services	X	X	X	X	X	X
<u>Special Exception Uses</u>						
7. Multi-Family Dwellings and Conversions		X	X	X	X	
8. Related Residential Uses		X	X	X	X	
9. Performance Standard Subdivision	X	X	X			
10. Planned Residential Development	X	X	X			
11. Appropriate Public Uses or Public Grounds	X	X	X	X	X	X

SCHEDULE I
(Continued)

REGULATIONS GOVERNING THE USE OF LAND

USE CLASS	ZONING DISTRICT					
	R-1	R-2	R-3	C-i	C-2	I-i
<u>Special Exception Uses</u> (continued)						
12. Mobile Home Parks	X					
13. Travel Trailer Parks	X	X			X	X
<u>Conditional Uses</u>						
14. Excavations	X	X	X	X	X	X
15. Junk Yards, Resource Recovery or Storage Facilities						X
16. Adult Entertainment						X
17. Communication Towers	X	X	X	X	X	X
18. Heavy Commercial/Limited Industrial					X	X
19. Treatment Center					X	X
20. Self -Service Storage Facility					X	X

NOTE: “X” indicates that the Use Class is permitted in the District. See Section 4.302 for a description of the uses included in each Special Exception Use Class and for an explanation of the conditions under which they are permitted in each District. See Section 4.303 for a description of the uses included in each conditional use class and for an explanation of the conditions under which they are permitted in each District.

Use Class 1. Single-Family Residential. Is limited to single-family dwellings.

**SCHEDULE II
REGULATIONS GOVERNING THE SIZE OF
LOTS, YARDS AND BUILDINGS FOR PERMITTED USES**

TYPE OF REGULATIONS	R-1	R-2	R-3
<u>Minimum Lot Size</u>	2 Acres	2 Acres	2 Acres
Area (Sq. Ft.)	87,120	87,120	87,120
Width (Ft.)	200	100	100
Depth (Ft.)	200	200	200
<u>Minimum Yards</u>			
Front (Ft.)	50	50	50
Rear (Ft.)	50	50	20
Each Side Yard (Ft.)	20	20	15
<u>Maximum Building Height</u>			
Number of Stories	2.5	2.5	2,5
Feet	30	30	30
<u>Maximum Building Coverage %</u>	10	15	20

Use Class **1(A)** **Group Home within a lawful dwelling unit.** Subject to the following conditions:

1. See definition of “Group Home”.
2. The use shall include adequate supervision by persons trained in the field the group home serves.
3. Certification. If applicable, the use shall be licensed or certified under an applicable Federal, State or County program. A copy of any such license or certification shall be filed with the Zoning Officer and shall be shown by the applicant to the Zoning Officer upon request.
4. Application and Notification. An application shall be submitted to the Zoning Officer stating the proposed location, general type of client, general type of treatment/care, level of supervision, maximum number of residents, name of the primary operator and name of any sponsoring agency. The Zoning Officer shall be notified in writing within fourteen (14) days if there is any change in any of this information or if any applicable license or certification expires, is suspended or is withdrawn.
5. Non-Residents. Any treatment or counseling services within a group home shall be restricted to residents and a maximum of three (3) non-residents per day.

6. Parking. If a group home would include three (3) or more clients of a type who can reasonably be expected to be able to and allowed to drive a vehicle, then the group home shall include a minimum of three (3) off-street parking spaces. Any parking area of more than four (4) spaces shall be required to include evergreen screening abutting any dwelling.
7. Appearance. A group home shall be maintained and/or constructed with a clearly residential appearance. No exterior signs shall identify the use.
8. Number of persons. The following maximum number of persons* shall reside in a group home at any point in time, not including bona fide employees serving as caregivers or supervisors:
 - a. Single family detached dwelling with a minimum lot area of two (2) acres and meeting the minimum yard sizes found at Section 4.301, Schedule II .seven (7) total persons.
 - b. Single family detached dwelling with a minimum lot area of less than two (2) acres, but meeting the minimum lot area and yard sized found at Section 7.101 .seven (7) total persons.
 - c. Any other lawful dwelling unit .four (4) persons.
9. Septic. If a group home will use an on lot septic system and will involve six (6) or more persons routinely on the premises at any one time, the applicant shall provide evidence to the Sewage Enforcement Officer that such system is properly functioning and sufficient in size to serve the use.
10. Visitors. Employees of the group home shall not have visitors on the premises except for persons necessary for the operation of the use.
 - * This restriction shall not apply to persons who are “related” (see definition).

Use Class 2. **Highway Commercial.** is limited to retail business, service, commercial recreation, and education and entertainment establishments. Such establishments shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, auto service stations, automobile sales lots, drive-in movies, and mobile home and travel trailer sales lots.

Retail Business Establishments include, but are not limited to, shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety

goods, household goods and appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies and sporting goods, specialty and gift items, furniture, and office supplies.

Customer Service Establishments include shops engaged in the repair of household, clothing and appliance items, barber and beauty shops, tailor shops, pick-up stations and self-service establishments for the dry cleaning and laundering of clothes, business offices, and eating and drinking establishments, gymnasiums and physical health salons, photographic studios, medical centers, banks and financial institutions, hotels and printing and publishing establishments, wholesale offices and showrooms, offices of all types, radio and television studios, auto supply stores, auto service stations and auto and truck sales and service dealers, funeral homes, nursing and convalescent homes, rooming houses, nurseries and greenhouses.

Commercial Recreation and Entertainment Establishments include theaters and drive-in movies, nightclubs, art galleries, and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges, and swimming pools.

In addition to the aforementioned uses, and uses accessory thereto, this Use Class permits the parking of a single motor vehicle (including a truck tractor/trailer combination--which is not separated), as defined in the Pennsylvania Vehicle Code, which is used primarily in an off-premise business or enterprise.

Use Class **3.** **Neighborhood Commercial.** Is limited to retail business and service establishments. Such establishments shall be carried on in a completely enclosed building except for off-street parking and loading facilities.

Retail Business Establishments include shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, packaged goods, liquor, photo supplies, garden supplies, artist and hobby supplies and sporting goods, specialty and gift items, nurseries and greenhouses.

Customer Service Establishments include shops engaged in the repair of household, clothing and appliance items, barber and beauty shops. tailor shops, pick-up stations and self-service establishments for the dry cleaning and laundering of clothes and eating and drinking establishments, department stores, gymnasiums and physical health salons, photographic studios, medical centers, banks and financial institutions, hotels and motels.

Use Class 4. Industrial (including Use Class 18 Heavy Commercial/Limited Industrial). Is limited to general industrial uses and heavy commercial/limited industrial uses.

Industrial Uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, include wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mining and quarrying, wholesale produce and meat markets, mechanical and vehicle equipment repair establishments, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries, storage, manufacture, assembly, packing or testing of products from raw materials and from other previously prepared materials.

Industrial Uses which do not require complete or partial enclosures in a building include building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments, monument works and auto service stations.

Heavy Commercial/Limited Industrial Uses (as described in Use Class 18) shall be permitted uses in the Industrial District provided they are carried on in a completely enclosed building, except for off-street parking and loading facilities.

Special Exception Industrial Uses. Upon the issuance of a Special Exception Variance, Industrial Uses shall be permitted in any district, provided all of the following requirements are met:

- (1.) The site proposed for industrial development shall have a minimum lot size of twenty-five (25) acres.
- (2.) The site shall be located on or in close proximity to a federal aid primary highway; namely, Routes 903 or 534.
- (3.) A minimum buffer yard of 250 feet shall be maintained from all existing surrounding non-industrial uses. This buffer yard shall be in addition to all setback requirements established for uses in the district in which the industrial use is proposed for development. Minimum buffer yards and setbacks from adjoining uses for mining and quarrying activities shall be per the regulations of the PA DER.
- (4.) Said industrial use shall maintain a minimum buffer yard of 300 feet from all wetlands, or any more restrictive standard that may apply.
- (5.) The industrial use shall be in compliance with all noise, smoke, glare and waste disposal standards established for the district proposed for industrial development.

- Use Class 5. Agricultural and Open Space Uses.** Is limited to the production of agricultural, nursery and forest products, golf courses and swimming pools, low intensity park and recreation areas, landscaped areas, and the raising and keeping of horses, livestock, and mules, provided the density does not exceed two horses, mules, or other livestock per acre of land, which land shall be both:
- (1) Suitable for grazing or a cultivated field; and
 - (2) Capable of handling the animals' waste with spreading by either mechanical or natural means.

Additionally, if more than one tract of land is to be included in this calculation of acreage, the tract must be owned by the same person(s) and all tracts must be contiguous.

- Use Class 6. Customary Accessory Uses and Essential Services.** Includes accessory uses which are customarily subordinate to the principal use of a building located on the same lot, and which serve a purpose customarily incident to the use of the principal building shall be permitted in each District. Such uses include home occupations, home gardening, but not the keeping of livestock or poultry, non-profit nurseries and greenhouses (not including outdoor storage of equipment) and professional offices of persons residing on the premises, private garages or parking areas, signs, off-street parking and loading, unoccupied travel trailers and buildings and other uses customarily appurtenant to other Permitted or Special Exception Uses.

Also includes essential services for public utilities that do not require enclosure in a building, including the construction or maintenance by public utilities or governmental agencies of gas, electrical, steam, telephone, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment which conform to the height regulations of the zoning district in which they are proposed.

Mobile home or travel trailers may be permitted as temporary accessory use during the construction of a permanent structure in any district for a period not to exceed six (6) months. Unless otherwise provided, no travel trailer shall be parked on a lot in any district by itself as the principal or sole use of that lot.

- 4.302 **Special Exception Uses (Use Classes 7 through 13).** Uses listed as "Special Exception Uses" in Schedule **I** shall require individual consideration in each case because of their unique characteristics. Such "Special Exception Uses" may be permitted only upon authorization by the Board subject to certain conditions and safeguards, as provided, in this Section.

Such “Special Exception Uses” shall comply with the provisions of this section and may be permitted by the Board subject to any additional conditions and safeguards which may be warranted by the character of the area in which such uses are proposed or by other special factors.

A special exception use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize the interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.

The following regulations shall apply to Special Exception Uses (Use Classes 7 through 13), which are authorized by the Board.

Use Class 7. **Multi-Family Dwellings and Conversions.** All multi-family dwellings shall meet DER regulations regarding water and sewage facilities standards and shall provide two (2) off-street parking spaces per dwelling unit and shall comply with the minimum requirements designated in the accompanying table entitled. “Regulations for Multi-family Dwellings.”
All conversions shall have at least two (2) off-street parking space per dwelling unit; each unit shall have adequate light, air, heating, and plumbing facilities; at least two exits from each such unit; and each unit shall have not less than 900 square feet of floor space nor less than 3,000 square feet of lot area for each such dwelling unit.

In multi-family dwellings, two family dwellings and duplexes, the vertical wall between dwelling units shall be a fire wall, having a minimum fire resistance rating of two (2) hours, from the floor of the lowest level to the underside of the roof. This shall include, but not be limited to, multi-plexes, atrium houses, townhouses, apartments, row houses and garden apartments.

REGULATIONS FOR MULTI-FAMILY DWELLINGS

<u>TYPE OF REGULATIONS</u>	<u>REQUIREMENT</u>
<u>Minimum Lot Size</u>	
Area (Acres)	
Width (Ft.)	200
Depth (Ft.)	200
<u>Average Lot Area</u>	
<u>Per Dwelling Unit (Sq. Ft.)</u>	15,000

Minimum Yards

Front Yard (Ft.)	50
Rear Yard (Ft.)	50
Each Unattached Side Yard (Ft.)	20

Maximum Building Height

No. of Stories	3
Feet	30

<u>Maximum Building Coverage (%)</u>	60
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Use Class 8. Related Residential Uses. Nursing and convalescent homes, rooming houses, nurseries for the day care of young children and non-profit social halls, clubs and lodges shall comply with the following:

- (a.) Except for a sign, there shall be no external evidence of any gainful activity.
- (b.) Any such use shall have sufficient parking to serve the anticipated number of users and employees and shall have suitable street access without causing traffic on local residential streets.
- (c.) All such buildings shall conform to the Minimum Lot Size, Minimum Yards, Maximum Building Height and Maximum Building Coverage Regulations specified in Section 5.400 for Zone R-1.

Use Class 9. Performance Standard Subdivision. A method for developing land for residential use utilizing performance standards (including but not limited to open space ratio, density, impervious surface ratio, and other standards set forth in Article V, Performance Standards) rather than the dimensional requirements set forth in the Table of Dimensional Requirements. Performance Standard Subdivision allows the grouping or clustering of dwelling units, permitting a variety of housing types to encourage better, more flexible designs. The subdivision, as a whole, must meet prescribed standards for open space, density, and impervious surfaces.

In multi-family dwellings, two family dwellings and duplexes, the vertical wall between dwelling units shall be a fire wall, having a minimum fire resistance rating of two (2) hours, from the floor of the lowest level to the underside of the roof. This shall include, but not be limited to, multi-plexes, atrium houses, townhouses, apartments, row houses and garden apartments.

Use Class 10. Planned Residential Development. A PRD is a planned community. It has a minimum gross site area of fifty (50) acres and may include all types of dwellings as permitted below. Commercial and other non-residential uses may be incorporated in the total community design. Subject to the additional regulations in Article VI of this Ordinance, a developer may apply for PRD; and the Zoning Hearing Board may permit the PRD use concurrently with the approval of a Tentative Development Plan.

In multi-family dwellings, two family dwellings and duplexes, the vertical wall between dwelling units shall be a fire wall, having a minimum fire resistance rating of two (2) hours, from the floor of the lowest level to the underside of the roof. This shall include, but not be limited to, multi-plexes, atrium houses, townhouses, apartments, row houses and garden apartments.

(a.) Single -Family Detached

- (1.) A single-family residence on an individual lot with private yards on all four sides of the house.
- (2.) Lot area minimum 8,000 sq. *ft.* lot area average 10,000 sq. ft. maximum building coverage 30% maximum floor area ratio .60 minimum yards; front 35 ft., side 10 ft., rear 40 ft. minimum lot width at front setback line 70 ft. minimum building spacing 20 ft. maximum height 30 *ft.*

Parking: Three (3) bedrooms or less, two (2) off-street parking spaces; four (4) bedrooms or more, three (3) off-street spaces.

(b.) Single-Family Detached off center

- (1) A single-family residence on an individual lot, with the building set close to one side property line. The one side yard may be reduced to five (5) feet provided there are no windows in the side of the building with the reduced side yard; and, the other side yard shall be no less than fifteen (15) feet. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction.
- (2) Lot area minimum 8,000 sq. ft. lot area average 9,000 sq. ft. maximum building coverage 30% maximum floor area ratio .60

minimum yards; front 25 ft., side 15 ft. x 5ft., rear 40 ft.
 minimum lot width at front setback line 70 ft. minimum building
 spacing 20 ft.
 maximum height 30 ft.

Parking: three (3) bedrooms or less, two (2) off-street spaces;
 four (4) bedrooms or more, three (3) off-street spaces.

(c) Duplex

(1) A duplex is a building comprised of two single-family, semi-detached dwelling units, each dwelling unit being arranged from ground to roof and having only one wall in common with the other dwelling unit.

(2) Table of Dimensional Requirements:

LOT FRONT SETBACK	MIN. LOT	AVG. LOT	MINIMUM
	AREA (sq. ft.)	AREA (sq. ft.)	WIDTH AT BUILDING
1 BR	3,200	3,600	36
2 BR	3,600	4,000	40
3 BR	4,000	4,500	40
4 BR	4,200	4,700	45
5 BR	4,500	5,000	45

General: Maximum impervious surface ratio (on-lot) .30
 maximum floor area ratio .70
 building setback line 30 ft. minimum side yard 10 ft.
 minimum rear yard 35 ft. maximum height 30 ft.

(d.) Multiplex

(1) The multiplex is an attached dwelling. It may be single-family or multi-family. In general, all units have independent outside access; but this is not necessary. Units may be arranged in a variety of configurations: side by side, back to back, or vertically. The essential feature is the small number of units attached. No more than five (5) units shall be attached in any group, and groups shall average no more than four (4) units per structure.

(2) Table of Dimensional Requirements:

DU	MIN. SQ. FT. LOT AREA PER DU	AVG. SQ. FT. LOT AREA PER DU	OFF-STREET PARKING SPACES PER
Efficiency	800	1,000	1.25
1 BR	1,500	1,700	1.75
2 BR	2,200	2,400	2.00
3 BR	2,500	2,800	2.00
4 BR	2,700	3,000	2.25

General: Maximum impervious surface ratio (on-lot) .30
 minimum building setback line -street 30 ft.
 parking areas 20 ft.
 minimum building spacing 24 ft.
 minimum lot area (for building) 8,000 sq. ft.
 minimum lot width (for building)
 at front setback line 80 ft.
 maximum height 30 ft.

(e) Atrium House

(1) The atrium house is a single-family, attached dwelling unit, one story high, with individual outside access. The lot shall be fully enclosed by a wall at least seven (7) feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, i.e., living rooms, den and bedrooms, shall open into the atrium.

(2) Table of Dimensional Requirements:

LOT	MIN. LOT AREA (sq. ft.)	AVG. LOT AREA (sq. ft.)	OFF-STREET PARKING	MINIMUM WIDTH BUILDING
AT				
SETBACK				
1 BR	1,200	1,375	1.75	35
2BR	1,700	1,850	2.00	35
3 BR	1,950	2,100	2.00	40
4BR	2,150	2,300.	2.25	40
5 BR	2,300	2,500	2.50	40

General: Maximum impervious surface ratio (on-lot) .65
 minimum atrium area (ratio to lot area) .35 maximum
 floor area ratio .65
 maximum height 12 ft. minimum atrium dimension 16
 ft. minimum atrium area 288 sq. ft.

(f) Townhouse

(1) The townhouse is a single-family, attached dwelling unit, with each dwelling unit arranged from ground to roof, having individual outside access.

(2) Table of Dimensional Requirements:

LOT	MIN. LOT AREA (sq. ft.)	AVG. LOT AREA (sq. ft.)	OFF-STREET PARKING	MINIMUM BUILDING WIDTH
AT SETBACK				
1 BR	1,500	1,600	1.75	18
2 BR	1,700	1,800	2.00	20
3 BR	1,900	2,000	2.00	22
4 BR	2,000	2,200	2.25	24
5 BR	2,200	2,400	2.50	26

General: Maximum impervious surface ratio (on-lot) .35
 maximum floor area ratio .75
 minimum building setback .street 30 ft.
 parking area 20 ft.
 pedestrian walk 15 *ft.* minimum building spacing 30 *ft.*
 maximum average number of units in structure 8
 maximum height 30 ft.

(g) Garden Apartments:

(1) Garden apartments are multi-family dwelling units, where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three or more dwellings in a single structure.

(2) Table of Dimensional Requirements:

	AVG. APT. AREA (sq. ft.)	MINIMUM LOT AREA PER DU (sq. ft.)	PARKING SPACES PER DU
Efficiency	500	1,300	1.50
1 BR	655	1,750	1.75
2 BR	950	2,000	1.75
3 BR	1,125	2,250	2.00
4 BR	1,330	2,550	2.25

General: Maximum impervious surface ratio (on-lot) .50 maximum floor area ratio (on-lot) .45

3. The minimum side clearance between any two adjacent mobile homes shall be twenty (20) feet.
4. Roadway or area lighting shall be reflected away from adjoining properties.
5. Individual occupants of such a court may construct attached enclosures to individual mobile homes, provided that such enclosures do not exceed 100 percent of the floor area of the mobile home. Individual Zoning Permits shall be required for such enclosures in each case.

Use Class **13.** **Travel Trailer Parks.** Travel Trailer Courts, when authorized ~ the Board, shall be permitted in the R-1, R-2, C-i and C-2 Districts. All such courts planned as a unit shall be located on tracts of land at least five (5) acres in size. Such courts shall comply with all of the requirements of the State of Pennsylvania with the following additional regulations:

1. There shall be at least three thousand (3,000) square feet of lot area for each travel trailer.
2. The minimum side clearance between any two adjacent travel trailers shall be twenty (20) feet.
3. Roadway or area lighting shall be reflected away from adjoining properties.
4. No mobile or travel trailer home shall be located closer than one hundred (100) feet to any property line defining the external boundary of the court.

4.303 **Conditional Uses.** These uses are only permitted by the Board of Supervisors following the procedure described in Article XI (except Use Class 18 which shall be a permitted use in the Industrial District).

Use Class **14.** **Excavations.** Excavation operations are permitted as a conditional use in all zoning districts. In addition to the general conditions stated in Section 11.400 of this Ordinance, excavation operations shall comply with the following conditions:

- A. Except in the I-i District, all excavation operations shall be conducted between the hours of 7:00 a.m. to 6:00 p.m. This restriction shall not apply to the operation of administrative offices or repair facilities located on the property when such activities are conducted entirely

indoors. Further, this restriction shall not apply in the case of public or private emergency.

