

PENN TOWNSHIP

ZONING ORDINANCE

November 2025

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ARTICLE I

SHORT TITLE, PURPOSE, AND DEFINITIONS

Section 100 SHORT TITLE

- 100.1** This Ordinance shall be known and may be cited as the "PENN TOWNSHIP ZONING ORDINANCE."

Section 101 PURPOSE

- 101.1** The purpose of these regulations is to provide for the harmonious development of the Township by facilitating:
- The promotion, protection, and facilitation of public health, safety, morals, and general welfare
 - Coordinated and practical community development
 - Proper population density
 - Emergency management preparedness and operations
 - The provision of adequate light and air
 - Access to incident solar energy
 - Police protection
 - Adequate transportation, parking, and loading space
 - Adequate water and sewage, including the provision of safe, reliable, and adequate water supply for domestic, commercial, agricultural, industrial use, and other public requirements
 - The preservation of natural, scenic, and historical values in the environment
 - The preservation of forests, wetlands, aquifers, and floodplains
- To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers.
 - To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - To provide for the use of land for residential housing of various dwelling types, encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes, and mobile home parks.
 - To accommodate reasonable overall community growth, including population and employment growth and opportunities for the development of a variety of residential dwelling types and nonresidential uses.

Section 102 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building, structure, or portion of a building or structure that is erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Penn Township shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided concerning nonconforming buildings, structures, or uses.

Section 103 INTERPRETATION

In the interpretation of and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

Section 104 CONFLICT

Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable Township ordinance.

In any case where a regulation or requirement of this chapter is found to conflict with the regulation or requirement of a subdivision and land development, building, fire safety or health ordinance or code of Penn Township, or law, rule or regulation of the Commonwealth of Pennsylvania (hereinafter the "Commonwealth"), the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

In any case where a regulation or requirement of this chapter is found to be in conflict with the regulation or requirement of another ordinance or code of Penn Township, or law, rule or regulation of the commonwealth, which establishes a less restrictive standard for the promotion and protection of the health and safety of the people. The regulation and requirement of this chapter shall be deemed to prevail. In addition, should the Municipal Planning Code (MPC) be amended to establish mandatory provisions which would be inconsistent herewith, those mandatory provisions shall be deemed to be incorporated herein by reference thereto without further amendment of this chapter.

It is not intended by this chapter to interfere with or abrogate or annul any regulations or requirements adopted or permits previously issued by the Township which are in conflict with

any provisions of this chapter, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. Provided however, that where this chapter imposes a greater restriction, the provisions of this chapter shall control.

Section 105 LIABILITY

Neither the review nor the granting approval of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, stormwater runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the Township shall constitute a representation, guarantee or warranty of any kind by the Township or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon nor a cause of action against any Township body, consultant, official or employee for any damage that may result in pursuant thereto.

If the Zoning Officer issues a permit under this Ordinance in error, the Township shall not be liable for any later lawful withdrawal of such permit.

Section 106 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 107 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Joint Comprehensive Plan and has been formulated to implement the purpose set forth in Section 101 above. This Ordinance is enacted with regard to the community development objectives listed in the Joint Comprehensive Plan of Penn Township and any subsequent amendments. The Ordinance is enacted with regard to the following community development objectives:

- A. To guide the future development of the Township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the agricultural, residential, commercial, and recreational areas within the Township.
- B. To preserve the pastoral and rural character of the Township.
- C. To protect and promote the agricultural economy.

- D. To protect the sensitive environmental resources inventoried within the Joint Comprehensive Plan.

ARTICLE II

ZONE REGULATIONS

Section 200 ZONES AND BOUNDARIES

200.1 Establishment of Zones: The Township of Penn is divided into zones, enumerated below and shown on the map entitled "Zoning Map of Penn Township" which is part of this Ordinance.

R-10	Urban Residential Zone
R-15	Suburban Residential Zone
R-22	Suburban Residential Zone
R-40	Rural Residential Zone
RC	Rural Conservation Zone
MU	Mixed Use Zone
CB	Corridor Business Zone
S/C	Shopping/Commercial Zone
I	Industrial Zone

200.2 The Official Zoning Map: The Official copy of the Zoning Map shall be maintained in the Township Building. The Official Zoning Map shall be displayed for public view during the normal business hours of the municipality. In case of a dispute, only this map or an approved copy thereof shall be considered as evidence.

200.3 Boundaries of Zones: Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated, as approximately following municipality limits shall be construed as following municipality limits.
- D. Boundaries indicated, as approximately following railroad lines, shall be construed to be midway between the main tracks.
- E. Boundaries indicated, as approximately following the centerlines of streams, rivers, or other bodies of water, shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.

- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections (a) through (f), the Zoning Hearing Board shall interpret the district boundaries.
- H. If a lot is split by a district boundary, the lot area and lot width requirements of the district in which the principal building, structure, or use is located shall apply to the entire lot. A building, structure, or use may only be located within the zoning district allowing such a building, structure, or use.

Section 201 USE REGULATIONS

201.1 Uses Permitted: The uses permitted in the zones established by this Ordinance and the permitted extent of these uses are as described for each zone. The uses by right and uses by special exception in each zone are the only uses permitted in that zone. Unless otherwise noted, the extent-of-use or dimensional standards are the requirements for each use; however, the following may apply:

- A. Modifications to the extent-of-use requirements are set forth in ARTICLE IV, and
- B. Additional general provisions are set forth in ARTICLE III.
- C. General standards for Special Exception uses are set forth in ARTICLE V.
- D. Specific regulations and Special standards for Special Exception uses are set forth in Article VI.

201.2 Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in ARTICLE III.

201.3 Uses with Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or any other substantial adverse effect upon the reasonable enjoyment of the surrounding property. Every reasonable effort must be made to prevent this effect through:

- A. Control of lighting.
- B. Design and maintenance of structures.
- C. Use of planting screens or fences.

- D. Placement of structures on the site.
- E. Appropriate control of use.
- F. Prompt removal of trash or junk.

Section 202 R-10 URBAN RESIDENTIAL ZONE

202.1 Specific Intent: It is the purpose of this zone to accommodate a variety of residential development that is compatible with housing and lot sizes in the sections of the Township.

202.2 Use Regulations: Uses by right, uses by Special Exception and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

202.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use. Public Water and Sewer is required for all principal land uses permitted by right and Special Exception.

Minimum Lot Area

10,000 Sq. Ft.

Minimum Lot Width (feet)

100 Ft.

Minimum Regulations

Front Set back	35 Ft.
Side Set back	12 Ft.
Rear Set back	20 Ft.
Building Height	30 Ft.
Lot Coverage	65 %
Green Space	35%

202.4 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 203 R-15 SUBURBAN RESIDENTIAL ZONE

203.1 Specific Intent: It is the purpose of this zone to maintain existing residential areas and to provide for natural expansion of those areas into areas that can be served by public sewer and public water facilities.

203.2 Use Regulations: Uses by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

203.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Water and Public Sewer</u>	<u>No Public Water and/or Public Sewer</u>
Lot Area	15,000 Sq. Ft.	43,560 Sq. Ft.
Lot Width	100 Ft.	175 Ft.
Front Setback	35 Ft.	50 Ft.
Side Setback	12 Ft. (each)	25 Ft. (each)
Rear Setback	20 Ft.	20 Ft.
<u>Maximum Regulations</u>	<u>Public Water and Public Sewer</u>	<u>No Public Water and/or Public Sewer</u>
Building Ht.	35 Ft.	35 Ft.
Lot Coverage	65%	30%
Green Space	35%	65%

203.4 On-Lot Sewage Treatment Systems: The Board of Commissioners may approve on-lot sewage disposal only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report prepared under the Subdivision and Land Development Ordinance indicates:

- A. Justification of the project necessitates consideration of this method.
- B. The soil absorption areas are satisfactory for the type of system proposed.
- C. Such systems will not endanger groundwater supplies below the level of the absorption system.
- D. The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.

- E. The replacement location shall be protected from traffic and no filling or excavation shall be allowed within its boundary. The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

203.5 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 204 R-22 SUBURBAN RESIDENTIAL ZONE

204.1 Specific Intent: It is the purpose of this zone to maintain existing residential areas and to provide for natural expansion of those areas into areas which can be served by public sewer and public water facilities.

204.2 Use Regulations: Uses by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

204.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Water and Public Sewer</u>	<u>No Public Water and/or Public Sewer</u>
Lot Area	22,000 Sq. Ft.	43,560 Sq. Ft.
Lot Width	120 Ft.	175 Ft.
Front Setback	35 Ft.	50 Ft.
Side Setback	15 Ft. (each)	25 Ft. (each)
Rear Setback	30 Ft.	30 Ft.
<u>Maximum Regulations</u>	<u>Public Water and Public Sewer</u>	<u>No Public Water and/or Public Sewer</u>
Building Ht.	35 Ft.	35 Ft.
Lot Coverage	65%	30%
Green Space	35%	65%

204.4 On-Lot Sewage Treatment Systems: The Board of Commissioners may approve on-lot sewage disposal only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report prepared under the Subdivision and Land Development Ordinance indicates:

- A. Justification of the project necessitates consideration of this method.
- B. The soil absorption areas are satisfactory for the type of system proposed.
- C. Such systems will not endanger groundwater supplies below the level of the absorption system.
- D. The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.

- E. The replacement location shall be protected from traffic and no filling or excavation shall be allowed within its boundary. The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

204.5 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 205 R-40 RURAL RESIDENTIAL ZONE

205.1 Specific Intent: It is the purpose of this district to encourage the rural character of the zone by preserving natural features such as watersheds, forests, and watercourses, while perpetuating the rural atmosphere, open space, and scenic landscapes. Residential use shall be permitted provided that sufficient space is provided for on-lot sewage disposal that will not create any menace to public health, and natural features are not unduly disturbed.