- B.** In the C-i, C-2 and I-i Zoning Districts, no excavation operations shall be conducted within one hundred (100) feet of the outside right-of-way line of any public highway; within three hundred (300) feet of any residential, commercial or industrial building; within three hundred (300) feet of any public building, school, community or institutional building; within three hundred (300) feet of a public park or cemetery; within three hundred (300) feet of any parcel listed on the national, state or any local register of historic places; within three hundred (300) feet of any wetlands or the bank of any stream, lake or other body of water; within three hundred (300) feet of any lot line; or within five hundred (500) feet of the boundary of any R-1, R-2 or R-3 Zoning District.
- C.** In the R-1, R-2 and R-3 Zoning Districts, no excavation operations shall be conducted within one hundred (100) feet of the outside right-of-way line of any public highway; within five hundred (500) feet of any residential, commercial or industrial building; within five hundred (500) feet of any public building, school, community or institutional building; within five hundred (500) feet of a public park or cemetery; within five hundred (500) feet of any parcel listed on the national, state or any local register of historic places; within three hundred (300) feet of any wetlands or the bank of any stream, lake or other body of water; within five hundred (500) feet of any lot line; or within three hundred (300) feet of the boundary of any C-i or C-2 Zoning District.
- D.** Except in the I-i District, all buildings, structures, equipment and apparatus, materials (including but not limited to, minerals and overburden), and parking facilities shall comply with the distance requirements established in provisions (B) and (C) above. In the I-i District the aforementioned items shall comply with the set-back provisions generally applicable in the I-i District.
- E.** Existing trees, shrubs and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside set-back as established in provisions (B) and (C) above. Weeds and other unsightly or noxious vegetation, shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance to the excavation operation from adjacent public roads and nearby residential, commercial and industrial uses. Buffer or screening plantings may be required to insure an appropriate appearance of the excavation operation.

- F. **All** access roads from excavation operations shall be paved or otherwise treated to minimize dust conditions on such roads within two hundred (200) feet of public roads or adjoining residential, commercial or industrial uses.
- G. During excavation operations when excavations will have a depth of twenty (20) feet or more and will create slopes of more than fifty percent (50%) and where the excavations are located within three hundred (300) feet of a residential building or a public road, a fence shall be erected at least twenty (20) feet outside the edge of the excavations, which fence shall be at least three (3) feet high and shall effectively control access to the area in which such excavations are located.
- H. Proof of compliance with all applicable laws governing or affecting excavation operations and/or mining operations; and production of all permits, licenses and the like evidencing compliance with the aforesaid laws.

Production of all documents submitted to any federal, state or local agency regarding said excavation operations, including but not limited to, operational information, maps and plans, blasting plans, air pollution control plans, erosion and sedimentation control plans, reclamation information and plans, post-mining land uses and alternative restoration plans and proof of bonding or payment in lieu of bond.

Use Class 15. **Junk Yards Resource Recovery or Storage Facilities.**

Junk yards, resource recovery or storage facilities, when authorized as a “Conditional Use”, shall be subject to the following conditions:

1. Storage of organic or biodegradable material is prohibited. (Composting of leaf and yard waste is not regulated nor intended to be regulated by this Ordinance except to the extent it is regulated by the PA Solid Waste Management Act (Act 101) of 1980, as amended.
2. All junk material shall be at least one hundred (100) feet from any lot line.
3. The minimum lot size proposed for use shall not be less than five (5) acres nor more than ten (10) acres.
4. The site shall contain a minimum of two (2) exterior points of access, each of which is not less than thirty (30) feet wide.

- 5.** The site shall be completely enclosed by a one hundred (100) foot wide buffer which complies with this Ordinance. The buffer yard shall be located on the outside of any fencing.
- 6.** Burning or incineration shall be prohibited.
- 7.** All junk yards shall be completely surrounded by well maintained and secure fencing with a minimum height of ten (10) feet to prevent access by children.
- 8.** All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, may be stored outdoors only in enclosed containers.
- 9.** No operations which constitute a public nuisance shall be permitted.
- 10.** Where the lot line of any junkyard abuts a residential district, there shall be required a screen of not less than six (6) feet high evergreen planting. Such planting shall be located along the required fencing.
- 11.** Any junkyard in operation before the adoption of this Ordinance shall be required to comply with all fencing and screening requirements of this Ordinance within one (1) year after the effective date of this Ordinance.
- 12.** Junkyards, resource recovery or storage facilities may not operate on Sundays, nor between the hours of 7:00 p.m. and 7:00 a.m., except to remove any wrecked automobile from any public highway.
- 13.** All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be stored and arranged in separate areas, each of which shall have an area no larger than one thousand (1,000) square feet. All other junk shall be stored and arranged in separate areas, each of which shall have an area no larger than nine hundred (900) square feet. There shall be a minimum thirty (30) foot wide access aisle or cleared area on every side of each separate area.
- 14.** Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of no more than six (6) feet from the ground.
- 15.** All gasoline and oil shall be drained from junked motor vehicles within forty-eight (48) hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than one hundred (100) gallons in the aggregate, in proper containers, may be stored above ground.

16. Paper, rags, plastics and similar materials for salvage shall be stored indoors.
17. Garbage, organic waster, or plain solid waste shall not be received or stored in any junk yard. Materials designated as solid waste may be received only as incidental to and mixed with salvageable materials and shall be promptly disposed of in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act; the Solid Waste Management Act; and Penn Forest Township Ordinance #92-1, as amended.

Use Class 16. Adult Entertainment. Adult entertainment is permitted in the C-2 general commercial district subject to the general regulations set forth in this Section 4.302 and the following additional regulations:

- (a) No adult entertainment use shall be permitted within 750 feet of any other existing adult entertainment use.
- (b) No adult entertainment use shall be located within 750 feet of any R- 1, R-2 or R-3 District, or any of the following residential related uses:
 - (1) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores,
 - (2) Schools, up to and including the twelfth (12th) grade, and their adjunct play areas.
 - (3) Public playgrounds, public swimming pools, public parks and public libraries.
- (c) For the purpose of this section, spacing distances shall be measured as follows:
 - (1) From all property lines of any adult entertainment use.
 - (2) From the outward line of boundary of all R-1, R-2 and R-3 Districts.
 - (3) From all property lines of any residentially related use set forth above.
- (d) In addition to the sign regulations contained in Article IX of this ordinance, signs for adult entertainment uses shall be subject to the following additional regulations:

- (1) Sign messages shall be limited to a verbal description of material or services available on the premises.
 - (2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
 - (3) Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films or printed material available on the premises; or pictures, films or live presentation of persons performing or services offered on the premises.
- (e) Notwithstanding any other provision of this ordinance, should any adult entertainment cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume, nor be replaced by any other adult entertainment use unless it complies with all of the requirements of this ordinance.

Use Class **17.** **Communication Towers.** Communication Towers shall be permitted as a Conditional Use in all Zoning Districts, subject to the following conditions:

1. The applicant shall be required to demonstrate, using technological evidence, that the Communication Tower must be located where it is proposed.
2. The applicant must demonstrate that the Communication Tower is the minimum height required to function satisfactorily.
3. The applicant shall demonstrate that the proposed Communication Tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.
4. A fence shall be required around the Communication Tower and other equipment. The fence shall be at least eight (8) feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
5. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as buildings):

- a. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum eight of six (6) feet at planting, and shall grow to a minimum of fifteen (15) feet at maturity. Said evergreen screen shall be planted on the outside of the fence at least fifteen (15) feet from the fence, and
 - b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
6. If the Communication Tower is fully automated, two off street parking spaces shall be required. If the Communication Tower is not fully automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any event, may not be less than two off street spaces.
7. All other uses associated with the Communication Tower such as a business office, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.
8. In order to reduce the number of Communication Towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
9. The applicant shall obtain a building permit in accordance with any applicable Building Code prior to commencement of construction or any modification of any Communication Tower.
10. If the use of the Communication Tower requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.
11. Communication Towers shall be a brownish color (whether painted brown, caused by oxidation, or otherwise) up to the height of nearby trees to lessen visual impact. Above that height, Communication Towers shall be painted silver, have a galvanized finish, or be of some other color, that will minimize their visual impact. Communication Towers shall meet all applicable Federal Aviation Administration regulations. No Communication Tower may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.

12. If the Communication Tower is fully automated, provided the Communication Tower complies with the other requirements herein set forth, there is no minimum lot area. If the Communication Tower is not fully automated, the minimum lot area shall be two acres.
13. More than one Communication Tower may be located on a single lot.
14. A full site plan prepared by either a Registered Surveyor or a Professional Engineer, with elevations prepared by a Professional Engineer, shall be required for Communication Tower sites showing the Communication Tower, buildings, fences, buffering, access and any accessory structures.
15. The minimum front, rear and side yard set back requirements for all buildings and structures on said lot shall be the minimum set back requirements of the district in which the lot is located, or equal to the height of the highest building or structure on the lot, whichever is greater.
16. Communication Towers shall be set back a distance of at least 110% (one hundred, ten percent) of their height from any building on the same lot as the Communication Tower, except buildings accessory to the Communication Tower.
17. Communication Towers shall be maintained in an operational state with no structural defects or visible damage to said Communication Tower.
18. Except as hereinafter stated, any Communication Tower which exceeds the maximum building height limitation of the zoning district in which the lot is located and is seventy-five (75) feet in height or more, shall not be located within one thousand (1,000) feet of any of the following:
 - a. A street (except a new street built to access the Communication Tower).
 - b. Dwellings and similar place of human habitation such as mobile home parks, rooming houses, tourist homes, hotels and the like.
 - c. Governmental buildings, schools, hospitals and other similar public, institutional and community buildings.

Notwithstanding the foregoing, a camouflage Communication Tower (i.e., a Communication Tower that is disguised to look like a tree, and in fact, does look like a tree) whatever its height, shall not be subject to the one thousand (1,000) foot distance requirement herein above stated.

19. In the event a Communication Tower ceases operation or use on a lot, the Communication Tower, and any auxiliary components, which exceed the maximum building height limitation of the zoning district in which the lot is located, shall be removed within ninety (90) days from the date the Communication Tower ceases to operate or be used. Further, both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, shall notify the Zoning Officer at least thirty (30) days before operation or use of the Communication Tower ceases.

Use Class 18. Heavy Commercial/Limited Industrial. Heavy Commercial/Limited Industrial shall include manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, food stuffs and products; package delivery services; welding; warehousing or distribution, but not including a truck terminal as a principle use; exercise club; adult day care center; treatment center; self-storage development; wholesale sales; research, engineering or testing laboratories; testing and repair of manufactured products; lumber yard and/or building supply sales (not including asphalt or cement processing); photo finishing labs; small animal hospital; kennel; membership club; U.S. Postal service facility and similar uses.

In addition to the general conditions stated in Section 11.400 of the Ordinance, if the Heavy Commercial/Limited Industrial use is in a C-i Highway Commercial or C-2 General Commercial District the Heavy Commercial/Limited Industrial use must comply with the following conditions:

1. With the exception of off-street parking and loading facilities, it shall be carried on in a completely enclosed building.
2. The maximum floor area used for a Heavy Commercial/Limited Industrial use on a lot shall not exceed five thousand (5,000) square feet.
3. It shall be located alone a state highway or shall have access to a state highway over a private road.
4. It shall comply with the following minimum yards:

Front yard	sixty (60) feet
Side yard	fifty (50) feet each side
Rear yard	fifty (50) feet
5. There shall be a one hundred (100) foot wide buffer yard (see Section 5.600) between the Heavy Commercial/Light Industrial use and residential uses and residential districts (i.e. R-1, R-2, R-3)

Use Class 19

Treatment Center. Treatment centers are permitted as a conditional use in the C-i Highway Commercial, C-2 General Commercial District and I-i Industrial Districts. In addition to the general conditions stated in Section 11.400 of this Ordinance, treatment centers shall comply with the following conditions:

1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval as a conditional use.
2. The applicant shall prove to the satisfaction of the Supervisors that such use will involve adequate supervision and security measures to protect public safety.
3. The Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

Use Class 20

Self-Service Storage Facility. Self-service storage facilities are permitted as a conditional use in the C-i Highway Commercial and in the C-2 General Commercial Districts. In addition to the general conditions stated in Section 11.400 of this Ordinance, self-service storage facilities shall comply with the following conditions:

1. Parking
 - a. Parking shall be provided by parking/driving lanes adjacent to the buildings, These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Additionally, the parking/driving lanes shall be at least thirty (30) feet wide between the ends of buildings.
 - b. The parking/driving lanes shall be configured so as to minimize or eliminate dead-end streets. However, if a dead-end street is called for the closed end shall have a paved turn around having a minimum radius to the outer pavement edge or curb line of forty (40) feet and a minimum right-of-way radius of fifty (50) feet.
 - c. Two (2) covered parking spaces shall be provided adjacent to the manager's quarters, if any.

- d. One (1) parking space for every two hundred (200) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
- e. Required parking spaces may not be rented, or used for vehicular storage. However, additional parking area may be provided for recreational vehicle storage, subject to the provisions hereinafter set forth.
- f.** All such parking spaces shall conform with this Ordinance and the Penn Forest Township Subdivision and Land Development Ordinance.

2. Access Road

- a. All access roads leading from public streets or alleys to self-service storage facilities shall have a minimum length of forty (40) feet. Additionally, there shall be provided either
 - (1) ten (ten) foot wide parking lanes adjacent to the full length of the access road, or
 - (2) a parking area on the outside of the gate having one (1) parking space for every two hundred (200) storage cubicles or fraction thereof.
- b. One way access routes shall have one (1) travel lane not less than fourteen (14) feet in width in addition to the ten (10) foot wide parking lanes. Two way access roads shall have two (2) travel lanes not less than twelve and one-half (12 1/2) feet in width in addition to the ten (10) foot wide parking lanes.
- c. Access roads shall be constructed in accordance with this Ordinance and the Penn Fcrest Township Subdivision and Land Development Ordinance.

3. Area Regulations

- a. The minimum lot size for a self-service storage facility shall be
 - the greater of two (2) acres or the minimum lost size for the zoning district in which the facility is located.
- b.** The maximum lot size for a self-service storage facility is ten (10) acres.
- c. Total lot coverage by buildings, structures. and other impervious cover shall be limited to eighty (80) percent of the total area.

4. Building Restrictions

- a. No building shall exceed thirty-five (35) feet in height. Notwithstanding the foregoing, no building being used for self-storage facilities shall have more than two (2) stories; and, the floor level of each story must be approximately the same as the finished grade level of the ground adjoining that story.
- b. No single structure shall exceed five thousand (5,000) square feet.
- c. Fire walls having a minimum fire resistance rating of two (2) hours shall be installed from the floor of the lowest level to the underside of the roof. There shall be an interior fire wall running the length of each storage building separating each row of storage units; and, the largest area of floor space which is not separated from adjoining floor space by interior fire walls shall be four hundred (400) square feet. Subject to the foregoing, the specific location and configuration of such fire walls shall be addressed on a case by case basis.

5. Set Backs

- a. The minimum front yard, side yard, and rear yard requirements stated in Section 5.400 of this Ordinance shall be applicable to self-service storage facilities
- b. Parking and internal drives are prohibited within said set-backs.

6. Landscaping, Fencing and Screening

- a. All set-backs (except the front yard set-backs) shall be landscaped to provide appropriate visual screening and/or buffering in accordance with Section 5~600(f) of this Ordinance. All areas on the site not covered by pavement or structures must be brought to finished grade and planted with turf or other appropriate ground cover(s) and with deciduous and/or coniferous plant materials.
- b. A barrier must be provided around the perimeter of the development. Said barrier shall be located at the set back line and may consist of either the solid facades of the storage structures or a fence.

- c. If the barrier is to be provided by a fence, said fence shall be a minimum of eight (8) feet in height and shall be constructed of opaque materials (except that portion of said fence adjacent to the front yard) that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire.
- d. Signs or other advertising mediums shall not be placed upon, attached to, or painted on said barrier.

7. Outdoor Storage

- a. In addition to the barrier provided around the perimeter of the development, all outdoor storage areas must be fenced with a minimum eight (8) foot high chain link fence.
- b. Property stored in outside areas shall be limited to recreational vehicles, campers, boats or trailers parked in designated gravel areas. All such items must be licensed (if applicable) and in operable condition.
- c. The configuration of parking spaces in the outer storage area, and the actual parking spaces, shall be shown on the Land Development Plan. The minimum width of aisles will be affected by the configuration of the parking areas; however, in no event shall they be less than thirty (30) feet in width.

8. Storage Units

- a. Each individual storage unit shall be secured by a locking device.
- b. Each individual storage unit shall contain a maximum of six hundred (600) square feet.

9. Lighting

- a. All outdoor lights shall be shielded to direct light and glare only onto the premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining properties.

10. Miscellaneous

- a. Access to the premises shall be restricted by means of a lockable gate.
 - b. Auctions, commercial, wholesale or retail sales or miscellaneous garage sales are prohibited, other than judicial sales.
 - c.** Servicing, repair, maintenance, cleaning, or other similar activities are prohibited.
 - d. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment is prohibited.
 - e. The establishment of a transfer and storage business is prohibited.
 - f.* Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations is prohibited.
 - g. Storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or other similar items is prohibited.
 - h. Storage in interior aisles, off-street parking areas, loading areas, or driveway areas is prohibited.
 - i.** No business activity other than the rental of storage units shall be conducted on the premises.
11. Except when inconsistent with the provisions herein set forth, self-service storage facilities shall comply with all other requirements of this Ordinance and the Subdivision and Land Development Ordinance.

ARTICLE V . PERFORMANCE STANDARDS

A. GENERAL PERFORMANCE STANDARDS

5.100 COMPLIANCE

All uses and activities established after the effective date of this Ordinance shall comply with the following standards.

5.100A THRESHOLD CRITERIA FOR PERFORMANCE SUBDIVISIONS

Where the developer of a parcel of land wishes to develop a property under the more intensive criteria of a Performance Subdivision, and at the greater densities allowed in a performance Subdivision, the following minimum design standards will be required:

- A. A Central Water System will be provided by the developer meeting the standards of the PA DER, with storage tanks and line sizes sufficient to meet the standards of the National Fire Protection Association, and such other standards as the Township may promulgate from time to time. Potable water delivered through such a system shall be tested periodically, shall be chlorinated and filtered as appropriate according to the rules of the PA DER.
- B. Central Sewers shall be installed according to an approved plan of the Township, and as permitted by the PA DER. The Township allows and encourages the installation of central sewage systems which are designed to release treated effluent into subsurface seepage beds. However, stream discharge of treated effluent will also be permitted where it is approvable by the PA DER. Where subsurface seepage beds for treated effluent are to be used, there shall be at least two permittable sites for the location of the seepage beds within the Performance Subdivision. Where surface discharge of treated effluent is proposed, the volume of the discharge will be counted against any storm water limitations imposed on the subdivision.
- C. All access roads will be paved according to the Standards of the PA Department of Transportation, Design Manual, Part 2, Highway Design, latest edition, and A Policy on Geometric Design of Rural Highway, AASHTO, latest revision. Access roads and parking areas shall be counted against the open space area of the Performance Subdivision, and the total impervious surface of same shall be counted against the impervious surface ratio of the subdivision. If permeable pavers are used in parking areas, those areas may be considered as a permeable surface.

All required improvements shall be maintained by an approved Property Owners Association, Condominium Association, or other legal entity approved by the Township after installation.

Land required for all utilities shall be permanently set aside but will be counted against the open space set-aside in designing the subdivision, not against the buildable area. The subdivider may designate at the time of subdivision that after the subtraction of land required for recreation and the dedication of land required for all utilities, that the remaining open space may be active farmland in the possession of the subdivider, his grantees or assigns, however, without the right of further subdivision, and subject to whatever additional setback requirements that the Township may require. If the remaining open space is set aside as active farm land with the rights of succession, the subdivider will be required to offer the Township a deed of dedication of the development rights at the time of subdivision approval.

5.200 SITE CAPACITY CALCULATIONS

The following calculations are required of the developer to determine the net buildable site area, the maximum number of dwelling units, the maximum impervious surfaces and the required open space.

Net buildable site area shall not include any of the following classes of land:

- (1) Land which is not contiguous or land which is cut from the parcel by a road or railroad.
- (2) Land shown on previous subdivisions or land development plans as reserved from development for open space.
- (3) Land unusable by virtue of environmental protection.

For calculating the net buildable site area, the following form should be used.

(a) BASE SITE AREA

Calculate base site area .subtract existing road and utility rights-of-way and land in (1) and (2) above from total site area.

Total Site Area	_____ acres
	_____ acres
Base Site Area	_____ acres

(b) LAND WITH RESOURCE RESTRICTIONS AND RESOURCE PROTECTION LAND

Calculate the land with resource restrictions and the resource protection land. In the event that two or more resources overlap, only the resource with the highest open space ratio shall be used in the calculations.

Resource Restrictions	Open Space Ratio	Acres of Land in Resource Restrictions	Resource Protection Land (Acres x Open Space Ratio)
Floodplains	1.00		
Floodplain Soils	1.00		
Steep Slopes			
8-15%	.60		
15-25%	.70		
25% or more	.85		
Lakes, Ponds or Watercourses	1.00		
Wetlands	1.00		
Lake Shore*	.70		
Pond Shore*	.80		
Land with Resource Restrictions		_____	acres
Total Resource Protection Land		_____	acres

* Defined as the land within fifty (50) feet horizontally of the line or fifteen (15) feet vertically above the mean high water line, whichever is less.

(c) RECREATION LAND

Calculate land for recreation.

Base Site Area _____ acres

Subtract Land with Resource Restrictions _____ acres

Remainder _____ acres

Multiply by 1/3 Minimum Open Space Ratio x _____ (Section 5.300)

Recreation Lane = _____ acres

(d) COMBINE RESOURCE PROTECTION LAND AND RECREATION LAND

Resource Protection Land _____ acres

Add Recreation Land _____ acres

Resource Protection and Recreation Land _____ acres

(e) STANDARD MINIMUM OPEN SPACE

Calculate the Standard Minimum Open Space.

Base Site Area _____ acres

Multiply by Minimum Open Space x _____ (Section 5.300)

Standard Minimum Open Space = _____ acres

(f) **BUILDABLE PORTION OF THE SITE**

Calculate the Buildable Portion of the Site.

From the Base Site Area, subtract the Resource Protection and Recreation Land or the Standard Minimum Open Space, whichever is greater.

Base Site Area		_____	acres
Subtract Resource Protection and Recreation Land or Standard Minimum Open Space, whichever is greater		_____	acres
Buildable Portion of the Site		_____	acres

(g) **NUMBER OF DWELLING UNITS**

Calculate the maximum number of dwelling units.

Multiply the Net Buildable Site Area by the Maximum Density. For non-residential uses, skip to subsection (1).

Net Buildable Site Area		_____	acres
Multiply by Maximum Density	x	_____	(Section 5.300)
Number of Dwelling Units	=	_____	dwelling units

(h) **IMPERVIOUS SURFACES**

Calculate the maximum area of impervious surfaces.

Multiply the Net Buildable Site Area by the Maximum Impervious Surface Ratio.

Net Buildable Site Area		_____	acres
Multiply by Maximum Impervious Surface Ratio	x	_____	(Section 5.300)
Impervious Surfaces	=	_____	acres

(I) **SITE CAPACITY SUMMARY**

Maximum Number of Dwelling Units	_____	dwelling units
Maximum Impervious Surfaces	_____	acres
Buildable Portion of the Site	_____	acres
Open Space (Resource Protection and Recreation Land or Standard Minimum Open Space, whichever is greater)	_____	acres

(See Section 5.500)

5.300 TABLE OF PERFORMANCE STANDARDS

The following table establishes the performance standards for the various zoning districts. All of the applicable standards for a zoning district shall be met. If, after doing the calculations in the preceding section, one or more of the calculated standards or the standards in any other section of this Ordinance is greater than on this table, the strictest standard shall govern.

- (a) **Minimum Open Space Ratio** .For uses where this is applicable, the figure in the column shall be the minimum amount of open space provided. However, if in doing the calculations in Section 5.200, the open space ratio in subsection (f) is greater than the standard in this column, then the greater shall become the minimum required.
- (b) **Maximum Density DU/Acre** .The number in this column shall be the maximum allowable density for residential uses. This number may be increased only under the provision of Section 5.700.
- (c) **Maximum Impervious Surface Ratio** .This number shall be the maximum amount of impervious surface for a use or development.
- (d) **Minimum Site Area** .This is the minimum acreage required in order to qualify for a particular permitted use. The minimum site for development shall be two (2) acres for all districts.
- (e) **Minimum Lot Size** .This column refers to the minimum area for each individual lot in a single-family or non-residential use. This column refers to the minimum average lot size in single-family cluster uses.

TABLE OF PERFORMANCE STANDARD

	Minimum Minimum Open Space Ratio DU/Acre Ratio	Maximum Density Ratio	Maximum Impervious Site Area Surface Ratio	
R-1 Use Class 1	..	1.90	.05	2A
Use Class 9	.80	2.75	.11	10A
Other Permitted Use Classes**			.10	2A
R-2 Use Class 1	..	1,90	.17	2A
Use Class 9	.55	2.75	.22	5A
Other Permitted Use Classes**			.20	: LA
R-3 Use Class 1		1.90	.20	2A
Use Class 9	.45	3.80	.30	5A
Other Permitted Use Classes			.25	
C-i All Permitted Use Classes**			.85	
C-2All Permitted Use Classes**			.80	
1-1		All Permitted Use Classes**	.60	

** Unless otherwise specified

5.400 DIMENSIONAL AND AREA REQUIREMENTS

Where minimum yard requirements, maximum floor area ratios, minimum lot width requirements, or maximum building height regulations are not listed in Use Regulations for a specific use, the following requirements shall apply:

<u>TYPE OF REGULATIONS</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-i & C-2</u>	
<u>Minimum Lots Size</u>					
Area (Acre)	2A	2A	2A	LA	2A
Width (Ft.)	200	100	80	200	150
Depth (Ft.)	200	200	150	200	265
<u>Minimum Yards</u>					
Front (Ft.)	50	50	50	60	20
Rear (Ft.)	50	50	20	20	50
Each Side Yard (Ft.)	20	20	15	20	20
<u>Maximum Building Height</u>					
Feet	30	30	30	30	30
<u>Maximum Building Coverage %</u>					
Maximum Building Coverage	10		20		20

NOTES:

1. This Schedule does not apply to Special Exception Uses. See Section 4.302 for regulations governing such Special Exception Uses.
2. See Article VII for other Supplementary Regulations governing various uses including variations to lot and yard sizes and regulations governing accessory structures, signs, off-street parking and loading and nonconforming uses and lots.
3. These standards apply only when collective water and sewage facilities are available.

5.500 ENVIRONMENTAL PERFORMANCE STANDARDS

Site alterations, regarding filling or clearing of vegetation by a landowner or developer which would violate the following standards, shall be in violation of this Ordinance. The developer shall determine the presence of environmental or natural features on the site and shall meet the following standards for environmental protection:

- (1) **Floodplains:** All such lands shall remain as permanent open space, except that roads may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Resources. See Article V(B), Floodplain Performance Standards, page 72.
- (2) **Floodplain Soils:** All such lands shall remain as permanent open space, except that roads may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Resources. See Article V (B), Floodplain Performance Standards. Floodplain soils shall not be used where a floodplain line has been drawn.
- (3) **Steep Slopes:** In areas of steep slopes, i.e. those above 8%, the following standards shall apply:
 - (a) 8-15%: no more than 40% of such areas shall be developed and/or regarded or stripped of vegetation.
 - (b) 15-25%: no more than 30% of such areas shall be developed and/or regarded or stripped of vegetation.
 - (c) 25% or more: no more than 15% of such areas shall be developed and/or regarded or stripped of vegetation.

- (4) **Lakes, Ponds, Wetlands or Watercourses:** These areas shall be left as permanent open space. No development, filling, piping, or diverting shall be permitted except for required roads.
- (5) **Lake Shorelines:** The shorelines of lakes, to a distance of three hundred (300) feet from the shorelines, shall contain no more than ten (10) percent impervious surfaces. At least seventy (70) percent shall be permanent open space.
- (6) **Pond Shorelines:** The shorelines of ponds shall, to a distance of one hundred (100) feet from the shorelines, contain no more than ten (10) percent impervious surfaces. At least eighty (80) percent shall be permanent open space.
- (7) **Storm Water:** All developments shall limit the rate of storm water run-off so that the rate of run-off generated is no more than that of the site in its natural condition. Where farm field or disturbed earth is the existing condition, meadow shall be used as the starting base for such calculations instead of the actual condition. All run-off calculations shall be based on 100-year, 24-hour storms, The method for such calculations shall be that contained in United States Department of Agriculture, Soils Conservation “Engineering Field Manual,” Notice #4, of April 30, 1971, as amended.

A development shall not be required to meet the above provisions if it meets all of the following criteria.

- (a) The site area is two (2) acres or less.
- (b) The impervious surface ratio of the developed site is not greater than .30 in residential and .80 in non-residential districts.
- (8) **Soil Erosion and Sedimentation:** All developments shall protect streams, lakes and ponds from sedimentation damage and control erosion in accordance with the “Clean Streams Law PL 1987,” Chapter 102, except that in addition, all development shall submit a soil erosion and sedimentation plan as part of the preliminary land development plan even where they are less than twenty-five (25) acres in extent.
- (9) **Soil Suitability for On-site Disposal:** Suitability for on-site sewage disposal is a critical performance characteristic. The following performance standards shall apply to single-family detached dwellings and other permitted uses with on-site sewage disposal systems:
- (a) Where uses are proposed on parcels of land in areas which have a high flooding hazard, seasonally high water tables, poorly drained, or have a combination thereof, such areas shall have a minimum lot size of not less than two (2) acres regardless of the district in which they are located.

(b) (Reserved)

5.501 TABLE OF DWELLING UNIT MIX

All performance standard subdivisions (Use Class 9) and Planned Residential Development (Use Class 10) shall conform to the minimum standards for a mix and dwelling unit types as set forth below. Dwelling unit types are those designated in Use Class 9.

Type	No. of Dwelling Minimum Units in Development	Minimum No. of D.U. Types	Maximum Percent Any Type	Percent Any
	1-119	1	100	20
120-299	2	60	15	
300-499	3	40	10	
500ormore	4	40	5	

5.600 BUFFER YARDS

Buffer yards are required for all performance standard subdivisions, mobile home parks, PRD's, and in golf courses, commercial districts, and industrial districts where they adjoin any residential district or use.

- (a) The buffer yards may be part of the lot area assigned to a dwelling unit in accordance with the provisions of this Ordinance. However, the portion of the lot area containing the buffer yard must be in addition to the required minimum lot area.
- (b) The buffer yard shall be measured from the property boundary line or from the near street line where a street serves as the property boundary line.
- (c) The buffer yard may be contiguous with required front, side, or rear yards, and in case of conflict, the larger yard requirements shall apply.
- (d) In all buffer yards, the exterior fifty (50) foot width (thirty (30) feet in a performance standard subdivision and twenty (20) feet for a hospital) shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
- (e) No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles and on-lot sewer and water facilities shall be permitted in the portion of the buffer yard exclusive of the exterior fifty (50) foot width.

(f) All buffer yards except performance standard subdivisions and PRD's shall include a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be located within the buffer yard, and shall be in accordance with the following requirements:

- (1) Plant materials used in screen planting shall be at least four (4) feet high when planted and be of such species as will produce ultimately a dense visual screen at least eight (8) feet high.
- (2) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
- (3) The screen planting shall be so placed that at maturity it will be not closer than three (3) feet from any street or property line.
- (4) In accordance with this Ordinance, a clear sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets.
- (5)** The screen planting shall be broken only at points of vehicular or pedestrian access.

(g) In PRD's and Performance Subdivisions, the following shall apply:

- (1) The buffer yard may be averaged. The width in (j) below is average with the minimum being 60% of the average.
- (2) All existing deciduous and coniferous trees above two (2) inches caliper and/or six (6) feet in height shall be preserved in the buffer yard except where clearance is required to ensure adequate sight distances. Any removal should, where feasible, involve relocation rather than clearing.
- (3) Buffer width and planting material shall be laid out to respect existing or proposed off-site uses. The minimum width may be used where compatible single-family uses adjoin, or where the property abuts non-buildable land. The object of the planting shall be defined in the plan as: visual, noise, or to prevent access to hazardous areas.
- (4)** Generally, a minimum of **25%** of plant material shall be evergreen, 10% flowering. Planting shall be adequate in quantity to fully cover the minimum 30-foot buffer, but may be clumped or grouped for maximum efficiency.
 - a. Where noise and glare are problems, 50% of the planting shall be evergreens.

- b. Where hazardous conditions exist, hedge rows with thick, thorny plants are desirable. Planting should be such as to make access difficult.
 - c. Where visual screening is most important, evergreen~ and flowering trees should be increased to 50% of the total.
- (5)** Self-maintaining ground cover or grass shall be planted to the edge of the buffer.
- (h) No screen planting shall be required along streets which form district boundary lines, provided that:
- (1) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from the adjacent residential district.
 - (2) Only the front of any proposed building shall be visible from the adjacent residential district.
- (D)** Prior to the issuance of any Zoning Permit, complete plans showing the arrangement of all buffer yards, the placement, species and size of all plant materials, and the placement, size, materials and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer, to ascertain that the plans are in conformance with the terms of this Ordinance.

(j) Size of buffer yards:

- (1) I-i against all district boundaries .two hundred fifty (250) feet.
- (2) All commercial uses against any residential use .one hundred (100) feet.
- (3) PRD's .fifty (50) feet on all boundaries.
- (4)** Performance Standard Subdivisions .thirty (30) feet on all boundaries with no more than thirty percent (30%) of required open space area in the buffer yard. For performance standard subdivisions in excess of thirty (30) acres in area, an additional foot of buffer yard shall he required for each additional acre above thirty (30), up to a maximum of fifty (50) feet of buffer yard.
- (5)** Mobile Home Park .fifty (50) feet on all boundaries.
- (6)** Golf Courses .fifty (50) feet along any boundary.
- (7) Hospital use .twenty (20) feet on all boundaries with residential uses.

5.700 RESIDENTIAL DENSITY BONUS

Bonus Density: A bonus density of up to forty percent (40%) in performance subdivisions may be achieved by meeting specific criteria beyond the basis performance standards. For Planned residential Developments, the bonus is increased to a maximum of forty-five percent (45%). All other standards of the Ordinance must be met in order to get the bonus. No bonus shall be granted without those requirements being met. The various bonuses are additive; for example:

R-2 Low Density Residential District	
Basic Density	2.75
Bonus for Housing	15%
.for PRD bonus 15%	
Total Bonus	
2.75 x	

Specific Criteria:

- (1) **Moderate Income Housing** For each unit of non-subsidized housing with two or more bedrooms built to sell below \$100,000 (in 1990 dollars), an additional dwelling unit may be built. The maximum bonus shall be in accordance with the Table of Bonuses.
- (2) **Fire Equipment or Facilities:**
A density bonus of up to five percent (5%) may be permitted when the developer demonstrates that it will provide superior fire protection to the development. Superior fire protection shall be the provision of fire protection equipment, facilities and/or materials in excess of those otherwise required by this ordinance or any other relevant ordinance.

(3) Table of Bonuses

	Percentage Bonus		
	<u>R-1</u>	<u>R-2</u>	<u>RJ</u>
1. Moderate-income housing	10	10	10
2. Fire Contribution			See Text

Note: All bonuses are stated as a maximum not to exceed percentage by type.

5.800 NOISE

The ambient sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels listed in the tables shown. The sound pressure level or ambient level is the all-encompassing noise association with a given environment, being a composite of sounds from any source, near and far. For the purpose of this code, ambient noise level is the average over fifteen (15) minutes of the alleged offensive noise, excluding random or intermittent noises.

Averaging may be done by instrument analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:~

- (1) Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needed, and the highest and lowest indications.
- (2) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of the fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and the highest high indication.
- (3) Calculate the arithmetical average of the observed central tendency indications.

It shall be unlawful for any person to operate any fixed machinery or equipment, or similar mechanical device in any manner so as to create any noise which would cause the noise level measured at the property line of the property affected by the noise emission, in excess of the following:

DBA	Zoning district	Time Period	Sound Level
	R1, R2, R3	Anytime	50
	C1, C2, 11	10 p.m. to 7 am.	55

If the measurement location is on a boundary between two Zoning Districts, the lower sound level shall apply.

5.900 SMOKE

No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four (4) minutes in any thirty (30) minute period.

5.901 DUST, FUMES, VAPORS AND GASES

- (a) The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, or vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- (b) No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths (0.3) grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air stack at full load.

5.902 HEAT

No use shall produce heat perceptible beyond its lot lines.

5.903 ODOR

- (a) No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I. Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Associations Inc., Washington, D.C.
- (b) Paragraph (a) above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

5.904 GLARE

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines or onto any public road.

5.905 VIBRATIONS

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

5.906 **STORAGE AND WASTE DISPOSAL**

- (a) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following:
 - (1) Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
 - (2) Tanks or drums for storage of less than three hundred (300) gallons of fuel oil (other than that used for home heating or gasoline), provided such tanks are located no closer than twenty-five (25) feet to any building or lot line of fifty (50) feet from any street line.
- (b) All outdoor industrial or commercial storage facilities for fuel, raw material and products shall be enclosed by an approved safety fence.
- (c) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- (d) Any materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- (e) All non-conforming storage and waste disposal uses must be brought into conformity with this section within three (3) years of the adoption of this Ordinance.

B. **FLOODPLAIN PERFORMANCE STANDARDS**

5.907 **FLOODPLAIN REGULATIONS**

No development, as defined in this Ordinance, other than those permitted herein, shall hereafter be permitted in the area designated as Floodplain as defined in Section 2.131 of this Ordinance.

5.908 **DEFINITIONS**

Refer to Sections 2.13 1, 2.131A and 2.13 1B

5.909 **ESTABLISHMENT OF THE FLOOD PLAIN**

- (1) The boundaries of the Floodplain are delineated by the extent of the Floodplain as defined in Section 2.13 1 of this Ordinance.

- (2) Where an area has been designated as “Approximate 100-Year-Flood Boundary” in the Flood Insurance Study prepared by the Federal Emergency Management Agency, Floodplain Soils as defined in Section 2.13 1A shall be used.

- (3) Any changes in the delineation of the Floodplain in the Study or maps promulgated by the Federal Insurance Administration shall be subject to the review and approval of the same.

5.9 10 **FLOODPLAIN REQUIREMENTS**

Premises in the Floodplain may be used for the purposes specified for the particular Zoning District in which they are located, subject to all pertinent regulations of the Zoning Ordinance and to the following additional restrictions:

- (a) Buildings .No new building or structure or any portion thereof shall be erected within the Floodplain unless permitted as a special exception by the Zoning Hearing Board.

- (b) Building Elevations
 - (1) No building or any portion thereof shall be erected unless the finished surface of the ground is higher than, or is raised by filling to, an elevation of at least one and one-half (1 1/2) feet above the 100-year-flood elevation except as provided in subsection (f) below.

 - (2) No first floor, basement floor, or cellar floor of any building shall be constructed at an elevation of less than one (1) foot above the elevation of the 100-year-flood.

- (3) The Zoning Officer shall require the applicant to submit an elevation certified by a registered engineer, architect, or surveyor where necessary to determine compliance with building elevation requirements.
- (c) **Structure Anchoring** .Any structure placed in the Floodplain shall be anchored firmly to prevent floatation, collapse, or lateral movement. The Zoning Officer shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this criteria.
- (d) **Private Sewage Treatment and/or Disposal System** .No part of any private sewage treatment and/or disposal system related to the treatment and renovation of sewage effluent shall be constructed within the Floodplain.
- (e) **Storage of Materials** .No materials that can float, that are explosive, or that are toxic to humans, animals or vegetation shall be stored in the Floodplain. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs, as required by the Act, any new or substantially improved structure 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 (more than five hundred and fifty (550) gallons or other comparable volume or any amount of radioactive substances) or any of the dangerous materials or substances, including but not limited to the following, on the premises, shall not be permitted in the Floodplain:
- (1) Acetone
 - (2) Ammonia
 - (3) Benzene
 - (4) Calcium carbide
 - (5) Carbon disulfide
 - (6) Celluloid
 - (7) Chlorine
 - (8) Hydrochloric acid
 - (9) Hydrocyanic acid
 - (10) Magnesium
 - (11) Nitric acid and oxides of nitrogen
 - (12) Petroleum products (gasoline, fuel oil, etc.)
 - (13) Phosphorus

- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

(f) When permitted as a special exception by the Zoning Hearing Board, any building within the Floodplain at the time of enactment of this Ordinance may be altered or extended, provided:

(1) The alteration or extension conforms with all applicable regulations of this Ordinance.

(2) Any increase in volume or area shall not exceed an aggregate of more than twenty-five percent (25%) of such volume or area during the life of the structure.

(3) No increase of any on-lot sewer system now located either wholly or partially in the Floodplain shall be permitted.

(g) **Installation of Fill Materials** .Fill may be placed within the Floodplain only when allowed as a special exception by the Zoning Hearing Board. An application for a special exception shall be accompanied by detailed plans, showing existing and proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. In considering the application for a special exception, the Zoning Hearing Board shall determine whether the proposed fill meets the general standards for special exceptions set forth in this Ordinance and the following additional standards:

(1) Fill shall consist of soil and/or rock materials only; sanitary landfills shall not be permitted in the Floodplain.

(2) The cross-sectional area of the Floodplain shall not be reduced by more than three percent (3%). The Three percent (3%) shall be allocated to one and one-half percent (1 1/2%) on either side of the centerline of the watercourse. Such fill shall not cumulatively increase the 100-year-recurrence-interval flood elevation more than one (1) foot.