205.2 Use Regulations: Uses by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

205.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations - Agriculture

Lot Area	5 Acres
Lot Width	200 Ft.
Setbacks	200 Ft.

Minimum Regulations - other uses

Lot Area	43,560 Sq. Ft.
Lot Width	175 Ft.
Front Setback	50 Ft.
Side Setback	25 Ft. (each)
Rear Setback	30 Ft.

Maximum Regulations

Building Height	35 Ft.
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- The maximum height may be increased by one foot for each additional foot of front, side, and rear setback provided, to a maximum height of 40 feet.

Lot Coverage	30%
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205.4 On-Lot Sewage Treatment Systems: The Board of Commissioners may approve on-lot sewage disposal only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report prepared under the Subdivision and Land Development Ordinance indicates:

A. Justification of the project necessitates consideration of this method.

- B. The soil absorption areas are satisfactory for the type of system proposed.
- C. Such systems will not endanger groundwater supplies below the level of the absorption system.
- D. The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.
- E. The replacement location shall be protected from traffic and no filling or excavation shall be allowed within its boundary. The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

205.5 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 206 RC RURAL CONSERVATION ZONE

206.1 Specific Intent: It is the purpose of this district to encourage rural conservation by preserving natural features such as prime agricultural soil types, watersheds, forests, and watercourses while perpetuating the rural atmosphere, open space, and scenic landscapes. Limited residential use shall be permitted provided that sufficient space is provided for on-lot sewage disposal that will not create any menace to public health, and natural features are not unduly disturbed.

206.2 Use Regulations: Use by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

206.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations - Agriculture

Lot Area	5 Acres
Lot Width	200 Ft.
Setbacks	200 Ft.

Minimum Regulations - other uses

Lot Area	43,560 Sq. Ft.
Lot Width	175 Ft.
Front Setback	50 Ft.
Side Setback	25 Ft. (each)
Rear Setback	30 Ft.

Maximum Regulations

Building Height	35 feet
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* The maximum height may be increased by one foot for each additional foot of front, side, and rear setback provided to a maximum height of forty (40) feet.

Lot Coverage	30%
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Lot Size (Residential Uses) 2 acres

206.4 Development Allotment: All uses listed as permitted by right or by Special Exception, erected or established after December 29, 2004, shall comply with the following requirements, unless otherwise required by this Section:

A. The total number of lots created is based on the size of the tract after December 29, 2004.

- B. Existing properties shall be permitted the following number of lots, upon which may be erected permitted principal or Special Exception uses that meet the standards of this Section. The number of lots allocated to a property shall be based on the property size after December 29, 2004, excluding existing uses, lands previously placed under a conservation easement or similar restriction, and in accordance with the following table:

Size of Parent Tract - as of December 29, 2004	Number of Lots That May Be Subdivided from Parent Tract
1-5 acres	1
6-15 acres	2
16-30 acres	3
31-60 acres	4
61-90 acres	5
91-120 acres	6
121-150 acres	7
over 151 acres	8, plus 1 parcel for every 30 acres over 150 acres

- C. Lot Add-Ons: Lot add-ons in which no new lots are created shall not be counted against the number of lots permitted to be created in the preceding table. Lot add-ons shall not increase the allowable development rights for the receiving parcel.
- D. A residential lot shall not exceed two (2) acres in size. Where more than two acres are needed to provide a suitable location for the dwelling, the well, on-site sewage disposal system, and the driveway, the Penn Township Board of Commissioners may approve lots that exceed the two (2) acre maximum size, provided that the minimum area is used to meet the requirements of such on-site systems.
- E. Any subdivision or land development plan hereafter filed for a tract of land in the Rural Conservation zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of further subdivision or development rights as determined by the provisions of this Section.

206.5 On-Lot Sewage Treatment Systems: The Board of Commissioners may approve on-lot sewage disposal only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an

initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report prepared under the Subdivision and Land Development Ordinance indicates:

- A. Justification of the project necessitates consideration of this method.
- B. The soil absorption areas are satisfactory for the type of system proposed.
- C. Such systems will not endanger groundwater supplies below the level of the absorption system.
- D. The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.
- E. The replacement location shall be protected from traffic and no filling or excavation shall be allowed within its boundary. The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

206.6 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 207 MU – MIXED USE ZONE

207.1 Specific Intent: The purpose of this zone is to provide standards for the development of neighborhood commercial uses intermixed with residential uses, designed to meet the daily needs of Township residents in areas which are or could feasibly be supplied with public facilities, to provide for the general welfare of Township residents and to otherwise create conditions conducive to carrying out the purposes of the Section.