- (3) The Zoning Hearing Board shall require the applicant to secure written evidence of approval of the proposed fill by the Division of Dams and Encroachment of the Water and Power Resources Board of the Pennsylvania Department of Environmental Resources.
- (h) All proposed development shall be undertaken only upon the issuance of a zoning or building permit and in conformance with the following additional requirements:
- (1) Prior to the issuance of a permit, the application shall be reviewed to determine if all other necessary governmental permits such as those required by Federal or State law have been obtained.
 - (2) No development shall be permitted in any Floodway as delineated in the Flood Insurance Study prepared by the Federal Insurance Administration that would result in any increase in the 100-year-recurrence-interval flood elevation. No development shall be permitted in areas of the Floodplain where no Floodway has been delineated if such development would cumulatively increase the 100-year-recurrence-interval flood elevation.
 - (3) No hospitals (public or private), nursing home (public or private), jails or prisons shall be placed in the Floodplain. No mobile homes, whether on an individual lot or in an existing or proposed mobile home park, shall be placed in the Floodplain.
 - (4) No encroachment, alteration, or improvement of any kind shall be made to any watercourse channel 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 the Department of Environmental Resources, Dams and Waterways Management Bureau.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

- (5) All new or replacement public sanitary sewer facilities shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system, and be located and constructed to minimize the chance of impairment during a flood.

All utilities, such as gas lines, electrical and telephone systems, being placed in the Floodplain should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

- (6) If a variance is granted to the elevation requirement of Section 5.910 (b) (2), the applicant is hereby put on notice that:
- a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
 - c. If a variance is granted to the elevation requirements of Section 5.910 (h) (2), any portion of the building built below one (1) foot above the 100-year-flood elevation shall be flood proofed to that level according to the classification W1-W2 of the Flood proofing Regulations, U.S. Army Corps of Engineers, pamphlet EP 11652 314.

C. **OPEN SPACE IN RESIDENTIAL DEVELOPMENTS**

5.9 11 **GENERAL OPEN SPACE**

Residential Performance Subdivisions, PRD's and single-family cluster developments shall meet the open space requirements of the Zoning Ordinance. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the Township, and shall be noted on all deeds.

5.9 12 **LAYOUT OF OPEN SPACE**

The open space shall be laid out in accordance with the best principles of site design and to be compatible with the Penn Forest Township Comprehensive Plan. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents of the development. The open space is most needed in areas of highest density.

5.9 13 **OPEN SPACE DESIGNATION**

All land held for open space shall be designated on the plans. The plans shall contain the following statement: "Open space may not be separately sold nor shall land be further developed or subdivided except for transfer to the Township or other conservation organization approved by the Township in conformance with the Penn Forest Township Comprehensive Plan." The subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

- (a) **Lawn:** A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

- (b) **Natural Area:** An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Maintenance may be minimal but shall prevent the undue proliferation of weeds and undesirable plants such as poison ivy. Litter shall be removed, and streams shall be kept in free-flowing condition.

- (c) **Recreation Area:** An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffle board, playfield, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.

5.9 14 OPEN SPACE PERFORMANCE BOND

Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with provisions of the subdivision ordinance.

5.9 15 OWNERSHIP AND PRESERVATION OF OPEN SPACE

- (a) Any of the following methods may be used to preserve, own, or maintain open space: condominium, homeowners association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization. The following specific requirements are associated with each of the various methods:
 - (1) **Condominium:** The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980. All open space land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.
 - (2) **Homeowners Association:** The open space may be held in common ownership by a homeowners association. This method shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.
 - (3) **Fee-simple dedication:** The Township may, but shall not be required to, accept any portion or portions of the open space provided: (i) such land shall be freely accessible to the public; (ii) there shall be no cost to the Township involved; (iii) the Township agrees to and has access to maintain such lands; and (iv) the open space shall be in an acceptable condition to the Township at the time of transfer.

- (4) **Dedication of Easements:** The Township or County may accept, but shall not be required to accept, easements to any portion or portions of the open space.

In such cases, the land remains in the ownership of the individual, condominium, or homeowners association while the easements are held in public ownership. The County shall accept the easements only in accordance with the provisions of Act 442 and County plans. The Township may accept such easements as it sees fit. In either case, there shall be no cost to County or Township for acquisition or maintenance. The Township may require this method where it deems this the most appropriate way of preserving land in open space. In planned residential developments, performance standard subdivisions, single-family detached clusters, and mobile home parks, this provision for the ownership and preservation of open space cannot be used except for open space land incorporated in required buffer yards.

- (5) **Transfer to a Private Conservation Organization:**

With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources provided that: (i) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (ii) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (iii) a maintenance agreement acceptable to the Township is entered into by the developer and the organization.

- (6) **Deed Restrictions:** (i) Buffer yards, as required by this Ordinance, may be held in the ownership of the individual property owners of residential developments. This form of ownership of open space will be subject to the following requirements: a) This form of ownership will be limited to buffer yards; b) It may be used only if approved by the Township; c) Restrictions, meeting municipal specifications, must be placed in the deed for each property that has buffer within its boundaries. The restrictions shall provide for the continuance of the buffer yard in accordance with the provisions of this Ordinance; d) It will be clearly stated in the individual

deeds that the maintenance responsibility lies with the individual property owner.

(ii) For non-residential uses, buffer yards and areas of natural resource features may be held with the ownership of the entire parcel provided the buffer yards and natural features are deed restricted to ensure their protection and continuance.

(iii) In the case of residential developments where all of the units are rental, the open space land may be in the same ownership as that of the development provided that the land is deed restricted to ensure its protection and continuance and that a maintenance agreement suitable to the Township is provided. (iv) For any of these options the Township may accept, but is not required to accept, an easement to the open space land in the development.

- (b) Unless otherwise agreed to by the Township or County, the Cost and responsibility of maintaining open space shall be borne by the property owner, condominium association, or homeowners association. If the open space is not properly maintained, the Township may assume responsibility of maintenance and charge the property owner, condominium association, or homeowners association a fee which covers maintenance cost, administrative costs, and penalties as stipulated in Section 10.400.

ARTICLE VI PLANNED RESIDENTIAL

DEVELOPMENT (PRD)

6.100 PURPOSE

It is the purpose of this Article to encourage and promote flexibility and ingenuity in the layout and design of large new developments, enabling the developer to provide a variety of housing types, appropriate nonresidential uses, while using open space areas to protect the environment and provide recreation on parcels of fifty (50) acres or more, through the creation of a Planned Residential Development District by the Supervisors. To meet these ends, procedures combining the administration of zoning and subdivision approval have been developed for use in PRD's.

6.200 ESTABLISHMENT OF DISTRICTS

Any landowner, as defined in the Pennsylvania Municipalities Planning Code Act 247 of 1968, as reenacted and amended December 21, 1988, P.L. 1329, No. 170, may request the establishment of a Planned Residential District on a tract containing fifty (50) or more acres of land, consisting of one or more contiguous parcels of land under one ownership. Such a district may be established by the Supervisors in accordance with sections of this Article upon approval of a tentative plan.

6.300 DENSITIES AND USES

- (a) The density, impervious surface ratio, and open space ratio of PRD's shall be those allowed for performance standard subdivisions in Sections 5.300 and 5.600. The density shall be that of the district in which the land lies. Where land is in two districts, density shall be calculated using the proportion of the site in each district to arrive at composite density for the entire site. The PRD shall meet all requirements of Article V and the standards of Use Class 9 regarding performance standard subdivisions.
- (b) The uses shall be those indicated in Schedule I. Non-residential uses except recreational uses, public schools, residential accessories, such as garages, and uses belonging to the homeowners association shall be limited to an area less than five (5) percent of the gross site area. Land devoted to non-residential uses, as defined in this Section, shall not be used to calculate density. Such uses shall be surrounded by a buffer yard of fifty (50) feet and subject to the requirements of Section 5.600.

6.30 1 OPEN SPACE

Open Space shall be maintained in accordance with Sections 5.9 11 through 5.915.

6.400 APPLICATION PROCEDURE

The application procedure, as detailed below, is summarized as follows:

Step 1. Feasibility Review and Recommendation (60 days). Step 2. Tentative

Review including a Public Hearing (60 days).

Step 3. Issuance of Findings, and a Tentative Decision (30 days).

Zoning change granted upon approval of Tentative Plan.

Step 4. Final Review (Time Limit set by the Supervisors).

Step 5. Final Decision in part or in whole (30 days).

6.401 FEASIBILITY REVIEW

A feasibility review is recommended to provide a means of evaluating potential development sites to determine certain planning restraints, natural limitations, man-made capacities, or other factors which operate to limit the development potential of each particular site proposed for PRD. A fee shall be required at the time of submission in accordance with Subsection 6.701.

(a) Natural Site Determinants:

The developer shall map all relevant natural resources information and shall complete and compute net buildable site area calculations, Section 5.200.

(b) Capacity Determinants:

The applicant shall describe traffic generation, including an analysis of the capacity of streets serving the site as well as predictions on traffic generated by the site, and sewer and water capabilities indicating the improvements needed to serve the site.

(c) General Site Analysis:

The applicant shall submit a location map showing the area within one-half (1/2) mile radius of the site and to the nearest arterial highway designated in this Ordinance. The following information shall be provided: identifiable areas of homogeneous land use; structures of historical or architectural interest; and facilities including school, fire companies, sewer, water and recreation areas. Standards designated in the municipal plan and Section 6.300 of this Ordinance for density

and use, and any alterations required through the municipal plan and Section 1.600 of this Ordinance to permit the development, shall also be detailed.

- (d) The Supervisors, after receiving the recommendations of the Municipal Planning Commission and Carbon County Planning Commission, shall respond in writing to the applicant within 60 days from the receipt of the feasibility review application, indicating general approval or disapproval of the proposal. The response shall detail areas of the site recommended for conservation, any improvements or dedications on or off-site that shall be required.
- (e) General disapproval of a proposed PRD during a feasibility review shall not preempt a developer from applying for tentative approval as specified in the Ordinance.

6.402 **APPLICATION FOR TENTATIVE APPROVAL**

An application for tentative approval shall be filed as specified below. A fee shall be required at the time of submission in accordance with Subsection 6.701.

- (a) A plan indicating the location, size, topography, and vegetative cover of the site and the nature of the landowner's interest in the land proposed and developed.
- (b) A site plan and other drawings showing the overall density, impervious surface ratio, and open space ratio, and the density of the land use to be allocated to various portions of the site to be developed, the location and size of the common open space, the use, approximate height, bulk, and location of buildings and other information including building elevations, planting plan schedule, provisions for parking of vehicles, and location and width of streets and public ways.
- (c) Such drawings and documents as are required to establish the feasibility of proposals for the disposal of sanitary wastes and storm water, the substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including easements or grants for public utilities, the feasibility of the proposed maintenance and use levels of various areas of the open space in sufficient detail so that the Township may evaluate the use of the open space and maintenance that it is expected to receive. Elevations and perspective sketches are encourage. The written document shall include a written statement by the landowner setting forth the

reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the zoning plan and the best interests of the Township; the required modifications to municipal land use regulations otherwise applicable to the property; the form of organization proposed to own and maintain common open space; and in the case of development plans calling for development over a period of years, a schedule of proposed time within which applications for final approval of the various sections of the proposed planned residential development are intended. This schedule must be updated annually on the anniversary of the grant of tentative approval.

- (d) Immediately upon receipt, the plans shall be referred to the Municipal Planning Commission and the Carbon County Planning Commission for review.
- (e) •A fee, as stipulated in the fee schedule, adopted separately, shall be charged the developer by the Township for reviewing tentative plans.

6.403 PUBLIC HEARING

- (a) Within sixty (60) days after filing an application for tentative approval of a planned residential development pursuant to this article, a public hearing pursuant to public notice on said application shall be held by the Supervisors in the manner prescribed for the enactment of an amendment of this Ordinance (see Article X). The Chairman, or in his absence, the Acting Chairman of the Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath, and every party of record at the hearing shall have the right to cross-examine adverse witnesses.
- (b) A verbatim record of the hearing shall be kept by the Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting the proceedings, and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved; or, if not accepted in evidence, shall be properly identified and the reason for the exclusion noted clearly in the record.

- (c) The Supervisors may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

6.404 FINDINGS

- (1) The Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this article, shall, by official written communication to the landowner, either:
 - (a) Grant tentative approval of the development plan as submitted;
 - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted;
 - (c) Deny tentative approval of the development plan.
- (2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Supervisors, notify the Board of his refusal to accept all said conditions, in which case the Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (3) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial; and said communication shall set forth particularly in what respects the development plan would or would not be in the public interest, including, but not limited to, the findings of fact and conclusions on the following:
 - (a) Those respects in which the development plan is or is not consistent with the Municipal Plan and Section 1.600 of this Ordinance;

- (b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - (c) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - (d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - (e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - (f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the planned residential development in the integrity of the development plan.
- (4) In the event a development plan is granted tentative approval, with or without conditions, the Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed; or in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be more than three (3) months; and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not more than twelve (12) months.

6.500

STATUS OF PLAN AFTER TENTATIVE APPROVAL

- (1) The official written communication provided for in this article shall be certified by the Zoning Officer and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map, and the property shall be classed as a PRD district. The notation shall be as follows: PRD (R- 1, R-2 and R-3), and the date of tentative approval.
- (2) Tentative approval of a development plan shall not qualify a plot of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been tentatively approved with conditions accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner; provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.
- (3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Supervisors in writing; or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case *may* be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan, for which final approval has not been given, shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time; and the same shall be noted on the zoning map and in the records of the Zoning Officer.

6.600

APPLICATION FOR FINAL APPROVAL

- (1) An application for final approval may be for all the land included in a development plan; or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the Township within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, funds or securities in sufficient amount as determined by the Supervisors to insure performance and such other requirements as may be specified by ordinances, as well as any conditions set forth in the official written communication at the time of tentative approval. A fee shall be required at the time of submission in accordance with Subsection 6.701. A public hearing on an application for final approval of the development plan, or a part thereof, shall not be

required provided the development plan, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

- (2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Supervisors shall, within thirty (30) days of such filing, grant such development plan final approval.
- (3) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Supervisors may refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - (a) Re-file his application for final approval without the variations objected to; or
 - (b) File a written request with the Supervisors that it hold a public hearing on his application for final approval. All plans will be referred to the Municipal Planning Commission and Carbon County Planning Commission for review. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development, plan. Any such public hearing shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.
- (4) A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the Supervisors and shall be filed on record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply

thereto. Pending completion within a reasonable time of said planned residential development plan, or part thereof, as finally approved, no modification of the provisions of said development plan or part approved shall be made, except with the consent of the landowner.

6.60 1 ABANDONMENT OF PRD

When the landowner fails to meet the schedules fixed in the tentative approval and does not appear to request an extension prior to the scheduled date, or when final approval has been granted and the developer fails to start work within one (1) year, or when work is stopped for a period of one (1) year, the PRD shall be considered to be abandoned. If the landowner fails to meet the above deadlines, and within such time does not request an extension, abandonment shall be considered to have taken place.

6.700 **REQUIRED NUMBER OF COPIES FOR REVIEWS**

Feasibility Application	12 copies required
Tentative Application	18 copies required
Final Application	14 copies, including 2 mylar copies, required

6.701 FEES

All applicants for PRD approval (feasibility, tentative, and final) shall, at the time of making application, pay to the Zoning Officer for use of the Township a fee in accordance with a fee schedule adopted by resolution of the Supervisors upon enactment of this Ordinance or as such schedule may be amended by resolution of the Supervisors.

**ARTICLE VII . SUPPLEMENTARY DISTRICT
REGULATIONS**

7.100 PERMITTED DEVIATIONS FROM REQUIRED AREAS

The minimum lot, yard and height requirements shall prevail in all cases, except as follows:

7.101 Existing Nonconforming Lots. Any lot the area or dimension of which were lawful prior to the adoption of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption; provided, the front, rear and side yards and maximum building coverage shall be in compliance with the following schedule:

TYPE OF REGULATION	R-1	R-2	R-3	C-i & C-2	I-i
<u>Minimum Yards</u>					
Front (Ft.)	50	50	50	60	60
Rear (Ft.)	20	20	20	20	50
Each Side (Ft.)	15*	15*	15*	20	20
 <u>Maximum Building Coverage %</u>					
	10	15	20	20	20

* In the case of a corner lot, the side yard which abuts a Street shall not be less than thirty (30) feet.

7.10 1A Lots Created by a Re-subdivision/Reverse Subdivision. The Supervisors encourage the re-subdivision/reverse subdivision of lots. See Sections 3.3.85 and 4.8.3.1 of the Penn Forest Township Subdivision and Land Development Ordinance. Therefore, if the new lot resulting from said re-subdivision/reverse subdivision consists entirely of all, or a portion of “existing non-conforming lots” as described in Section 7.101 above, and the resultant new lot(s), has a width, depth and area equal to or greater than all of the previously “existing non-conforming lots”, the resultant new lot (if it does not meet the minimum width, depth or area requirements) shall be considered an “existing non-conforming lot” under Section 7.101 for all purposes.

7.102 Height Limitations. District height limitations shall not apply to church spires, cupolas and domes, monuments, chimneys, smokestacks, silos, flag poles, and parapet walls extending not more than four (4) feet above the limiting height of the building.

7.103 **Front Yard Exception.** When an unimproved lot is situated between two improved lots, each having a principal building within twenty (20) feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots.

7.104 **Projections Into Yards.** Projections attached to the principal building located on a lot shall be permitted into required yards as follows, except that in no case shall a structure or projection be located closer than four (4) feet to any side or rear lot line or ten (10) feet to any front lot line.

- a. Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, eaves, or other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of three (3) feet.
- b. Porches may project into the required front and rear yards up to ten (10) feet.
- c. Open patios may be located in the required side and rear yards not closer than four (4) feet to any adjacent property line, and may project into front yards up to ten (10) feet.

7.200 **UNIQUE LOTS AND BUILDING LOCATIONS**

7.201 **Two or More Buildings on a Lot.** Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate zone lot. It is the intent of this provision, that should the parcel be subdivided, each newly created lot and the principal buildings located on it will comply with provisions of this Ordinance.

7.202 **Through Lots.** Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Board of Supervisors shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in Section 7.201 and 7.203.

7.203 **Lots Fronting on an Alley.** Individual lots, existing at the effective date of this Ordinance, fronting on an alley shall comply with all the requirements of this Ordinance and the district in which said lots are located.

7.204 **Side Yard of a Corner Lot.** The side yard of a corner lot which abuts a street shall be equal to the required front yard for that street, except as otherwise provided in Section 7.101 regarding existing non-conforming lots.

7.205 **Corner Lots.** No obstruction to vision, (other than an existing building, post, column, shrubbery or tree), exceeding thirty (30) inches in height shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two points on the right-of-way of each street, each located thirty (30) feet from the point formed by the right-of-way intersection of each streets

7.300 **ACCESSORY STRUCTURES AND USES**

7.301 **Accessory Structures.** All accessory structures shall conform with the minimum yard regulations established in Article IV, except as permitted below:

- a. **Unattached Structures Accessory to Residential Buildings.** Structures accessory to residential buildings which are not attached to a principal structure, including on-lot sewer and water facilities, may be erected within the required side and rear yards of a principal structure provided that they conform with the following:
 - 1. **Maximum Height.** One and one-half (1-li'2) stories or fifteen (15) feet in height.
 - 2. **Distance from Side Lot Line.** Not less than four (4) feet from the side lot line, except in the case of corner lots where the full side yard as specified in Section 7.204 shall be maintained.
 - 3. **Distance from Rear Lot Line.** Not less than four (4) feet from the rear lot line.
 - 4. **Distance from Principal Structure~.** Not less than ten (10) feet from a principal structure.
- b. **Unattached Structures Accessory to Non-Residential Buildings.** Such accessory structure shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least ten (10) feet.

- 7.302 **Home Occupations.** A single home occupation per dwelling unit is permitted as an accessory use to a residential structure, provided that such home occupations shall be conducted only by residents of the dwelling unit who may not employ more than two (2) additional non-resident persons, that-the only external evidence of the home occupation shall have a sign not exceeding one and one-half (1-1/2) square feet in area. Such home occupations shall be restricted to professional offices, the training of children in small classes, custom dressmaking, millinery or tailoring, women's beauty salons, and the rooming or boarding of not more than two (2) persons.
- 7.303 **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 are permitted in accordance with Section 8.100. Said parking areas may be located in required front, side or rear yards but not required buffer yards.
- 7.304 **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.
- 7.305 **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 such pool is not located closer than ten (10) feet to any property line and does not occupy more than ten (10) percent of the lot area and that a five (5) foot high fence shall completely surround and adequately secure the area of the swimming pool. Existing pools constructed before the adoption of this Ordinance shall be required to be secured by a five (5) foot high fence which can be locked, or other equivalent barrier, within one (1) year after the effective date of the adoption of this Ordinance. For above ground pools, the wall of the pool and any attached railing totaling five feet (5') or more in height may serve as the fence required by this section, provided the entrance be secured.

ARTICLE VIII. REGULATIONS GOVERNING CERTAIN USES

8.100 **OFF-STREET PARKING AND LOADING**

8.101 **Off-Street Parking.** Off-street spaces shall be provided as set forth in the following table whenever any building is erected or enlarged. Such spaces shall have an area of at least two hundred (200) square feet, shall have adequate and well designed ingress and egress, and shall be located on the same zone lot as the use to which they are accessory or within a radius of four hundred (400) feet.

REGULATIONS FOR OFF-STREET REQUIREMENTS

**Minimum Required
Off-Street Parking Spaces**

1. Bowling Alleys	Five (5) parking spaces for each alley
2. Churches, Synagogues and House of Worship	One (1) off-street parking space for every two (2) permanent seats plus one (1) additional space for each full time employee. When individual seats are not provided, each twenty-five (25) inches of bench shall be considered one (1) seat.
3. Community Buildings, Clubs, Social Halls, Lodges, Fraternal Organizations and similar uses	One (1) off-street parking space for each four (4) seats provided for patron use or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended for use by customers, patrons, guests, or members, whichever requires the greater number of off-street parking spaces.
4. Doctors & Dentists	Four (4) off-street parking spaces per doctor plus one (1) additional space for each employee.
5. Motels & Hotels	One (1) off-street parking space for each rental room or suite, plus one (1) additional space for each full-time employee and one (1) additional space for every two (2) part-time employees.

6. Funeral Homes Mortuaries	One (1) off-street parking space for each two (2) seats provided for patron use.
7. Nursing and Convalescent Homes	<p>One and one-half (1-1/2) off-street parking</p> <ul style="list-style-type: none"> - spaces per inpatient bed and one (1) space for every 600 square feet of gross floor area (excluding mechanical and storage space), plus one (1) additional space for every two (2) employees on the largest shift.
8. Hospitals	<p>Two (2) off-street parking spaces per inpatient bed and one (1) space for every 600 square feet of gross floor area (excluding mechanical and storage space) plus one (1) additional space for every two (2) employees on the largest shift.</p>
9. Manufacturing, Industrial and General Commercial	<p>One (1) space for each one thousand (1,000) square feet of floor area plus one (1) space for each two (2) employees on the largest shift.</p>
10. Offices	<p>One (1) off-street parking space for each two hundred (200) square feet of gross floor area.</p>
11. Restaurants, Bars, Night Clubs	<p>One (1) off-street parking space for each fifty (50) square feet of total floor area; plus one (1) space for each full-time employee and one (1) space for every three (3)</p> <ul style="list-style-type: none"> • part-time employees.
12. Retail Stores, Store Groups and Shops	<p>One (1) off-street parking space for each one hundred (100) square feet of gross area used for servicing customers; plus one (1) additional space for every one (1) full-time employee and one (1) space for every three (3) part-time employees.</p>
13. Wholesale Establishments or Warehouses	<p>One (1) space for each two (2) employees in the maximum shift; the total parking area shall not be less than twenty-five (25%) percent of the building floor area.</p>

14. Convention Halls, Skating Rinks, Stadium, Sports Arenas, Auditoria, Schools, Public Uses, and other places of public assembly

15. Planned Commercial Development Shopping Centers

One (1) parking space for each four (4) permanent seats plus one (1) space for every fifty (50) square feet of floor area not containing seats.

Five and one-half (5-1/2) off-street parking spaces shall be provided and maintained for each one thousand (1,000) square feet of gross floor area, excluding mechanical and storage space.

8.102 OFF-STREET LOADING. Every commercial or industrial building erected, modified or enlarged and containing six thousand (6,000) square feet or more of gross floor area which requires the receipt or distribution by vehicles of material or merchandise shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of twenty thousand (20,000) square feet or more, there shall be provided one (1) off-street loading space for each additional twenty-five thousand (25,000) square feet of gross floor area. Loading spaces shall be provided in accordance with the following table:

<u>Gross Floor Area Devoted to Each Use</u>	<u>Square Feet of Aggregate</u>	<u>Required Number of Spaces</u>
6,000 up to 19,999		1
20,000 up to 44,999		2
45,000 up to 69,999		3
70,000 up to 94,999		4
For each additional 25,000 square feet or part thereof		

8.200 (Deleted)

8.300 NON-CONFORMING USES AND BUILDINGS.

Any legal non-conforming use or building may be continued, repaired, maintained and improved except as provided below:

- a. **Enlargement.** Such non-conforming use or building may not be enlarged more than twenty-five (25) percent of the existing floor area or lot area, except for junkyards which may not be enlarged. Such enlargement shall not exceed the maximum height or maximum building coverage requirements set forth in this Ordinance for the district in which the non-conforming use is located.
- b. **Restoration.** If less than fifty (50) percent of the floor area of any such non-conforming use is damaged, it may be restored or reconstructed if an

application is filed with the Township within ninety (90) days of initial damage or destruction and complete restoration is satisfied within a period of one (1) year of date of the damage.

- c. **Discontinuance.** No such use may be re-established after it has been discontinued or vacated for a period of eighteen (18) months or more. Also, a non-conforming use or structure, when razed or removed from premises, shall not be relocated excepting in conformity with regulations of the district to which it is moved.
- d. **Change of Use.** A non-conforming use or structure may be changed to another non-conforming use or structure only if such change is more appropriate to the character of the district in which it is located, ~as determined by the Board.
- e. **Termination.** Certain types of non-conforming uses or structure which present a special nuisance or hazardous condition may be terminated as follows:
 - (1) **General Nuisances** .Upon a complaint registered by the Zoning Officer from fifty percent (50%) of the property owners within five hundred (500) feet of a non-conforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare and morals of uses or structures adjoining such non-conforming use or uses, the Board shall hold a hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such non-conforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board after consideration of the time required for the reasonable amortization of the capital investment in such uses, or as may be provided for by the laws of the State of Pennsylvania.
 - (2) **Advertising Signs** .All non-conforming advertising signs shall be terminated within three (3) years of the adoption of this Ordinance.
 - (3) **Off-Street Parking** .A non-conforming use may be enlarged, as provided for in Subsection A of this section, only after compliance with Article VIII, Section 8.100, for the portion of the non-conforming use to be enlarged.

8.30 1 **NON-CONFORMING BUILDINGS~ STRUCTURES AND USES**

- (a) Any and all buildings, structures and uses not in compliance with this Ordinance on the effective date hereof shall be deemed to be non-conforming, but only to the extent of such non-conformity as defined in this Ordinance.

- (b) The effective date hereof shall be the date of first advertisement hereof.

8.302 REGISTRATION OF NON-CONFORMING BUILDINGS, STRUCTURES AND USES

- (a) Non-conforming buildings, structures and uses may be registered with the Township Zoning Officer upon the filing of a request therefore by a landowner on the form provided for that purpose and the payment of the fee provided for.
- (b) Filing of the request for registration shall not entitle the applicant to the grant of a Certificate of Non-Conformity.
- (c) Any such grant or refusal shall not be evidence of any fact or legal conclusion except as contained therein nor prejudice any right of the landowner or others unless an appeal is taken to the Zoning Hearing Board within the time notice given as required by law.
- (d) The owner of the premises occupied by a lawful non-conforming use or structure may secure a Certification of Non-Conforming Use from the Zoning Officer. Such certificate shall merely be prima facie evidence of such non-conforming status in which case it shall certify to the owner his right to continue such non-conforming use.

8.400 (Deleted)

8.500 CELL SITE ANTENNA

A Cell site with antenna that is attached to an existing Communication Tower, smoke stack, water tower, farm silo, or other tall structure, is permitted in all zoning districts provided:

- a. That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
- b** All other uses associated with the cell site antenna such as a business office, maintenance depot or vehicle storage shall not be located on the cell site unless the use is otherwise permitted in the zoning district in which the cell site is located.

ARTICLE IX. SIGNS

9.100 Any sign hereafter erected, altered, or relocated within the Township shall conform to the provisions of this Article.

9.101 **DEFINITIONS**

Address Sign - A wall sign which is limited to the name and/or address of the occupant and having an area of less than 200 square inches.

Area of Sign - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of the characters, lettering, illustrations, ornamentations or other figures, together with the background, but not including any supporting framework and bracing which are incidental to the display itself. In computing square foot area of a double face sign, only one side shall be considered provided both faces are identical. However, if the interior angle formed by the two faces of a double face sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

Auction, Yard or Garage Sale - A sale in which the property being offered for sale is owned by the person (or the estate of the person) who resides (or resided) at the location of the sale and were used by that same person in his daily life as his home, household goods or furnishings (i.e. the property being offered for sale was not purchased primarily for the purpose of resale, nor is it being sold on any type of consignment basis). If a sale does not meet the above criteria or if there are more than three such sales in any year, the activity shall not qualify as an auction, yard or garage sale, but rather, shall be considered a business.

Auction, Yard and Garage Sale Signs - Signs advertising an auction, yard or garage sale and having an area of less than four (4) square feet.

Banner - A long, narrow flag, with or without a frame, and with or without characters, letters, illustrations or ornamentations.

Billboard - An off-premise sign for the purpose of conveying to others a commercial or non-commercial message, but not including a directional sign pursuant to Sections 9.202 and 9.302 (A) and (B) of the Zoning Ordinance.

Business Sign - A sign which directs attention to a business, profession, activity, commodity, service, product or entertainment conducted, sold or offered upon the premises where such sign is located. Except as otherwise stated for the business signs described in Section 9.301 (A) **(3)** (a) (b) and (c), a business sign shall have an area of less than twenty (20) square feet.

Changeable Sign (automatic) -An electronically or electrically controlled time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same location. Except for the automatic changeable sign described in Section 9.301 (A) (3) (b), an automatic changeable sign shall have an area of less than twenty (20) square feet.

Changeable Sign (manual) -A sign on which copy or side panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial parts, and used to identify special unique or limited activities, services, products or sales of limited duration. Except for the manual changeable signs described in Section 9.301 (A) (3) (b) and (d), a manual changeable sign shall have an area of less than twenty (20) square feet.

Construction Sign -A sign identifying individuals or companies involved in the design, construction, wrecking or financing of a building or construction site, and having an area of less than twelve (12) square feet.

Development Sign -A sign indicating the name of residential subdivision or residential land development, the management or developer thereof, and/or the address or location of said subdivision or land development. A development sign shall have an area of less than thirty-two (32) square feet.

Directional Sign -A sign which serves solely to designate the location of an area or place, and having an area of less than eight (8) square feet.

Event Sign -A sign pertaining to an event of a civic, philanthropic, educational or religious nature or organization which will occur upon the premises where the sign is located, and having an area of less than twelve (12) square feet.

External illumination -Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself or attached to the supporting framework or bracing of the sign, e.g. floodlights.

Flashing Sign -An illuminated sign in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. Automatic changeable signs are not “flashing signs”.

Free-Standing Sign -A sign erected on a free-standing frame, mast or pole or upon the ground and not attached to any building. If it is not specifically indicated whether a particular sign can be a wall sign or a free-standing sign, the sign shall be a free-standing sign.

Governmental Sign -A sign erected by or on behalf of any governmental entity for control of traffic or other regulatory purposes, including but not limited to, street signs, warning signs, railroad crossing signs; and, signs of public utility companies indicating danger.

Height (free-standing sign) .The height of a free-standing sign shall be measured from the base of the sign to the upper most part of the sign, or any supporting framework or bracing, whichever is higher. Except for the following, the maximum height of free-standing sign shall be twelve (12) feet.

1. The maximum height of a real estate sign shall be four (4) feet.
2. The maximum height of signs described in Section 9.30 1 (A) (2) (b) and 9.30 1 (A) (3) (b) and (c) (and those same signs as permitted by Section 9.201 (A) (5)) shall be twenty (20) feet.
3. The maximum height of a billboard, (Section 9.302 (c)) shall be twenty-four (24) feet.

Height (wall sign) .The height of a wall sign shall be measured from the base of the wall the sign is attached to the uppermost part of the sign, or any supporting framework or bracing, whichever is higher. The maximum height of a wall sign shall be eight (8) feet.

Home Occupation Sign .A wall sign which identifies any legal home occupation which may exist at the premises, and may also identify the name and/or address of the occupant, and having an area of less than four (4) square feet.

Illuminated Sign .A sign for which an artificial source of light is used in connection with the display of such sign. If it is not specifically indicated whether a particular type of sign can be illuminated or non-illuminated, the sign may be either non-illuminated or internally illuminated.

Internal Illumination .Illumination of a sign which is affected by an artificial source of light either contained within the sign itself or attached to the supporting framework or bracing of the sign.

Moving Sign .A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movements of parts or through the impression of movement. Automatic changeable signs, flags, banners and pennants are not “moving signs”

Neon or Other Gas Tube illumination .Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

No-Trespassing Sign .A sign indicating no trespassing, no hunting, no fishing, no dumping, no parking, no towing, the private nature of a road or lot, or other similar signs. A no trespassing sign shall have an area of less than two (2) square feet.

On-Premise Sign .Any sign identifying or advertising a business, person, activity, goods, products, or services located on the same lot as the sign.

Off-Premise Sign .Any sign which directs attention to a business, person, activity, goods, products, or services sold, offered or existing elsewhere than on the lot where the sign is located.

Parked Vehicle Signs .A sign placed on or affixed to a vehicle or trailer parked so as to be visible from a street where the apparent purpose is to advertise a business, person, activity, goods, products or services.

Pennant .Same as a banner.

Permanent Sign .Any sign which is not a temporary sign.

Portable and Wheeled Signs .A sign not permanently attached to the ground or a building, which may be moved from place to place, and having an area of less than sixteen (16) square feet.

Projecting Signs .A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than twelve (12) inches.

Public Service Signs .A sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not limited to, signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities A public service sign shall have an area of less than two (2) square feet.

Real Estate Sign .A sign which is used to offer for sale, lease or rent that premises upon which the sign is located, and having an area of less than six (6) square feet.

Roof Signs .A sign erected or maintained in whole or in part upon, against or above the parapet line or roof of a building.

Sign .Any identification, description, illustration advertisement or device, illuminated or non-illuminated, which is visible to the general public and is designed to advertise, identify or convey information regarding a person, product, service, place, activity, institution or business; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey such information.

Temporary Sign .A non-permanent sign erected, affixed or maintained on a lot for a short, usually fixed, period of time.

On-Premise Sign .Any sign identifying or advertising a business, person, activity, goods, products, or services located on the same lot as the sign.

Off-Premise Sign .Any sign which directs attention to a business, person, activity, goods, products, or services sold, offered or existing elsewhere than on the lot where the sign is located.

Parked Vehicle Signs .A sign placed on or affixed to a vehicle or trailer parked so as to be visible from a street where the apparent purpose is to advertise a business, person, activity, goods, products or services.

Pennant .Same as a banner.

Permanent Sign .Any sign which is not a temporary sign.

Portable and Wheeled Signs .A sign not permanently attached to the ground or a building, which may be moved from place to place, and having an area of less than sixteen (16) square feet.

Projecting Signs .A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than twelve (12) inches.

Public Service Signs .A sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not limited to, signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities A public service sign shall have an area of less than two (2) square feet.

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Temporary Sign .A non-permanent sign erected, affixed or maintained on a lot for a short, usually fixed, period of time.

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Off-Premise Sign .Any sign which directs attention to a business, person, activity, goods, products, or services sold, offered or existing elsewhere than on the lot where the sign is located.

Parked Vehicle Signs .A sign placed on or affixed to a vehicle or trailer parked so as to be visible from a street where the apparent purpose is to advertise a business, person, activity, goods, products or services.

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Roof Signs .A sign erected or maintained in whole or in part upon, against or above the parapet line or roof of a building.

Sign .Any identification, description, illustration advertisement or device, illuminated or non-illuminated, which is visible to the general public and is designed to advertise, identify or convey information regarding a person, product, service, place, activity, institution or business; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey such information.

Temporary Sign .A non-permanent sign erected, affixed or maintained on a lot for a short, usually fixed, period of time.

- B. Non-illuminated directional signs pertaining to a residential subdivision or residential land development. There shall not be more than six (6) such signs erected in the Township for any one residential subdivision or residential land development.

9.300 **SIGNS PERMITTED IN COMMERCIAL DISTRICTS (C-i and C-2) AND INDUSTRIAL DISTRICTS (I-ia)**

9.30 1 On-Premise Signs

A. Permanent Signs

1. Signs described in Sections 9.201 (A) (1 thru 3 inclusive).
2. A single permitted principal commercial or industrial use upon a lot may have:
 - (a) **One non-illuminated or** internally illuminated business wall sign, except that, where the use abuts two or more streets, additional wall signs, one oriented toward each abutting street, shall be permitted, and
 - (b) One non-illuminated or internally illuminated free standing business sign, and
 - (c) One non-illuminated or internally illuminated free standing automatic or manual changeable sign.
3. Where one lot is improved with two or more buildings used for a commercial or industrial purpose, or land or space on a lot is divided or allocated between two or more commercial or industrial tenants, it is permitted to have:
 - (a) One non-illuminated or internally illuminated business wall sign for each principal tenant, except that where a tenant abuts two or more streets, additional wall signs, one oriented toward each abutting streets, shall be permitted. The area of any one such sign shall not exceed 10% of the tenant's proportionate share of the building wall to which the sign is affixed, or twenty (20) square feet, whichever is smaller, and

- (b) One non-illuminated or internally illuminated free-standing business sign or free-standing automatic or manual changeable sign. The area of said free-standing sign shall not exceed one (1) square foot for each two (2) feet of front footage of the lot, or forty-eight (48) square feet, whichever is smaller, and
- (c) One non-illuminated or internally illuminated business sign for each principal tenant affixed directly to the free-standing sign referred to in 3 (b). The area of each such sign shall not exceed sixteen (16) square feet, and
- (d) One non-illuminated manual changeable sign. The area of such sign shall not exceed forty-eight (48) square feet.

B. Temporary Signs

- 1. Signs described in 9.201 (B) (1 thru 3 inclusive).
- 2. Each permitted commercial or industrial use may have one non-illuminated wild card sign.

9.302 Off-Premise Signs

- A. Non-illuminated directional signs pertaining to an event as described in 9.202 (A) and under the same terms set forth therein. There shall not be more than six (6) such signs erected in the Township for any one event.
- B. Non-illuminated directional signs pertaining to a residential subdivision or residential land development as described in Section 9.202 (B) and under the same terms. There shall not be more than six (6) such signs erected in the Township for any one residential subdivision or residential land development.
- C. Non-illuminated or externally or internally illuminated billboards are permitted in the C-1 and C-2 district subject to the following conditions (but they are not permitted in the I-1 district):
 - 1. If the area of a billboard exceeds thirty-two (32) square feet, it shall only be permitted by special exception, subject to the following conditions:

- a. The area of a billboard shall not exceed three hundred (300) square feet.
- b. No billboard shall be located closer than fifteen hundred (1,500) feet to any other billboard (whether or not the other billboard is on the same side of the street).
- c. If the area of a billboard exceeds eighty (80) square feet, it shall not be located closer than fifteen hundred (1,500) feet to any other building or sign on the same lot.
- d. No billboard shall be closer than five hundred (500) feet to any street intersection.
- e. The billboard shall be located so as not to interfere with a driver's clear sight distance, or otherwise create a safety hazard.
- f. The permit application shall be accompanied by a certification under seal by a Professional Engineer that the existence of the billboard will not present a safety hazard.
- g. The permit application shall be accompanied by a site plan showing compliance with all other requirements of this Ordinance.

2.If the area of a billboard is thirty-two (32) square feet or less, it shall be permitted, if it complies with Sections 1(b), 1(d) and 1(e) above. The permit application shall be accompanied by either a site plan or a sketch/diagram showing compliance with Sections 1(b), 1(d) and 1(e) above and all other requirements of this Ordinance.

9.400 PROHIBITED SIGNS.

9.401 The following signs are prohibited, except as wild-card signs pursuant to 9.201 (B) (4) and 9.301 (B) (2):

- A. “A” frame or sandwich board signs
- B. **Banners and pennants**
- C. Portable and. wheeled signs

9.402 The following signs are prohibited:

- A. Moving and flashing signs
- B. Neon or other gas tube illuminated signs
- C. Parked vehicle signs
- D. Projecting signs
- E. Roof signs
- F. Signs which are placed on or attached to trees, rocks or other natural features
- G. Signs which emit audible sound, odor or matter.
- H. Signs which imitate, resemble, interfere with, obstruct the view of, or can be confused with governmental signs.

9.500 **EXEMPT SIGNS**

9.50 1 The following signs shall be exempt from the regulations contained in this Article except those regulations contained in Section 9.600.

- A. **Auction, Yard and Garage Sale Signs** - non-illuminated signs advertising an auction, yard or garage sale may be erected subject to the following regulations:
 - (a) Such signs shall be erected no sooner than seven (7) days before the sale and removed within three (3) days after the sale. No such sign shall remain posted for a period in excess of ten (10) days;
 - (b) No more than four (4) such signs, whether on or off premise, shall be erected in the Township for each location of sale;
 - (c) If the location of the sale is in a residential district or a PRD, off-premise signs may not be erected for more than two (2) sales at said location in any one (1) calendar year.