207.2 Use Regulations: Uses by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

207.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Water and Public Sewer</u>
Lot Area	10,000 Sq. Ft.
Lot Width	80 Ft.
Front Setback	50 Ft.
Side Setback	15 Ft. (each)
Rear Setback	25 Ft.
 <u>Maximum Regulations</u>	 <u>Public Water and Public Sewer</u>
Building Height	30 Ft.
Lot Coverage	65%
Green Space	35%

207.4 Density Requirement: The maximum number of dwelling units per gross acre of land permitted in this zone is four (4).

207.5 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 208 CB – CORRIDOR BUSINESS ZONE

- 208.1 Specific Intent:** The purpose of this zone is to provide areas that accommodate commercial activities that primarily rely on vehicles to provide customer accessibility.
- 208.2 Use Regulations:** Uses by right, uses by Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.
- 208.3 Area and Bulk Regulations:** The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Water and Public Sewer</u>
Lot Area	20,000 Sq. Ft.
Lot Width	100 Ft.
Front Setback	50 Ft.
Side Setback	20 Ft. (each)
Rear Setback	35 Ft.
<u>Maximum Regulations</u>	<u>Public Water and Public Sewer</u>
Building Height	35 Ft.
Lot Coverage	80%

- 208.4 Design Standards:** The provisions of ARTICLE III of this Ordinance are applicable in this zone.

Section 209 S/C – SHOPPING/COMMERICAL ZONE

209.1 Specific Intent: The purpose of this zone is to provide areas for retail shopping activity. This zone primarily allows the development of neighborhood shopping areas that serve the day-to-day shopping needs of residents. If a need is apparent, community or regional shopping centers can be developed on appropriate sites.

209.2 Use Regulations: Uses by right, uses Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

209.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Public Water and Public Sewer

Lot Area	20,000 Sq. Ft.
Lot Width	100 Ft.
Front Setback	50 Ft.
Side Setback	20 Ft. (each)
Rear Setback	35 Ft.

Maximum Regulations

Public Water and Public Sewer

Building Height	35 Ft.
Lot Coverage	80%

209.4 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this zone.

Section 210 I - INDUSTRIAL ZONE

210.1 Specific Intent: The purpose of this zone is to encourage the development of and continued use of land which is suitable for industries and to prohibit any use which would substantially interfere with the establishment or continuation of industrial firms that contribute to the soundness of the economic base of the Township. Furthermore, the intent is to provide suitable land for light industry in which several firms may locate on a landscaped tract. Because of the possible proximity of such uses to residential and commercial areas, restrictions shall be imposed to ensure both attractive and useful surroundings.

210.2 Use Regulations: Uses by right, uses Special Exception, and Specific Regulations can be found in Article VI and in the Principal Land Use Table in Section 212.

210.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	2 acres
Lot Width	200 Ft.
Front Setback	50 Ft.
Side Setback	50 Ft. (each)
Rear Setback	50 Ft.

Public Water and Public Sewer

Maximum Regulations

Building Height	50 Ft.
Lot Coverage	80%

Public Water and Public Sewer

210.4 Design Standards: The provisions of ARTICLE III of this Ordinance are applicable in this district.

Section 211 SSP - STEEP SLOPE PROTECTION OVERLAY ZONE

211.1 Specific Intent: The purpose of the SSP - Steep Slope Protection Zone is to conserve and protect those areas having slopes that exceed 25%. Slopes that exceed 25% shall not be developed.

A. Disturbance in slopes between 15% and 25% shall require the submission of a detailed site grading plan which shall contain the following information:

1. Existing contours.
2. Existing areas within the restricted development overlay zone.
3. The location of existing and proposed structures, including vehicular accesses.
4. Proposed erosion and sediment control measures.
5. Proposed limits of disturbance.
6. The tabulation of the acreage of the area within the zone impacted by the proposed activity.

Section 212 PRINCIPAL LAND USE TABLE

Principal Land Uses P: Permitted Use SE: Special Exception	R-10 Urban Residential	R-15 Suburban Residential	R-22 Suburban Residential	R-40 Rural Residential	Mixed Use	Corridor Business	Shopping/ Commercial	Industrial	Rural Conservation
Adult Day Services Centers	SE	SE	SE	SE	SE				SE
Adult Oriented Business								SE	
Age-Restricted Community	SE								
Agricultural Products/Farmer's Market				SE		P	P		
Agriculture				P					P
Airport, Heliport, and Helistop								SE	
Animal Hospital					SE	SE	SE		SE
Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility							P		
Auction House					P	P	P		
Automobile and Truck Lease/Rental					P	P			
Automobile Repair Garage or Body Shop					P	P			
Automobile Sales					P	P			
Automobile Service Center						P	P		
Bed and Breakfast	SE				SE				
Bee Keeping	SE	SE	SE	P					P
Betting Establishment					SE	SE	SE		
Beverage Production, Large Brewery								P	
Beverage Production, Micro Brewery					P	P	P		
Boarding House	SE								
Bowling Alley						P	P		
Building Material/Heavy Storage Yard								P	
Business Services Establishment					P	P	P		
Campgrounds				SE					SE
Casinos, Betting Parlor, and Slots Machines							SE		
Cemetery		SE	SE	SE					
Child Care Center					P	P	P		
Child Care Home Facility	P	P	P	P	P				P
Child Care Home Group	P	P	P	P	P				P