- B. **Civic and Religious Signs** .non-illuminated or internally illuminated civic and religious organization signs indicating only the organization insignia, name, meeting place and time and located on the premises where the civic or religious activity is to be held and having an area of less than four (4) square feet.
- C. **Display Window Signs** .non-illuminated signs in the display window of a business use which are incorporated with a display relating to services offered.
- D. **Flag** .the non-illuminated flag, emblem, or insignia of any nation or political subdivision,
- E. **Holiday Decorations** .signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to the observance of said civic, patriotic or religious holiday.
- F. **Incidental Sign** .a non-illuminated secondary sign not directly describing goods, products, services or facilities which are available on the premises where the sign is located and having an area of less than two hundred (200) square inches, e.g., credit cards excepted, official notices required by law, trade affiliations.
- G. **Interior Signs** .signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater.
- H. **Memorial Signs** .non-illuminated memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or any other incombustible material, and having an area of less than four (4) square feet.
- I. **No Trespassing Signs** .non-illuminated.
- J. **Notice Bulletin Board** .non-illuminated or internally illuminated notice bulletin boards not over eight (8) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises as said institutions.

- K. **Political and Campaign Signs** .non-illuminated political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs have an area of less then six_(6) square feet and are erected not earlier than thirty (30) days prior to said election and are removed within seven (7) days following said election.
- L. **Public Notices** .non-illuminated official notices posted by public officers or employees in the performance of their duties.
- M. **Public Service Signs**
- N. **School Bus-stop Signs** .a non-illuminated sign placed on or affixed to a school bus-stop and having an area of less than eight (8) square feet for each exposed face, and not exceeding an aggregate area for all exposed faces, of sixteen (16) square feet; provided however, that said school bus-stop is permitted in accordance with this Ordinance.
- O. **Vending Machine Signs** .non-illuminated or internally illuminated signs on vending machines, gasoline pumps, ice or milk containers or other similar machines indicating only the contents of such devices, the pricing of the contents contained within and directional or instructional information as to use, and having an area of less than four (4) square feet.
- P. **Warning Signs** .signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days after the subsidence of danger. Such warning signs may be of any type, number, area, height, location or illumination as deemed necessary to warn the public of the existence of the danger.

9.502 **Governmental Signs** shall be exempt from the regulations of this Article.

9.600 GENERAL REGULATIONS

Except for governmental signs, the following apply to all signs in the Township:

9.601 **Illumination**

- 1. In addition to complying with the provisions of this Ordinance, all signs for which electrical wiring and connections are used shall comply with the National Electric Code.

2. All lighting used to illuminate a sign must be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon any area other than the lot upon which the illuminated sign is located.
3. All lighting used to illuminate a sign must be designed, located, shielded and directed so as not to constitute a nuisance to adjoining lots or a traffic hazard on any street.
4. The use of unshielded lighting, including incandescent light bulbs, hung or strung on poles, wires or any other type of support, to illuminate buildings, signs, structures, outdoor sales areas, or outdoor storage areas is prohibited, except:
 - (a) during the month of December for areas in which Christmas trees are sold.
 - (b) on a temporary basis for areas in which carnivals, fairs, or other similar activities are held.
5. In residential districts and PRD's no sign may be illuminated after closing of the business which the sign relates too.

9.60 2 Location

1. All signs, and their support systems, shall be located at least five (5) feet outside of the street right-of-way line, or five (5) feet from any maintained structure (a maintained structure includes the cartway, maintained shoulder and any parallel drainage structure), whichever is furthest from the center of the street.
2. No sign, or its support system, shall project over a public walkway, sidewalk or bike path.
3. No sign, or its support system, shall be placed on, or attached to a utility pole or any other utility facility.
4. No sign, or its support system, shall be located so as to obscure or hinder a clear view, whether at an intersection or street access or exit, or otherwise; to obscure or hinder a clear view within a clear sight triangle; or, to otherwise create a traffic or safety hazard.
5. All signs, and their support system, must comply with the rear and side yard requirements of this Ordinance.

9.603 Construction and Maintenance

1. In addition to complying with the provisions of this Ordinance, all signs shall be constructed in accordance with the applicable provisions of the BOCA Building Code.
2. All signs shall be maintained in good condition and repair, and shall be kept neatly painted, including all parts and supports.

9.604 Removal of Signs

Except as otherwise specified for a temporary sign, all signs which advertise goods, products, services, or facilities which are no longer available to the public or which direct persons to a former location where such goods, products, services or facilities are no longer available shall be removed within thirty (30) days after such goods, products, services or facilities are no longer available.

9.605 State or Federal Regulations

The sign regulations contained in this Article are intended as the minimum standard. Any sign subject to more restrictive state or federal regulations, statutes or restrictions must comply with such.

9.700 PERMITS

9.70 1 Except for the following, no person shall erect, alter or relocate within the Township any sign without first obtaining a zoning permit:

1. Exempt signs under Section 9.500.
2. Address signs.
3. Real Estate signs.
4. Routine maintenance or changing of the parts or copy of a sign, provided said maintenance or change does not alter the surface area, height, or otherwise render the sign non-conforming.

9.702 Wild-Card Sign Permits

Wild-card sign permits shall be of two types. It is expressly stated that wild-card sign permits shall be issued under one of these two methods and the methods may not be used jointly or in combination during any one calendar year:

1. The first type shall permit **a** wild-card sign to be erected and maintained for a period of thirty (30) days and shall require the sign to be removed within three (3) days of the termination of the activity, service, project or sale. There shall be no more than two permits for this type of wild card sign issued for the same premises within one calendar year.
2. The second type of wild-card sign may be applied for a maximum of five (5) times during one calendar year for the same premises. Each permit for this type of wild-card sign shall be issued for a maximum of seven (7) days.

9.800 NON-CONFORMING SIGNS

9.801 Legal Non-Conforming Signs .Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one or more of the provisions of this Ordinance, may be continued in operation and maintained indefinitely as a legal non-conforming sign subject to compliance with the requirements of the following two sections.

9.802 Maintenance and Repair of Legal Non-Conforming Signs . Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement or extension shall be made to a legal non-conforming sign unless the alteration, enlargement or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50%) percent or more of its replacement value at the time, or fifty (50%) or more of its area, the sign may not be rebuilt except in accordance with the provisions of this Article.

9.803 Discontinuance of Use Which Legal Non-Conforming Sign Relates To .A legal non-conforming sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available shall lose its legal non-conforming status thirty (30) days after such goods, products, services or facilities become unavailable and shall thereafter be brought into compliance with the provisions of this Article.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

10.100 GENERAL PROCEDURE

10.101 General Sequence of Steps. All persons desiring to undertake any new construction, structural alterations or changes in use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the Zoning Permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, whichever is appropriate. After the Zoning Permit has been received by the applicant, he may proceed to undertake the action permitted by the Zoning Permit and upon completion of action shall apply to the Zoning Officer for an Occupancy Permit. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

10.102 Zoning Permit Types. Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- a. Permitted Uses. A Zoning Permit for a Permitted Use may be issued by the Zoning Officer on his own authority.
- b. Special **Exception** Uses. A Zoning Permit for a Special Use may be issued by the Zoning Officer upon the order of the Zoning Hearing Board. The Zoning Hearing Board shall notify the Board of Supervisors of all special permits issued.
- c. Zoning Permit After an Appeal or a Request for a Variance. A Zoning Permit may be issued by the Zoning Officer upon the order of the Board and after a public hearing held by the Zoning Hearing Board for the purpose of deciding upon an appeal or a request for a variance.
- d. **Conditional Uses.** A Zoning Permit for a Conditional Use may be issued by the Zoning Officer only upon the order of the Supervisors.
- e. **Occupancy Permit.**
 - (1) Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change or use of land, an Occupancy Permit shall be secured from the Zoning Officer.

- (2) A copy of the Occupancy Permit shall be kept upon the premises, and shall be produced upon request made by any officer of the Township.

All applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Officer.

- f. **Certificate of Non-Conforming Use.** The owner of the premises occupied by a lawful non-conforming use or building may secure a Certificate of Non-Conforming Use from the Zoning Officer. Such Certificate, if authorized by the Zoning Hearing Board after appeal from a decision of the Zoning Officer, shall be for the purpose of insuring to the owner the right to continue such non-conforming use.

10.200 **ZONING OFFICER**

- 10.201 **Appointment of the Zoning Officer.** The Zoning Officer shall be appointed by the Supervisors and shall not hold any elective office in the Township. The Officer or staff shall continue to serve the Township until such time as the Supervisors declare otherwise.
- 10.202 **Duties and Powers.** The Zoning Officer shall:
 - (a) Administer the Zoning Ordinance in accordance with its literal terms;
 - (b) Identify and register non-conforming uses and non-conforming structures if requested and issue Certificates of Non-Conforming Use;
 - (c) Receive and examine all applications required under the terms of this Ordinance;
 - (d) Issue or refuse permits within thirty (30) days of the receipt of the application, or where applicable, shall refer said application within ten (10) days to the Board;
 - (e) Issue a written notice of violation to any person, firm, partnership or corporation violating any provisions of this Ordinance and inspect and report on the condition or violation of other laws, regulations or ordinances;
 - (f) Keep records of applications, permits and certificates issued, of variances granted by the Board, of inspections made, of reports rendered and of notice or orders issued; and

- (g) Make all required inspections and perform all other duties as called for in this Ordinance;
- (h) The Zoning Officer shall not have the power to permit any construction, use or~ change of use which does not conform to this Ordinance.

10.203 General Procedure on Applications to the Zoning Officer:

- (a) Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of building or lot shall apply to the zoning Officer for a zoning permit by filling out the appropriate application form and by payment of the required fee.
- (b) The Zoning Officer either shall issue the zoning permit or shall refuse the permit, indicating in writing the reason for refusal.
- (c) If refused a permit, the applicant may appeal for further consideration within thirty (30) days of such action.
- (d) After the zoning permit has been received by the applicant, he/she may undertake the action permitted by the zoning permit and any other necessary permits.
- (e) Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, where such a permit is required.
- (f) If the Zoning Officer finds that the action of the application is in accordance with the zoning and any other required permits, he shall then issue an Occupancy Permit allowing the premises to be occupied.
- (g) **Special Exception.** A zoning permit for a Special Exception may be issued by the Zoning Officer only upon the order of the Zoning Hearing Board.

10.204 Applications to Zoning Officer.

- (a) All applications for zoning permits for permitted uses, conditional uses or special exceptions, for building and occupancy permits, for Certificates of Non-Conforming Uses or Structures, for variances and for interpretations of any fact or provision of this Ordinance shall be made directly to the Zoning Officer.

- (b) Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of building and/or land.
- (c) Applications for zoning permits shall include four (4) copies of the following information:
 - (1) A statement as to the proposed use of the building or land.
 - (2) A site layout drawn to scale showing the location, dimensions and height of proposed buildings, structures or street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - (3) Soils, slope and storm water information on the parcel of land proposed for development as available from the Carbon County Office of Planning and Development as obtained from its Geographic Information System.
 - (4) The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.
 - (5)** The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
 - (6) The dimensions, location and methods of illumination for signs, if applicable.
 - (7) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - (8) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
 - (9)** The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.

- (10) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- (11)** Description of methods to be employed in controlling any excess noise, air pollution, smoke fumes, water pollution, fire hazard or other safety hazards.
- (12) Any other data deemed necessary by the Zoning Officer, Planning Commission or Supervisors to enable them to determine the compliance of the proposed development with the terms of this Ordinance.
- (d) No permit for any new use of construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until a certificate of approval has been issued by the Sewage Enforcement Officer.
- (e) The applicant shall be deemed to certify to the accuracy of all of the statements made and that a full disclosure has been made and that no material fact has been undisclosed or withheld.
- (f) The Zoning Officer, Zoning Hearing Board or the Board of Supervisors, whichever is appropriate, may require additional information which is deemed necessary to properly consider and decide the merits of the application.
- (g) The application shall be signed with the name, address and telephone number of the applicant and executed in English.

10.205 (Deleted)

10.206 Appeals to Zoning Hearing Board.

- (a) All appeals which allege that the Zoning Officer has made an error shall be filed directly with the Secretary of the Zoning Hearing Board within thirty (30) days of the Officer's alleged error.
- (b) Such appeals shall be in writing on the forms provided for that purpose and shall explain fully the facts of the case and the names and addresses of the parties in the case and shall clearly state the reasons or provisions of the Ordinance, Act or case on

which the appeal is based. Such appeals shall be subject to Subparagraphs (c) and (f) of the Applications Section of this Ordinance.

10.300 ZONING HEARING BOARD? ESTABLISHMENT, DUTIES AND POWERS

10.301 Appointment. A Zoning Hearing Board is hereby established which shall consist of three (3) residents of the Township appointed by the Supervisors and three (3) alternates. Alternates shall only sit and vote when principal appointments are not available and shall be drawn on rotation. Board members shall serve terms of three (3) years, so fixed that the term of office of one member shall expire each year. Neither members nor alternates shall hold any other office in the Township.

10.302 Vacancies. The Board shall properly notify the Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

10.303 Organization.

- (a) The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves. The Board shall have at least a chairperson and a secretary. Alternates shall not vote for officers unless sitting by designation in the event of a vacancy.
- (b) 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. However, where two members or alternates are disqualified to act in a particular matter, the remaining member may act for the Board. Alternates shall first be exhausted.
- (c) The Board may make, alter and rescind rules and forms for its procedure, consistent with applicable municipal ordinances and laws of the Commonwealth. Alternates shall not vote on such rules or regulations unless sitting by designation.
- (d) Minutes shall be kept by and signed and dated by the Secretary. Said minutes shall be available for public inspection.

10.304 Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (a) Substantive challenges to the validity of any provision of this Ordinance, except those brought before Supervisors.

- (b) Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the Ordinance appealed from is the initial Zoning Ordinance of Penn Forest, if a Zoning Hearing Board has not been previously established or established concurrently herewith, the appeal raising procedural questions shall be taken directly to Court.
- (c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- (d) Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within this or any other ordinance.
- (e) Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance as hereinafter provided.
- (f) Applications for special exceptions under this Ordinance or floodplain or flood hazard ordinance as hereinafter provided.
- (g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- (h) Appeals from the Zoning Officer's determination under the preliminary opinion provisions.
- (I) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of this or any other 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 or planned unit development .applications.

10.305 Zoning Hearing Board's Functions.

Expenditures for Services Within the limits of funds appropriated by Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Supervisors, but in no

case shall it exceed the rate of compensation authorized to be paid to the members of Supervisors. Alternate members of the Board may receive compensation for the performance of their duties when designated as alternate member pursuant hereto, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of Supervisors.

10.306 Variance Requests.

- (a) The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made, where relevant, in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) That the variance, *if* authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(b) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

10.307 **Special Exception.** Where the Zoning Ordinance has stated special exceptions are to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

10.308 **Substantive Challenges.** Substantive challenges to the validity of an Ordinance shall follow the procedures set forth in the Pennsylvania Municipalities Planning Code s 916.1, 53 P.S. 10916.1.

10.400 ADMINISTRATIVE, ENFORCEMENT AND PENALTIES

10.40 1 Hearings and Decisions of the Zoning Hearing Board.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

(a) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as may be in the vicinity, and to any persons who have made timely request for the same in writing with their same name and address clearly indicated. Written notices shall be given as provided by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

(b) **The** hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

(c)**The** hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the

Board; however, the appellant of 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.

- (d) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall require that all persons who wish to be considered parties to enter appearances in writing on forms provided by the Board for that purpose and the Board may require a stamped, self-addressed envelope.
- (e) The Chairman, or Acting Chairman, of the Board, or the Hearing Officer presiding, 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 requested by the parties.
- (f) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (g) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (h) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board 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; one copy shall be given to the Board free of any cost at the time it is received.
- (i) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties

are afforded an opportunity to contest the material so noticed and shall not inspect the site or its' surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- (j) The Board or the Hearing Officer, as the case may be; shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearings within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give the public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (a) of this section.

- (k) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed or entered their appearance with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

10.402 **General Condition.** All permits granted are subject to the condition that the land and the applicant must comply with all other applicable laws, statues, regulations, and ordinances whether or not such is expressly stated on the permit.

10.403 **Special Conditions.**

- (a) In any case where the Zoning Hearing Board or the Supervisors grant any special exception, conditional use, or Certificate of Non-Conforming Use or extension thereof, the Board of Supervisors shall have the power to impose, in its discretion, special conditions to safeguard and protect the public health, safety and welfare and to accomplish the objectives set forth in the Pennsylvania Municipalities Planning Code and this Ordinance.
- (b) Such special conditions may be imposed either upon request or on its own motion.
- (c) The imposition of special conditions shall not be a waiver of the general condition.

10.404 **Enforcement.** If any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors may, in addition to other remedies, 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.

10.405 **Violations.**

(a) **Enforcement Notice.**

- (1) **If** it appears to the Township that a violation of any zoning ordinance enacted under this Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section, The Zoning Officer is authorized to serve such notice.
- (2)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.

- (3) An enforcement notice shall state at least the following:
- (a) The name of the owner of record and any other person against whom the Township intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) 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 the Ordinance.
 - (f) 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.

10.406 **Enforcement Penalties.** Any person who violates this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of at least fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), Court costs and reasonable counsel fees. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to the Township. Such action may be brought before the District Justice.

10.407 Preventive Remedies.

- (a) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- (b) The Township may, in its discretion, refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code. This shall apply to any of the following applicants:
 - (1) The owner of record at the time of such violation.
 - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (c) As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

10.408 Enforcement Remedies.

- (a) Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) 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 payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the 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 District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating 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 District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- (b) 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 section.

10.5 00 ADVERTISEMENT? ENACTMENT AND FUTURE AMENDMENTS

This Ordinance or any or all provisions hereof including, but not limited to, the zoning map which is an integral part hereof, may be amended from time to time as frequently as deemed necessary in the manner provided by law.

- 10.501 **Schedule of Fees? Charges and Terms of Payments.** The schedule of fees, charges and terms of payment may be increased, decreased or altered by resolution of the Board of Supervisors or by amendment to this Ordinance; those pertaining to the Zoning Hearing Board, by rules or regulations of that Board or by Ordinance with fees, charges and terms of payment in effect as of the effective date of this Ordinance or those stated in Appendix A. in the event of a conflict between a resolution and/or a rule or regulation, the Ordinance shall govern.
- 10.502 **Advertisement.** This Proposed Ordinance shall be advertised to appear on November 14, 21, 1990, and a public hearing held on November 29, 1990, at which time, place and date other continued hearing or hearings may be announced. It is not required that continued public hearings will be announced. Comments in writing may be submitted at any time directed to the Board of Supervisors.
- 10.503 Adoption.** This Ordinance was duly adopted in accordance with law on February 4, 1991, to be effective immediately, All other ordinances or parts of ordinances inconsistent herewith, but only to the extent of such inconsistency, are hereby repealed.

APPENDIX A

FILING FEES.

The following fees shall be paid at the office of the Zoning Officer upon the filing of an application; all fees herein established may be changed from time to time by resolution of the Board of Supervisors:

10.70 1 Zoning Permits for uses not requiring Zoning Hearing Board action. Twenty-five dollars (\$25.00).

10.702 Zoning Permits for uses requiring Zoning Hearing Board action. Two-hundred fifty dollars (\$250.00).

10.703 Variance or Appeal Application. As follows:

- 1.) A request for a hearing before the Board regarding a challenge to the validity of the Zoning Ordinance under Section 10.304 (a) or (b) shall be accompanied by a fee of \$500.00.
- 2.) An appeal from a determination of either the Township Zoning Officer or the Township Engineer under Sections 10.304 (c), (d), (h) or (i) shall be accompanied by a fee of \$300.00.
- 3.) An appeal from the determination of any officer or agency regarding transfers of development rights or performance density provisions of the Zoning Ordinance under Section 10.304 (g) shall be accompanied by a fee of \$300.00.
- 4.) An application to the Board for a variance or special exception under Section 10304 (e) or (f) shall be accompanied by a fee in accordance with the following schedule:

<u>Project Cost</u>	
Less than \$5,000.00	\$ 150.00
Greater than or equal to \$5,000.00 but less than \$50,000.00	\$ 250.00
Greater than or equal to \$50,000.00 but less than \$100,000.00	\$500.00
Greater than or equal to \$100,000.00 but less than \$250,000.00	\$750.00

Project Cost

Greater than or equal to \$250,000.00 but less than \$500,000.00	\$1,000.00
Greater than or equal to \$500,000.00	\$1,000.00 plus \$1.00 for every \$1,000.00 of project cost in excess of \$500,000.00

- 5.) “Project Cost” shall be the estimated construction cost, including materials and labor to complete the project shown on the application for the zoning permit. “Project Cost” shall include but not be limited to, the cost of excavation, landscaping and the like. “Project Cost” shall not include architectural fees, engineering fees, or fees paid to the other technical consultants.

 - 6.) If an applicant requests a hearing before the Board under more than one subsection of Section 10.304 of the Zoning Ordinance, the fee shall be highest fee permitted under any one of said subsections, but shall not be the sum of the fees for each subsection.

 - 7.) Any unused part of the applicant’s fee shall be refunded to the applicant.
- 10.704 **Request for Amendment.** Fifty dollars (\$50.00).
- 10.705 **Certificates of Non-Conforming Use.** No fee if application is made within twelve (12) months after the effective date of this Ordinance. Otherwise, a fee of twenty-five dollars (\$25.00) shall be paid.
- 10.706 **Occupancy Permit.** Ten dollars (\$10.00).
- 10.707 **Application for Interpretation of Boundaries.** No fee.
- 10.708 **Conditional Use.** The application fee for a conditional use shall be set by Resolution of the Board of Supervisors.