Principle Land Uses P: Permitted Use SE: Special Exception	R-10 Urban Residential	R-15 Suburban Residential	R-22 Suburban Residential	R-40 Rural Residential	Mixed Use	Corridor Business	Shopping/ Commercial	Industrial	Rural Conservation
Club, Clubhouse, or Lodge					SE	SE	SE		
Commercial Recreation or Entertainment Facility					P	P	P		
Concentrated Animal Feeding Operation								SE	
Concrete/Asphalt Mixing Plant								P	
Contractor or Farm Equipment, Sales and Service						P			
Convenience Store					SE	SE	SE		
Crematory					SE	SE		SE	
Drive-In Establishment					P	P			
Dwelling, Conversion	SE	SE	SE	SE	SE				SE
Dwelling, Multi-Family	SE								
Dwelling, Single-Family Attached	SE								
Dwelling, Single-Family Detached	P	P	P	P	P				P
Dwelling, Single-Family Semi-Detached	P				P				
Dwelling, Two-Family Detached (Duplex)	P				P				
Eating Establishment					P	P	P		
Elderly Cottage Housing Opportunity (Echo)	SE	SE	SE	SE	SE				SE
Essential Services	P	P	P	P	P	P	P	P	P
Flea Market				SE	SE	SE			
Financial Institutions					P	P	P		
Fish Hatchery									SE
Forestry /Timber Harvesting	P	P	P	P	P	P	P	P	P
Fuel Stations					P	P	P		
Fuel Stations, Wholesale								P	
Funeral Home or Mortuary					P	P	P		
Golf Course			SE	SE					SE
Group Home for Persons with Disabilities	P	P	P	P	P				P

Principle Land Uses P: Permitted Use SE: Special Exception	R-10 Urban Residential	R-15 Suburban Residential	R-22 Suburban Residential	R-40 Rural Residential	Mixed Use	Corridor Business	Shopping/ Commercial	Industrial	Rural Conservation
Halfway House	SE								
Home-Based Business	SE	SE	SE	SE	P				SE
Home-Based Business, No-Impact	P	P	P	P	P				P
Hospital							SE		
Hotel, Motel, or Inn (including those with dining and conference facilities)					SE		SE		
Junkyard								SE	
Kennel				SE					
Landfill/Solid Waste Facility								SE	
Landscaping and Garden Center, Retail					SE	SE	SE		
Landscaping Operation, Non-Retail					P	P			
Library					SE	SE	SE		
Lounge, Tobacco/Vaping					SE	SE	SE		
Machine, Fabricating, or Welding Shop								P	
Manufacturing								P	
Medical and Dental Clinics and Laboratories					P	P			
Medical Marijuana Dispensary					P	P	P	P	
Medical Marijuana Grower/Processor					P	P	P	P	
Mining, Open Pit								SE	
Mini-Storage Warehouse						SE		P	
Mixed Use (Residential/Commercial)					P	P	P		
Mobile Home Park					SE				
Nightclubs or Taverns					P	P	P		
Nursing or Convalescent Home			SE	SE	SE				

Principle Land Uses P: Permitted Use SE: Special Exception	R-10 Urban Residential	R-15 Suburban Residential	R-22 Suburban Residential	R-40 Rural Residential	Mixed Use	Corridor Business	Shopping/ Commercial	Industrial	Rural Conservation
Outdoor Sales and Services					P	P	P		
Parking Lot or Parking Garage					P	P	P	P	
Personal Services Establishment					P	P	P		
Pet Grooming					SE	SE	SE		
Place of Worship	P	P	P	P	P	P	P	P	P
Power Generation Facility								SE	
Printer or Publishing Facility						P	P	P	
Private Recreational Facility	SE	SE	SE	SE					SE
Professional Office					P	P	P		
Public Park/Recreational Facility/ Grounds	P	P	P	P	P	P	P	P	P
Public Uses and Buildings	P	P	P	P	P	P	P	P	P
Public Utility Buildings and Structures	SE	SE	SE	SE	SE	SE	SE	SE	SE
Recycling Center								P	
Research, Testing, or Experimental Laboratory								P	
Retail Establishment					P	P	P		
Retirement Home/Village					SE	SE	SE		
Riding Academy and/or Boarding Stable				SE					SE
Sawmills								SE	
School, Commercial					P		P		
Shooting Range/Indoor						SE	SE	SE	
Shooting Range/Outdoor								SE	
Shopping Center, Mall, or Plaza							P		
Short-term Rental					SE				
Solar Panels as a Commercial Use/Solar Fields								SE	
Solid Waste Processing Facility								P	
Special Events	SE	SE	SE	SE	SE	SE	SE	SE	SE
Tasting Room						P	P		