ARTICLE XI CONDITIONAL USES

11.100 PURPOSE

The purpose of a use classified as a “Conditional Use” is to provide express standards to regulate uses classified as such in particular zoning districts, as provided in Article IV of this Ordinance.

11.200 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted as a conditional use shall be vested in the Township Board of Supervisors, with the Township Planning Commission having the authority to review and submit their recommendations to the Board of Supervisors. Decisions by the Board of Supervisors shall be made in accordance with standards and criteria set forth in this Article, and all other applicable regulations of this Ordinance, other ordinances of the Township and all applicable State and/or Federal Regulations.

11.300 PROCEDURE FOR SUBMISSION AND DECISIONS

The procedure for approval or denial of a conditional use shall be in accordance with the following:

- A. An Application for a conditional use permit shall be submitted to the Zoning Officer with a site plan at a scale of not greater than one (1”) inch equals one fifty (50’) feet for parcels of land greater than two (2) acres or at a scale of not greater than one (1”) inch equals twenty (20’) feet for parcels of land less than two (2) acres. In addition to those items required by Section 10.204(b), such plan shall, at a minimum indicate:
 1. The location and size of all buildings and structures, both principal and accessory, open space, parking areas, traffic access and circulation.
 2. All public or private streets within five hundred (500’) feet of the site.
 3. Streams, ponds, watercourses or any other bodies of water, including natural or man-made drainage swales located on the site.
 4. The location, nature and terms of any existing or proposed easements on the site and any existing or proposed easements both on-site and off-site which are used or intended to be used for access to the site.
 5. A location map at a scale of not greater than one (1”) inch equals two thousand (2,000’) feet, indicating the relation of the site to its geographic proximity within the Township.

6. A narrative outline which fully describes the proposed use of the site and the pertinent operational aspects and features of the proposed use.
 7. Any other information required by the Board of Supervisors for determining the conformance of the conditional use with the regulations for that particular use.
- B.** Prior to approving or denying an application for a conditional use, the Board of Supervisors shall conduct a public hearing pursuant to public notice. The Board of Supervisors shall submit the application for the proposed conditional use to the Township Planning Commission, not less than thirty (30) days prior to the public hearing, to allow the Planning Commission to submit any such recommendations as they may deem appropriate.
- C.** The public hearing shall be held and conducted in accordance with the same procedural guidelines which govern the Zoning Hearing Board under Section 10.401 of the Township Zoning Ordinance. The term “Board of Supervisors” shall replace the term “Zoning Hearing Board” in relevant passages of said Section.
- D.** The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this ordinance or any other ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

If the Board of Supervisors fails to render a decision within forty-five (45) days after the last hearing or fails to hold the required hearing within sixty (60) days from the date of the applicant’s request for hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by public notice. If the Board of Supervisors fails to provide such notice, the applicant may do so.

Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

- E. The Board of Supervisors shall grant an approval for a conditional use upon its determination that adequate evidence and information has been provided, which indicates the applicant's proposal meets the general and specific requirements for the type of conditional use in question, and any additional conditions and safeguards deemed necessary to protect the public health, safety and general welfare.

11.400 GENERAL STANDARDS

In addition to the standards for each specific type of conditional use, and the general standards for a special exception use (Section 4.302), the general standards contained herein, shall be utilized in the review of applications and plans for any use which is classified as a conditional use.

- A. Public services and facilities such as streets, sewage disposal, water, police and fire protection shall be adequate for the proposed use.
- B. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
- C. The relationship of the proposed use to other activities existing or permitted in the vicinity shall be harmonious in terms of location and size relative to the proposed operation and the nature and intensity of the operation involved.
- D. Such other criteria as may be necessary to protect the public health, safety and welfare.
- E. in allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may be necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.
- F. Such use shall be found by the Board to be in harmony with the general purpose and intent of this Ordinance.
- G. Such use shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- H. Compliance with all permits or approvals issued by any local, state or federal agency which has jurisdiction.

The use shall be in compliance with all environmental, noise, smoke (including dust, fumes, vapor and gasses), heat, odor, glare, vibration, storage and waste disposal standards established in Sections 5.500, 5.600 and 5.800 through 5.906 of this Ordinance.

- J. Compliance with all other applicable regulations of this Ordinance and all other applicable Federal, State or local laws, statutes, ordinance, rules and regulations (collectively “laws”).
- K. To the extent that these conditions, and the conditions specific to a particular use, conflict with any law, it is intended that whichever is more restrictive upon the use shall apply.
- L. To the extent that any of the foregoing provisions is declared illegal, invalid, unenforceable or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the provisions as a whole, or any part thereof. It is hereby declared to be the intention of the Supervisors that the remaining provisions would have been adopted had such illegal, invalid, unenforceable or unconstitutional provision not been included.

ORDINANCE 06-01
AN ORDINANCE AMENDING THE PENN FOREST TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
(“SUBDIVISION ORDINANCE”).

BE IT ENACTED AND ORDAINED by Perm Forest Township, Carbon County, Pennsylvania, and **it is** hereby enacted and ordained by the authority of the same, that the following amendments be made to the Subdivision Ordinance:

1. The definition of “Land Development” contained in Section 3.3.50 shall be amended by adding the following:

F. A new use, or a change of use:

1. which will require a highway occupancy permit from either the Pennsylvania Department of Transportation (“PennDot”) or the Township, or a revision or modification to an existing highway occupancy permit issued by either PennDot or the Township;
2. which results (when added to trips generated by other uses) in a five (5%) percent or more increase in the number of trips generated by the uses existing on the lot on the later of (a) the date this amendment became effective or (b) the date that a land development plan affecting the entire lot was last finally approved by the township, according to the Institution of Transportation Engineers, Trip Generation Informational Report, 7th Ed. or such later or amended addition as may be in effect at such time as application is made for the new use or change of use; or
3. which results in sewage flows in excess of the permitted sewage flows.

2. The following definition of “Use” shall be added as Section 3

USE

- (a) Use. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

- (b) **Use, Accessory.** A use located on the same lot with a principal use,, and clearly incidental or subordinate to, and in connection with, the principal use.
- (c) **Use, Principal.** The main use on a lot.

3. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

- 4. The Penn Forest Subdivision Ordinance is amended in no other way.
- 5. This Ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 3rd day of April, 2006.

ORDNANCE NO. 02-1

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "PENN FOREST TOWNSHIP ZONING ORDINANCE OF 1991," ("ZONING ORD INANCE").

BE IT ENACTED and **ORDAINED** by Penn Forest Township, Carbon County, Pennsylvania, and *it* is hereby enacted and ordained by the authority of the same, that the following additions, deletions, and amendments be made a part of the Zoning Ordinance ("Ordinance"):

1. The definition of a "Parking Space" found at Section 2.160 of the Ordinance shall be amended by increasing the minimum area of a parking space from 162 square feet to 200 square feet.

2. The last phrase of Section 8.101 of the Ordinance providing "except that in no case shall off-street parking be located in required buffer yards" shall be deleted.


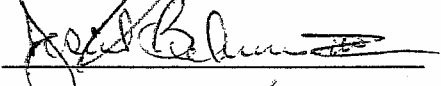
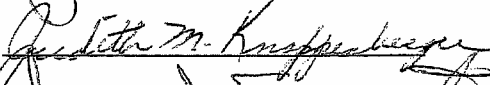

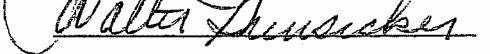
3. In Sections 10.203 (c), 10.206 (a), and any other sections of the Ordinance where the same may appear, the time to appeal a decision of the Zoning Officer to the Zoning Hearing Board shall be increased from ten (1.0) days to thirty (30) days.

4. The table found at Section 7.101 of the Zoning Ordinance shall be amended to provide as follows:

<u>TYPE OF REGULATION</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1&C-2</u>	<u>I-i</u>
<u>Minimum Yards</u>					
Front (Ft.)	50	50	50	60	60
Rear (Ft.)	20	20	20	20	50
Each Side(Ft.)	15*	15*	15*	20	20
<u>Maximum Building Coverage%</u>					
	10	15	20	20	20

PENN FOREST TOWNSHIP

By:

*In the case of a corner lot, the side yard which abuts a Street shall not be less than thirty (30) feet.

5. Section 7.204 of the Ordinance (Side Yard of a Corner Lot) shall be amended by adding the phrase, "except as otherwise provided in Section 7.101 regarding existing non-conforming lots."

6. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

7. The Ordinance is amended in no other way.

8. This Ordinance shall become effective 5 days after its enactment.

This Ordinance is enacted and ordained this 3rd day of June 2002.

ORDINANCE 03-01

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
PENN FOREST TOWNSHIP, CARBON COUNTY,
ENTITLED PENNSYLVANIA “PENN FOREST TOWNSHIP
ZONING ORDINANCE OF 1991 “ZONING ORDINANCE”**

BE IT ENACTED and ORDIANED by Penn Forest Township,

**Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority
of the same, that the following additions, deletions, and amendment be made a part of
the Zoning Ordinance:**

1. The Floodplain Performance Standards contained in Sections 5.907, 5.908, 5.909 and 5.910 shall be deleted in their entirety.
2. Sections 2.131 (defining “Floodplain”), 2.131(A) (defining “Floodplain Soils”), and 2.131 (B) (defining “Floodway”) shall be deleted.

3. The following condition shall be added to Section 4.303
(Conditional Uses), Use Class 17 (Communication Towers):

20. In the event a Communication Tower, a cell site antenna, or the lot upon which they are located is assigned, conveyed or otherwise transferred (“transfer”) to another person, within thirty (30) days of such transfer both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, shall notify the Zoning Officer in writing of the transfer, describing what was transferred (i.e. the Communication Tower, a cell site antenna, or the lot upon which they are located), the effective date of the transfer, and the name and address of the transferee. This shall be a continuing obligation of both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, and such notice shall be given each time a transfer occurs.

A transfer” shall include a sale or conveyance of a beneficial interest, a change in either the identity or number of members of a partnership or similar entity, or a change in ownership of more than twenty-five (25%) percent of the voting stock of a corporation or similar entity.

4. Section 4.303 (Conditional Uses), Use Class 18 (Heavy Commercial limited Industrial), subparagraph 2, shall be deleted in its entirety and replaced by the following:

The maximum ground floor area (including covered porches, carports and breezeways, but excluding open patios –see Section 2.108), of any building used for a Heavy Commercial / Limited Industrial Use shall not exceed 50,000 square feet. This square footage limitation is in addition to, and not in lieu of, the Table of Performance Standards found in Section 5.3 00 and the Dimensional and Area Requirements found in Section 5,400.

5. The following shall be added to Section 4.301 (Permitted Uses), Use Class 6

((Accessory Uses and Essential Ser

In the Highway Commercial (Use Class 2), Neighborhood Commercial (Use Class 3) and Heavy Commercial/Limited Industrial (Use Class 18) districts, outdoor storage of goods and materials shall be permitted as a customary accessory use provided:

a. The goods and materials stored outside are of the kind and amount customarily stored outside as inventory or work in process in conjunction the principal use(s) of the permitted building(s) on the lot.

b. All outdoor storage shall be to the rear of the principal building to which it is customarily accessory, and to the extent reasonably possible, behind such principal building.

c. Nothing shall be stored outdoors within the minimum front yard, side yard and rear yard requirements; and nothing shall be stored within any required buffer yard.

d. All set-backs (except the front yard set-backs) shall be landscaped to provide appropriate visual screening and buffering in accordance with Section 5.600(f).

e. All outdoor storage shall be completely surrounded by a well maintained and secure chain link fence with a minimum height of eight (8') feet, and wire on top of the fence shall not be included in the measurement of the height of the fence.

f. The total area used for outdoor storage. (i.e. the area within the circumference of the fence referred to in (e) above) shall be less than the total square footage of the ground floor of the principal building to which it is customarily accessory.

g. The total area used for outdoor storage (i.e. the area within the circumference of the fence referred to in (e) above) shall be counted as impervious surface for all purposes under both this Ordinance and the Penn Forest Township Subdivision and Land Development Ordinance, as amended.

h. All outdoor storage shall be neatly arranged and stacked to a height no greater than the least of (1) the height of the visual screening (See Paragraph 5(d) above); (2) the building height of the principal building to which the outdoor storage

is customarily accessory; or (3) the maximum building height of the zoning district in which the outdoor storage is located.

i. All outdoor storage shall be arranged so as to permit access by firefighting equipment and emergency vehicles.

j. All outdoor storage shall be arranged so as to prevent the accumulation of stagnant water.

k. Nothing shall be stored outdoors which is noxious or offensive because of odors, dust, noise, fumes or vibrations, or which is highly flammable (e.g. gasoline) or would create or constitute a fire hazard.

l. Nothing shall be stored outdoors that is toxic to humans, **animals or vegetation.**

m. All outdoor storage shall be stored in such a manner that the **goods** and materials, **or** any part thereof, neither leave the lot on which the goods or materials are stored while being stored, nor enter into the “waters of the Commonwealth” (as that term is defined at 35 P.S. §691.1, as amended).

6. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

7. The Penn Forest Zoning Ordinance is amended in no other way~

8. The Ordinance shall become effective five **(5)** days after its enactment.

ORDINANCE NO. 2003-03

**AN ORDINANCE OF THE TOWNSHIP OF PENN FOREST
REQUIRING THE NUMBERING OF HOUSES AND BUILDINGS IN
THE TOWNSHIP; REQUIRING THE NAMING OF STREETS AND
INSTALLATION OF STREET SIGNS; ESTABLISHING
RESPONSIBILITY FOR THE NUMBERING OF HOUSES AND
BUILDINGS; ESTABLISHING RESPONSIBILITY FOR THE
NAMING OF STREETS AND INSTALLATION OF STREET
SIGNS;
DETERMINING THE REQUIREMENTS FOR THE NUMBERING
SYSTEM AND HOUSE NUMBERS; DETERMINING THE
REQUIREMENTS FOR THE NAMING OF STREETS AND THE
INSTALLATION OF STREET SIGNS; AND PRESCRIBING
PENALTIES FOR VIOLATION.**

The Board of Supervisors of Penn Forest Township hereby ordains:

Section 1: Title. This Ordinance shall be known and may be cited as the Street Naming and Addressing Ordinance of the Township of Penn Forest, Pennsylvania.

Section 2: Purpose and Justification. This Ordinance is to enhance the effective and rapid location of properties by public safety personnel, including law enforcement, fire, rescue, and emergency medical services personnel within the geographical area of Penn Forest Township. This ordinance is further designed to eliminate duplicate or phonetically similar street names, to provide for the uniform marking of streets and roadways, and to provide for the assignment of numbers for all properties and buildings throughout the Township.

The following are major objectives of this ordinance:

- A. To provide a means for expedient emergency response by fire, police, rescue, medical and any other emergency services;
- B. To establish a property location that will serve as an Emergency 911 address;
- C. To assist in the proper delivery of mail, utility and other services;

- D. To provide property owners and the Township with a convenient, accurate and systematic means of identifying property;
- E. To name new streets and rename old streets with conflicting or duplicate names in order to provide for efficient emergency services; and
- F. To support the Township move to the Enhanced 911.

Section 3: Scope. This Ordinance, the regulations, and the procedures contained herein shall apply to and govern each and every lot, parcel or tract of land and improvement thereof, within the Township of Penn Forest. All residential, multi-family and commercial buildings existing as of the time of adopting this Ordinance, or existing at any future time, will be assigned a primary structure number.

Section 4: Administration. This Ordinance shall be administered by the Penn Forest Township Zoning Officer. The Penn Forest Township Zoning Officer shall be responsible for the administration of these standards and the maintenance of all maps and data relating to street naming and addressing. The Penn Forest Township Zoning Officer shall process applications for street names and address assignments and determine if the assignment of names and numbers conforms to this Ordinance.

Section 5: Definition of Terms. Words and phrases used in this Ordinance shall have the meaning ascribed to them in the Penn Forest Township Zoning Ordinance of 1991, as amended, except when the context clearly indicates a different meaning.

Section 6: Street Naming Standards and Procedures. The following

standards and procedures shall be utilized when naming streets:

- A. All streets that serve two or more properties under different ownership will be named regardless of whether the ownership is public or private;
- B. A street name assigned by the Township shall not constitute or imply acceptance of the street into the Township road system;
- C. No two streets shall be given the same name (e.g. Pine Road and Pine Lane);
- D. No two streets should have similar sounding names (e.g. Beach Street and Peach Street). It will help the public and children, in particular, to pronounce the name in emergency situations;
- E. Each street will have the same name throughout its entire length; and,
- F. No street name shall be over sixteen (16) characters in length. In counting characters spaces between words shall be included, but street name suffixes (e.g. road, drive, lane, circle) shall not be included.

Section 7: Building Numbering Standards and Procedures. The

following standards and procedures shall be used in assigning numbers to buildings:

- A. Official property numbers shall proceed from a logical point of origin. Each street will have a point of origin as a zero starting point for address numbers;
- B. Allowances shall be made for vacant properties in order that numbers may be properly assigned for future development;
- C. One property identification number shall be assigned, at an interval of 52.8 feet (the equivalent of 100 addresses for each mile of roadway). This is a widely used standard in assigning addresses throughout the country;

- D. Numbers will be assigned along both sides of a road. Odd-numbered addresses will be assigned on the North side of East-West streets and on the West side of North-South streets. Even-numbered addresses will be assigned on the South side and East side, respectively. (Odd left/Even right);
- E. Numbers shall be established based on the front entrance from the street, from the center of the driveway;
- F. Mobile home park lots shall have unit numbers throughout the park;
- G. Numerals placed on mailboxes for U.S. Postal Service identification shall not be a substitute for the building number assigned under this Ordinance;
- H. The assignment of a building number is required prior to the issuance of a zoning permit; and,
- I. The center of all streets shown on subdivision plans submitted to the Township shall be marked, by line or dot, every 52.8 feet to aid in the assignment of building numbers in the proposed subdivision.

Section 8: Specifications for Building Numbers. Building numbers shall

comply with the following specifications:

- A. Building numbers shall be depicted in Arabic numerals or shall be the English words for such numerals;
- B. Building numbers shall be made of durable materials;
- C. Each digit or letter shall be at least five (5") inches in height when affixed to the building and at least three (3") inches in height when affixed to a mailbox or other post;
- D. The color of the building numbers shall be in contrast with the immediate background so as to be easily readable;
- E. It shall be unlawful to cover or conceal, or to permit the site obstruction of the building numbers;
- F. It shall be unlawful to post other numbers that may be confusing;
- G. All old numbers shall be removed when a new building number has been assigned in accordance with this Ordinance; and,

- H. The property owner shall maintain the building numbers in such a manner that they continue to comply with the foregoing specifications.

Section 9: Specifications for Location of Building Numbers.

- A. Building numbers shall be conspicuously located and placed so as to clearly identify the building they relate to;
- B. The placement of building numbers must be such that they can be seen and read with the naked eye from either side of the traveled portion of the Street;
- C. Provided the location of the building numbers complies with (A) and (B) above, the building numbers may be affixed to the building, or upon a mailbox, fence, wall, post, rod, or other type of fixture of substantial nature, or both;
- D. **In the case of a mall or a shopping center**, the owner of any business that is located within such mall or shopping center shall display the legally assigned number at the main entrance to the business. Additionally, the owner of each such business shall display the legally assigned number on the rear door to the building in numbers which are not less than three (3") inches in height;

Section 10: Street Signage Standards, Procedures and Specifications.

A. Installation of street name signs.

- In. subdivisions existing on the effective date of this Ordinance, the property owners association (or other similar entity) representing the property owners in the subdivision, or the property owners in said subdivision (if there is no property owners association or similar entity) shall be responsible for installing street name signs with the approved name of the street and the intersecting street.
- 2. In subdivisions which have not been approved prior to the effective date of this Ordinance, the developer shall be responsible for installing street name signs with the approved name of the street and the intersecting street prior to final approval of the subdivision plan; provided, however, that in accordance with the Penn Forest Township Subdivision and Land Development Ordinance, and Section 509 of the Municipalities Planning Code, said street signs may be treated as a required improvements and in lieu of completion of the installation of said signs, the developer can submit sufficient financial security to the Township to guarantee said installation. In the latter event (i.e. final approval of the subdivision plan is given prior to the installation of the street signs), no occupancy permits for any building or buildings to be erected shall be issued until such time as the Street signs are installed.

3. In all other cases, the property owners adjoining the street shall be responsible for installing signs with the approved name of the street and the intersecting street.
4. The Township will only be responsible to install street name signs for Township maintained roads.

B. Maintenance of Street Name Signs.

In subdivisions existing on the effective date of this Ordinance, the property owners association (or other similar entity) representing the property owners in the subdivision, or the property owners in said subdivision (if there is no property owners association or similar entity) shall be responsible for maintenance of the street name signs.

2. In subdivisions approved after the effective date of this Ordinance, developers shall submit with the preliminary and final plan provisions for the perpetual maintenance of the street name signs.
3. In all other cases, the street name signs shall be maintained by the owners of property adjoining said street.

C. Specifications for Street Name Signs. Street name signs shall

comply with the following specifications:

1. Street name signs shall be of a durable metal construction.
2. Street name signs shall be at least six (6") inches in height with letters at least four (4") inches in height.
3. Street name signs shall be located at a height of at least seven (7') feet above the center of the Street where they are located.
4. Street name sign colors shall be in sharp contrast with the immediate background so as to be easily readable (e.g. green or white, blue or white, red or white or brown or white).
5. The letters on the street name signs should be of a reflective material or coated with a reflective material.

6. The pole on which the street name sign is located shall be made of a non-organic durable material.
7. The pole on which the street name sign is located shall be located no more than ten (10') feet from the cartway of the adjoining street and the street name sign shall be clearly visible with the naked eye from all directions of travel.

Section 11: Time to Comply.

A. Building numbering.

1. It shall be the duty of Penn Forest Township to notify by mail each property owner and the post offices of the new addresses.
2. It shall be the duty of each property owner to install numbers on the property owner's building or buildings in compliance with this Ordinance within ninety (90) days of notification, On new structures, numbering must be installed prior to the first use or occupation of the building.

B. Street signs.

1. It shall be the duty of Penn Forest Township to notify by mail each property owners association (or similar entity) or the property owners adjoining the Street (in those cases where the property owners adjoining the street are responsible for installing the street signs) of the enactment of this Ordinance and their obligation to install street signs in compliance with this Ordinance.
2. At locations where there are existing streets, but where there are no street name signs on the effective date of this Ordinance, it shall be the duty of the persons or entities responsible for installing such street name signs (see Section 10(A) above) to install street name signs in compliance with this Ordinance within ninety (90) days of notification.

3. At locations where there are existing Street name signs on the effective date of this Ordinance, but which existing street name signs do not conform to the terms and specifications of this Ordinance, it shall be the duty of the person or entities responsible for maintaining said existing street name signs (see Section 10(B) above), to bring said street name signs in compliance with the terms and specifications of this Ordinance within three (3) years from the effective date of this Ordinance.
4. All **Street name** signs installed after the effective date of this Ordinance, (whether being installed where there previously was no **Street name sign, or replacing** an existing street name sign), shall comply with the terms and specifications of this Ordinance.

Section 12: Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars, and in default of payment thereof to imprisonment for a term not to exceed thirty (30) days.

Section 13: Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 14: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance, It is hereby declared as the intent of the Penn Forest Township Supervisors that this Ordinance

would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 15: Effective Date. This Ordinance shall become effective as of November 10, 2003.

PENN FOREST TOWNSHIP

ORDINANCE NO. 2004

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-03
ENTITLED “AN ORDINANCE OF THE TOWNSHIP OF PENN
FOREST REQUIRING THE NUMBERING OF HOUSES AND
BUILDINGS IN THE TOWNSHIP; REQUIRING THE NAMING OF
STREETS AND INSTALLATION OF STREET SIGNS;
ESTABLISHING RESPONSIBILITY FOR THE NUMBERING OF
HOUSES AND BUILDINGS; ESTABLISHING RESPONSIBILITY
FOR THE NAMING OF STREETS AND INSTALLATION OF
STREET SIGNS; DETERMINING THE REQUIREMENTS FOR
THE NUMBERING SYSTEM AND HOUSE NUMBERS;
DETERMINING THE REQUIREMENTS FOR THE NAMING OF
STREETS AND THE INSTALLATION OF STREET SIGNS; AND
PRESCRIBING PENALTIES FOR VIOLATION” (“Street Naming
and Addressing Ordinance”).**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of
Penn Forest Township, and **IT IS HEREBY ENACTED AND ORDAINED** by
authority of the same, that the following amendment be made to the Street Naming and
Addressing Ordinance:

1. Section 1 O(C)(2) shall be deleted in its entirety and replaced by
the following:

2. Street name signs shall be at least six (6”) inches in height;
the letters of the principal street name shall be at least four
(4”) in height; and, the letters of the street name suffix (e.g.
road, drive, lane, circle) or any abbreviations thereof (e.g.
RD, DR, LN, CIR) shall be at least one and one-half (1 ¼”)
inches in height.

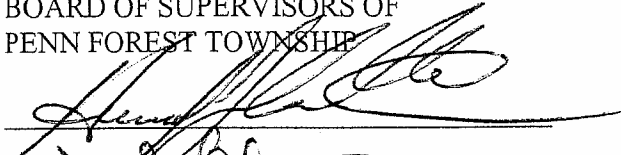
2. All ordinances or parts of ordinances conflicting with the
provisions of this amendment to the Street Naming and Addressing Ordinance are hereby
repealed.

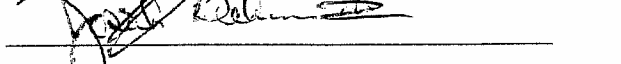
3. The Street Naming and Addressing Ordinance is amended in no other way.

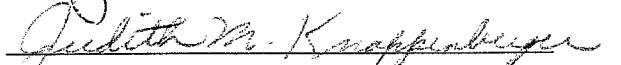
4. This amendment to the Street Naming and Addressing Ordinance shall become effective five (5) days after it is enacted.


This Ordinance enacted and ordained this 2nd day of August, 2004

BOARD OF SUPERVISORS OF
PENN FOREST TOWNSHIP









ORDINANCE 04-04

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
PENN FOREST TOWNSHIP, CARBON COUNTY,
PENNSYLVANIA ENTITLED, "PENN FOREST TOWNSHIP
ZONING ORDINANCE OF 1991" ("ZONING ORDINANCE").**

BE IT ENACTED AND ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions and amendments be made to the Zoning Ordinance:

1. Schedule II (Regulations Governing the Size of Lots, Yards and Buildings for Permitted Uses) shall be deleted in its entirety.

2. Section 5.300(d) (Minimum Site Area) shall be deleted in its entirety and replaced by the following:

(d) **Minimum Site Area** This is the minimum acreage required in order to qualify for a particular permitted use. Except in the case of Use Class 9 (Performance Standard Subdivision), the minimum site area is the same as the minimum lot size. For Use Class 9, the minimum site area in the R-1 District is ten (10) acres and in the R-2 and R-3 District is five (5) acres.

3. Section 5.300(e) (Minimum Lot Size) shall be deleted in its entirety and replaced by the following:

(e) **Minimum Lot Size** This column refers to the minimum area for each individual lot in a single-family or non-residential use. This column refers to the minimum average lot size in single-family cluster uses. The minimum lot sizes are contained in Section 5.400 (Dimensional and Area Requirements) below.

4. The fourth column of the Table of Performance Standards contained in Section 5.300 shall be deleted in its entirety and replaced by the following:

**Minimum Site
Area and
Minimum Lot
Size**

**See Sections
5.300(d)
and
5.300(e)
above.**

5. Section 5.400 (Dimensional and Area Requirements) shall be deleted in its entirety and replaced by the following:

5.400 DIMENSIONAL AND AREA REQUIREMENTS

Where minimum lot sizes or yard requirements, or maximum building heights or building coverage requirements, are not provided for a specific use in Sections 4.301 (Permitted Uses), 4.302 (Special Exemption Uses), or Section 4.303 (Conditional Uses), the following requirements shall apply:

TYPE OF REGULATIONS	R-1	R-2	R-3	C-i & C-2	I-i
<u>Minimum Lots Size</u>					
Area (Acre)	2A	2A	2A	2A	2A
Width (Ft.)	200	100	100	200	150
Depth (Ft.)	200	200	200	200	265
<u>Minimum Yards</u>					
Front (Ft.)	50	50	50	60	20
Rear (Ft.)	50	50	20	20	50
Each Side Yard (Ft.)	20	20	15	20	20
<u>Maximum Building Height</u>					
Feet	30	30	30	30	30
Number of Stories	2.5	2.5	2.5	2.5	2.5
<u>Maximum Building Coverage %</u>					
Maximum Building Coverage	10	15	20	20	20

Notes:

See Article VII for other Supplementary Regulations governing various uses including variations to lot and yard sizes and regulations governing accessory structures, signs, off-street parking and loading and non-conforming uses and lots.

2. If sanitary sewage disposal is provided by individual on lot facilities for nonresidential land uses, the minimum lot size shall be the greater of (a) the minimum lot size designated in the foregoing table, or (b) an area calculated on the basis of a minimum of one (1) acre per equivalent dwelling unit, and the determination of the number of equivalent dwelling units for the land use will be based on estimated average daily water use for the particular land use proposed. For the purpose of this calculation, the average daily water usage for a dwelling unit is 250 gallons per day. For example, a non-residential land use with an average estimated daily water usage of 1,000 gallons per day would be assigned an equivalent unit dwelling count of four (4). The minimum lot size for that land use, therefore, would be 4 x 1 acres, or four (4) acres, if this development intended to use an on lot septic tank and drain field or similar devices for sewage disposal.

3. If water supply is provided by individual on lot facilities, but public sanitary sewage disposal is provided (a) for single-family or mobile home dwellings the minimum lot size in the foregoing table may be reduced to one (1) acre and in the R-1 district and C-i district the minimum lot width may be reduced to one hundred twenty-five (125') feet; (b) for single-family attached units or multiple family units, the minimum lot area in the foregoing table may be reduced to one (1) acre per dwelling unit; and (c) for land proposed to be developed with a nonresidential land use, the minimum lot size shall be the greater of (1) the minimum lot size designated in the foregoing table, or (2) an area calculated on the basis of a minimum of one (1) acre per equivalent dwelling unit, and the determination of the number of equivalent dwelling units for the land use will be based on estimated average daily water usage for the particular land use proposed. For the purpose of this calculation, the average daily water usage for a dwelling unit is 250 gallons per day. (Refer to Note 2 above for a sample method of calculating minimum lot size for non-residential land uses).

6. Any reference in the Ordinance to Schedule II shall be amended to

refer to Section 5.400.


7. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

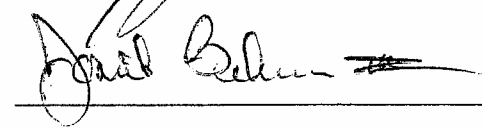
8. The Penn Forest Zoning Ordinance is amended in no other way.

9. The Ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 4th day of October 2004.

BOARD OF SUPERVISORS
TOWNSHIP OF PENN FOREST





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ORDINANCE 05- 02

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
PENN FOREST TOWNSHIP, CARBON COUNTY,
PENNSYLVANIA ENTITLED, “PENN FOREST TOWNSHIP
ZONING ORDINANCE OF 1991” (“ZONING ORDINANCE”).**

BE IT ENACTED AND ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the **same**, that the following additions, deletions and amendments be made to the Zoning Ordinance:

1. The following definition of “kennel” shall be added as Section 2.140.5:
Five adult dogs, at least six (6) months or older, kept, housed, or otherwise maintained on the same property constitutes a kennel. This includes personal “pets”, boarded dogs, and dogs being bred for resale purposes.

2. Section 4.300(Use Classes In Zoning Districts) shall be amended to provide that there are twenty-one “Use Classes” shown in Schedule I; and, “kennel” shall be added as the twenty-one Use Class, which shall be permitted as a conditional use in the C-1 Highway Commercial, C-2 General Commercial and I-1 General Industrial zoning districts.

3. Section 4.3 03 shall be amended by adding use class 21 (Kennel) which shall be permitted in the C-1 Highway Commercial, C-2 General Commercial and I-1 General Industrial zoning districts as a Conditional Use, subject to the general conditions stated in Section 11.400 of the Zoning Ordinance and the following specific conditions:
 - (a) The minimum lot size shall be five (5) acres.

- (b) All buildings, structures, enclosures, runs, or other areas where the dogs will be physically present for any period of time must be set back a minimum of two hundred (200') feet from any property line.
- (c) The kennel shall be operated and maintained in such a manner as to meet or exceed the requirements of Chapter 21 of the Dog Law Enforcement Bureau regulations (General Provisions; Kennels; Licensure; Dog-Caused Damages), as amended, 7 Pa. Code

Chapter 21. If the provisions of the Dog Law Enforcement Bureau regulations require a higher or stricter standard than is required by these specific conditions, the provisions of the Dog Law Enforcement Bureau regulations shall govern.

- (d) No buildings, structures, enclosures, runs, or other areas where dogs will be kept for any period of time, including any expansions, extensions or enlargements thereof, shall be erected, constructed, reconstructed, maintained, or used without first applying for and obtaining a zoning permit.
- (e) All set-backs shall be landscaped to provide appropriate visual screening andlor buffering in accordance with Section 5.600(f) of this Ordinance.
- (f) A solid barrier shall be provided around the perimeter of the kennel so as to encompass and enclose all buildings, structures, enclosures, runs, or other areas where the dogs will be for any period of time.
 - (i) Said barrier shall be at least six (6) feet in height and shall consist of either the solid facades of the kennel buildings and or structures or a fence.
 - (ii) If the barrier is to be provided by a fence, said fence shall be constructed of brick, stone, architectural tile, masonry units, wood, chain link (provided stripping is kept and maintained within the chain link), or similar materials.
 - (iii) Signs or other advertising mediums shall not be placed upon, attached to, or painted on said barrier.
- (g) On each day, at or before 8:00 P.M., prevailing time, all dogs shall be brought into a building (having a roof and walls on all sides) and kept and maintained in that building until 7:00 A.M., prevailing time, the next day.
- (h) All animal excrement and other waste shall be disposed of in such a manner as to meet or exceed regulations and or requirements of the Pennsylvania Department of Health, the Pennsylvania Department of Environmental Protection, and any other governmental agency having jurisdiction thereover, including the Township. If it is necessary for the animal excrement and other waste to be temporarily "stored" at the site while it is awaiting removal and disposal, it must be kept in an enclosed container located not less than two hundred (200') feet from any property

line, and at least one hundred (100') feet upgrade from any watercourse, drainage ditch, or other natural drainage area or body of water.

- (i) Except when inconsistent with the provisions herein set forth, kennels shall comply with all other requirements of this Ordinance, the Penn Forest Township Subdivision and Land Development Ordinance, the Uniform Construction Code as enacted in the Township, and any and all other Township ordinances.

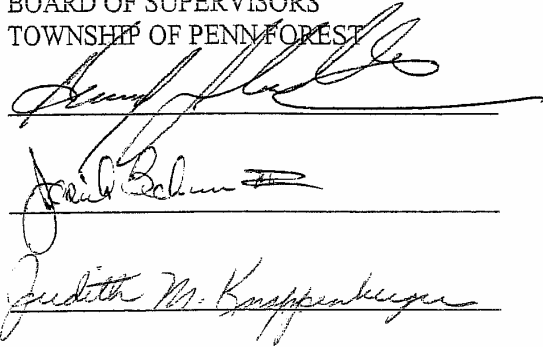
4. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

ATTEST:

- 5. The Penn Forest Zoning Ordinance is amended in no other way.
- 6, This Ordinance shall become effective five **(5)** days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 7th day of March, 2005.

BOARD OF SUPERVISORS
TOWNSHIP OF PENN FOREST



The image shows three handwritten signatures, each written over a horizontal line. The signatures are in cursive and appear to be those of the Board of Supervisors. The first signature is the most prominent and appears to be the name of the chairperson or a key member. The second and third signatures are smaller and less legible.

ORDINANCE 05-05
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
PENN FOREST TOWNSHIP, CARBON COUNTY,
PENNSYLVANIA ENTITLED, “PENN FOREST TOWNSHIP
ZONING ORDINANCE OF 1991” (“ZONING ORDINANCE”).

BE IT ENACTED AND ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions and amendments be made to the Zoning Ordinance (unless otherwise indicated all references are to sections in the Zoning Ordinance):

1. The term “Roof signs” shall be deleted from section 9.402

(Prohibited Signs) and shall be replaced by the following:

Roof signs that exceed either (a) the maximum building height, or (b) the highest point of the highest roof of the building, whichever is lesser.

2. The last sentence of the definition of “Free-Standing Sign” contained in section 9.101 (Definitions) shall be deleted in its entirety and replaced by the following:

If **it** is not specifically indicated whether a particular sign can be a wall sign, a roof sign, or a free standing sign, the sign shall be a free-standing sign.

3. The following shall be added to the definition of ‘Projecting Signs’ contained in Section 9.101 (Definitions):

except that a roof sign may extend more than twelve (12”) inches above the roof on which it is erected or maintained, provided it does not exceed either (a) the maximum building height, or (b) the highest point of the highest roof of the building, whichever is lesser.

4. The following definition shall be added to Section 9.101 (Definitions)

Elevation View .A two dimensional scaled drawing showing the width of a building, including any offsets, and the height above finished grade including the roof If roof view depicts the gable end view, the roof pitch must be included.

5. Section 9.301(A)(2)(a) (On-Premise Permanent Signs) shall be deleted in its entirety and replaced by the following:

One non-illuminated or internally illuminated business wall sign or business roof sign, except that where the use abuts two or more streets, additional wall signs or roof signs, one oriented toward each abutting street, shall be permitted, and

6. A new section 9.301(A)(2)(d) shall be added and shall provide as follows:

The size of one of the business wall sign(s) or business roof sign(s) permitted under subsection (A)(2)(a) above may be increased to an area no greater than ten (10) percent of the area of the elevation view of the side of the building to which the sign is affixed less the area of the other signs permitted under subsections (A)(2)(a), (A)(2)(b), (A)(2)(c) and (B)(2) and actually erected. In calculating the area of the elevation view of the building, non-structural features including facades, decorative walls, and the like, shall not be included.

Example: If the area of the elevation view of the side of the building to which the business wall sign or business roof sign is affixed is twelve hundred (1,200) square feet, the sign may have an area up to one hundred twenty (120) square feet; provided, no other signs permitted under subsections (A)(2)(a), (A)(2)(b), (A)(2)(c) and (B)(2) are erected. If the Applicant also desires to erect a freestanding sign pursuant to subsection (A)(2)(b) having an area of twenty (20) square feet, the maximum area of the aforesaid business wall sign or business roof sign (i.e. one hundred twenty (120) square feet) would be reduced to one hundred (100) square feet. Similarly, if the Applicant also desired to erect an additional business wall sign(s) or business roof sign(s), (where the use abuts two or more streets) the maximum size of the aforesaid business wall sign or business roof sign (i.e. one hundred twenty (120) square feet) would be reduced by the size of such additional business wall sign(s) or business roof sign(s).

7. Section 9.301(A)(3)(a) (On-Premise Permanent Signs) shall, be deleted in its entirety and replaced by the following:

One non-illuminated or internally illuminated business wall sign or business roof sign for each principal tenant, except that where a tenant abuts two or more streets, additional wall signs or roof signs, one oriented toward each abutting street, shall be permitted. The area of any one such sign shall not exceed ten (10) percent of the tenant's

proportionate share of the building wall or roof to which the sign is affixed, or twenty (20) square feet, whichever is smaller, and

8. A new section 9.301(A)(3)(e) shall be added and shall provide as follows:

The size of one of the business wall sign(s) or business roof sign(s) permitted under subsection (A)(3)(a) above may be increased to an area no greater than ten (10) percent of the tenants proportionate share of the area of the elevation view of the side of the building to which the sign is affixed less the area of the other signs permitted under subsections (A)(3)(a), (A)(3)(b), (A)(3)(c), (A)(3)(d), and (B)(2) and actually erected. For the purpose of calculating the tenant's proportionate share of the area of the elevation view of the side of the building to which the sign is affixed, non-structural features including facades, decorative walls, and the like, shall not be included.

9. In Section 9.101 (Definitions), the definition of the term "Neon or Other Gas Tube

Illumination" shall be deleted in its entirety and replaced by the following:

Illumination affected by a light source consisting of a neon or other gas tube (or some other light source or technology which creates the appearance of a neon or other gas tube), which is bent to form letters, symbols or other shapes.

10. In Section 9.501(F) (Incidental Sign) the phrase "credit cards excepted" shall be deleted and replaced by the phrase "credit cards accepted."

11. Section 4.303, Use Class 20(Self-Service Storage Facility), subsection (5)(b)(Set Backs) is amended by adding the phrase, "except in accordance with subsection 2(a) above.

12, Section 4.303, Use Class 20(Self-Service Storage Facility) subsection 6(c) is amended by deleting the following:

and shall be constructed of opaque materials (except that portion of said fence adjacent to the front yard) that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood or similar materials, but expressly prohibiting woven wire.

13. Section 4.303, Use Class 20 (Self-Service Storage Facility), subsection 10(i) is deleted in its entirety and replaced by the following:

No business activity other than the rental of storage units shall be conducted within the perimeter of the development (i.e. the barrier referred to in subsections 6(b) and (c) above).

14. Section 7.305 (Private Outdoor Swimming Pools) shall be deleted in its entirety and replaced by the following:

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 such pool is not located closer than ten (10) feet to any property line and does not occupy more than ten (10) percent of the lot area.

15. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

16. The Penn Forest Zoning Ordinance is amended in no other way.

17. This ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 7th day of November, 2005.

TOWNSHIP OF PENN FOREST



BOARD OF SUPERVISORS