Principle Land Uses P: Permitted Use SE: Special Exception	R-10 Urban Residential	R-15 Suburban Residential	R-22 Suburban Residential	R-40 Rural Residential	Mixed Use	Corridor Business	Shopping/ Commercial	Industrial	Rural Conservation
Taxidermy					SE	SE	SE		
Theater							P		
Transportation (Passenger) Terminal						SE	P		
Truck or Motor Freight Terminal								P	
Urban Agriculture				SE					SE
Utility, Subterranean	P	P	P	P	P	P	P	P	P
Utility, Supplemental Wind	P	P	P	P	P	P	P	P	P
Vehicle Washing Facility					P	P	P		
Warehouse or Distribution Center								P	
Wastewater Processing Facility								P	
Wholesale Establishment								P	
Winery				SE					SE
Wireless Communication Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE
Wood Millworks								P	

ARTICLE III

GENERAL PROVISIONS

Section 300 ACCESSORY USES AND STRUCTURES

- 300.1 Accessory Structures Attached:** A permanent-roofed accessory structure, attached to the principal building and sharing a common wall, is considered a part of the principal building for all regulatory purposes.
- 300.2 Accessory Structure Nonattached:** A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear yards and cannot be placed within the side and rear setbacks in the zone in which they are located. For all other requirements, a non-attached structure is considered a part of the principal building.
- 300.3 Maximum Allowable Footprint:** For residential properties, the sum of the building footprint of all accessory buildings shall not exceed the following maximum allowable footprint based on the type of principal dwelling:
- A. Single Story Dwelling: One (1) time the footprint of the principal dwelling.
 - B. Multi-story Dwelling: One and one half (1.5) times the footprint of the principal dwelling.
- 300.4 Fences, Walls and Retaining Walls:** No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard area or beyond the front building setback line. Similarly, such fences or walls shall not exceed six (6) feet in height in side and rear yards in residential zones and eight (8) feet at the front building set back line, the side and rear yard in the industrial zone. A height of ten (10) feet is permitted for tennis courts and baseball backstops.
- A. The use of rope, taped wire, and electrified wire is allowed only in conjunction with a use approved for agriculture. The use of barbed wire at the top of a fence is only permitted in a commercial application.
 - B. Retaining walls over six (6) feet in height shall be set back six (6) feet from a property line. All retaining walls exceeding six (6) feet in height shall be set back an additional foot for each foot in height from the property line.
 - C. Retaining walls over four feet in height must conform to the Uniform Construction Code standards. Retaining walls over six (6) feet in height shall require a forty-eight (48) inch high fence on or within one (1) foot of the wall edge and shall include provisions at the terminus of the fence to restrict access to the top.

- D. If the dwelling is set back further than the required setback for the zone in which it is located, a four (4) foot open fence may be permitted at the setback line from the front setback line to the front building line.

300.5 Walkways and Patios: All internal walkways and/or patios within a designated lot shall not be constructed within three (3) feet of the front, side, or rear property lines except that portion which is used to enter or exit the lot.

300.6 Satellite Dish Antenna: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

- A. Such devices shall not be placed within any required setback area.
- B. Satellite dish antenna must meet yard setback and height limitations for the zoning district in which they are located.
- C. Only one (1) antenna is permitted per dwelling unit and must be removed if not in use.

300.7 Solar and Wind Energy Facilities: Solar or wind energy systems, either as part of a structure or as an independent structure, providing space heating, space cooling, or domestic water heating shall be permitted as accessory uses subject to the following constraints:

- A. No solar energy system located on the ground shall exceed a height of eight (8) feet.
- B. The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five (25) percent of the area of the ground floor of the principal building.
- C. Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.
- D. Solar panels attached to the roof of a dwelling or accessory structure may not exceed the height of the peak of the roof.
- E. Solar panels attached to the roof of a commercial building may not exceed eight (8) feet above the principal building and must meet height requirements of the zone in which it is located.

- F. Wind energy conversion sources (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply provided the height of the unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five (25) percent of the roof area of the structure on which the unit is placed. The additional height extension shall be so positioned that the height of the unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line.

300.8 Decks: Decks can be located in the front, side, or rear yard and may not be placed in the setbacks in the zone in which they are located.

300.9 Swimming Pools:

- A. Location and setbacks - All swimming, bathing, or other private pools as defined in the Ordinance of Definitions shall be located to the rear of the dwelling and shall observe the side and rear yard setbacks for the appropriate zone.
- B. All swimming, bathing, or other private pools, as defined in the Ordinance of Definitions with a minimum height of four (4) feet from the circumference base to the water's edge, are required to have access by a removable ladder or lockable gate to access the ladder. Pools less than four (4) feet from the circumference base to the water's edge but with a water depth of twenty-four (24) inches or greater must be surrounded by a minimum four (4) foot high fence.
- C. Fencing/Gate Requirements - Every swimming, bathing, or other private pool shall be surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension.
- D. A dwelling or accessory building may be used as part of a swimming, bathing, or other private pool enclosure. All gates or doors opening through such an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and the door of any dwelling which forms a part of the enclosure must be equipped with a door alarm.
- E. All swimming, bathing, or other private pools shall comply with the current International Swimming Pool and Spa Code regulations.

300.10 Utility Sheds, Gazebos, and Pergolas: A utility shed, gazebo, or pergola may be erected per the following provisions:

- A. A utility shed, gazebo, or pergola shall be erected in the rear yard only.

- B. A utility shed, gazebo, or pergola shall be erected not less than four (4) feet from any rear or side property line.
- C. A utility shed, gazebo, or pergola shall not have a ground floor area exceeding one hundred forty-four (144) square feet nor a height in excess of ten (10) feet from floor to peak.
- D. Only one (1) utility shed, one (1) gazebo, and one (1) pergola is permitted per lot within four (4) feet of the property line. Additional utility sheds, gazebos, or pergolas shall be regulated as accessory structures.
- E. Utility sheds, gazebos, and pergolas are not permitted in easements.

300.11 Temporary Uses: The following uses of land are permitted in each zoning district (unless restricted in a particular zoning district) subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

- A. Christmas Tree Sales will be allowed only in the Shopping/Commercial and Corridor Business zones for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of this zone provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets. An area devoted to Christmas tree sales must be cleared of all debris and all excess trees by the end of the calendar year.
- B. Contractor's office and equipment storage, when used as an accessory to a construction project, must be removed within two (2) weeks of the issuance of the occupancy permit.
- C. Temporary offices will be allowed in the Shopping/Commercial and Corridor Business zones after a Land Development Plan has been approved. The Land Development Plan must show the locations of the proposed temporary facility.
- D. Sales Office/Model Home: When incidental to a new housing development, it will not be used for occupancy purposes. The maximum number of on-site employees permitted is two (2), with a time limit of two (2) years plus a one (1) year extension. Sales of housing are limited to the development in which it is located.
- E. Commercial outdoor seasonal sale of farm produce and/or seafood is only permitted for three (3) consecutive months per year and only in the Shopping/Commercial and Corridor Business zones.
- F. Temporary Storage of Retail Goods: Drop boxes, storage containers, and portable storage units may be utilized for seasonal storage of retail goods only. A ninety

(90) day temporary use permit shall be required. All temporary storage permits shall expire at the end of the calendar year. Only one permit shall be issued in any calendar year.

- G. Temporary Dumpsters may be kept on a residential property for a period not to exceed thirty (30) days.
- H. A retail business may display merchandise that is for sale within the building in the area immediately adjacent to the building subject to the following conditions:
 - 1. May be displayed outside of enclosed buildings for not more than two (2) consecutive weeks in any three (3) month period.
 - 2. No portion of the display shall be on a publicly owned property unless the applicant has obtained prior approval for such use from the Township.
 - 3. No required off-street parking space or loading area will be utilized for such displays.
- I. Roadside stands: Seasonal sales of agricultural products in all zones are permitted by right as an accessory use, subject to the following requirements:
 - 1. The total display area shall not exceed one hundred (100) square feet.
 - 2. Roadside stands must be located at least ten (10) feet from the right-of-way line.
 - 3. Sign regulations should be in compliance with the Sign Ordinance.
 - 4. No more than one (1) roadside stand per property shall be permitted for longer than ninety (90) days per year.
- J. Temporary structures related to temporary uses may not be erected any longer than the permitted temporary use.

300.12 Hot Tubs and Spas

Hot tubs and spas must be located in the rear yard area only and may not be placed within the setback for that zone.

300.13 Drive-Through Facility

- A. The drive through lane or canopy shall only be located in side or rear yard areas.
- B. No drive-through lane shall be situated less than ten (10) feet from any side or rear lot line or located within twenty (20) feet of the street right of way.

- C. No canopy shall be located within any required building setback area; all signage except clearance or directional signs are prohibited on canopies.
- D. Drive-through facility stacking lanes shall be separated from the parking lots interior driveways by the use of curbs and or planting islands.

300.14 Outdoor Seating Area

- A. Outdoor seating areas along access drives and parking areas shall be separated by a three (3) feet high fence or wall.
- B. Outdoor seating areas located along sidewalks shall allow a minimum five (5) feet pedestrian travel path.
- C. Outdoor seating areas shall be adjacent to the principle building and shall be covered under parking regulations for Eating Establishments.

Section 301 OUTDOOR SIGNS

All outdoor signs are governed by the Penn Township Sign Ordinance

Section 302 UNENCLOSED STORAGE

- 302.1 Recreational Vehicles, Trailers, and Boats:** In the residential zones, recreational vehicles, trailers, and boats shall not be stored for a period over three (3) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot. Recreational vehicles, trailers, and boats may be stored in the side or rear yard so long as any part of the unit that is touching the ground is placed on a 2' x 2' concrete paver or similar product.
- 302.2 Outdoor Stockpiling:** In all zones, no outdoor stockpiling of any material is permitted in the front yard. Materials may be stored in the side or the rear yard for a period not to exceed thirty (30) days.
- 302.3 Junk:** The accumulation of junk out-of-doors is prohibited in all zoning districts except as provided in this Ordinance or as allowed in any other Township Ordinance in the rear area only and for a period not to exceed ten (10) days.
- 302.4 Garbage and/or Refuse:** Outdoor storage of weekly accumulation of garbage and/or refuse in a suitable container is allowed in the side or rear yard area only.

Section 303 OFF-STREET PARKING

303.1 Off-Street Parking: In all districts, off-street parking spaces shall be provided as set forth in the following schedule whenever any building is erected or enlarged. Such spaces shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are necessary. Where Dual use occurs, each use will be calculated separately.

For any uses not specifically listed in this section, the applicant shall submit a plan to include the rationale justifying the number of parking, loading, and unloading spaces for the proposed use. The plan should cite information on parking demands, hours of operation, pedestrian access, off-site parking combinations, and other variables which would influence the number of parking spaces provided on-site. The Planning Commission shall review and approve the number of parking, loading, and unloading spaces prior to land development plan approval, zoning permit approval, or building permit approval, whichever is first required.

Type of Use	Minimum Off-Street Parking Requirements
Adult Day Services Centers	1 per 10 adults and 1 per employee on largest shift
Adult Oriented Business	1 per 200 square feet of GFA
Age Restricted Communities (ARC)	2 per dwelling unit
Animal Hospital	1 per each exam room and 1 for each employee on largest shift 1 per Veterinarian
Assisted Living/Personal Care/Skilled Nursing/Senior Congregate Living Facility	1 per 2 beds, 1 per employee/volunteer on largest shift
Automobile and Light Truck Lease/Rental	1 per 2500 square feet of office and indoor/outdoor display area
Automobile and Light Truck Repair Garage or Body Shop	5 Per bay and 1 per employee
Automobile/Light Truck Sales Lot	1 per 10 vehicles displayed
Bed and Breakfast	1 per guest room, 2 per permanent residents
Beverage Production, Large Brewery	1 per employee on largest shift
Beverage Production, Micro-Brewery	1 per employee on largest shift
Boarding House	1 per resident
Building Material / Heavy Storage Yard	1 per employee, 1 per 200 square feet of showroom
Business Services Establishment	1 per 300 square feet GFA
Campgrounds	1 per site
Cemetery	1 per employee
Child Care Center	1 per 10 children and 1 per employee on largest shift
Child Care Home Facility	2 per dwelling and 1 per employee
Child Care Home Group	1 per 10 children and 1 per employee on largest shift
Club, Clubhouse, or Lodge	1 per every 3 seats in assembly area
Commercial Recreation or Entertainment Facility	1 per 100 square feet of GFA
Concrete/Asphalt Mixing Plant	1 per employee on largest shift 1 per delivery truck

Contractor or Farm Equipment, Sales and Service	1 per employee and 1 per 5 pieces of equipment
Convenience Store	1 per 200 square feet of GFA
Drive-In Establishment	1 per employee on largest shift and 1 per 20 square feet of floor space
Dwelling, Multi-Family	3 per dwelling
Dwelling, Single-Family Attached	3 per dwelling
Dwelling, Single-Family Detached	2 per dwelling
Dwelling, Single-Family Semi-Detached	2 per dwelling
Dwelling, Two Family Detached (Duplex)	2 per dwelling
Eating Establishment	1 per 2 seats
Elderly Cottage Housing Opportunity (ECHO)	1 per dwelling
Financial Institutions	1 per 300 square feet of GFA
Fuel Stations	1 per 2 pumps, 1 per employee
Fuel Stations, Wholesale	1 per employee
Funeral Home or Mortuary	1 per 100 square feet of GFA
Golf Course	1 per employee, 4 per hole, as required per accessory use. 1 per 4 driving range lanes.
Group Home for Persons with Disabilities	1 per 4 beds, 1 per employee and volunteer(s) on largest shift
Halfway House	1 per 2 residents, 1 per employee on shift
Hospital	1 per bed, 1 per each employee on largest shift, 3 per professionals seeing outpatients.
Hotel, Motel, or Inn (including those with dining and conference facilities)	1 per guest quarters, 1 per employee on shift, plus 65% of the calculated spaces required for any spaces that serve as an accessory to the principal use
Junkyard	1 per employee
Kennel	1 per 5 boarding spaces, 1 per employee
Landfill	1 per employee
Landscaping Operation, Non-Retail	1 per 350 square feet of outdoor and indoor display area, combined
Lounge, Tobacco/Vaping	1 per 80 square feet GFA
Manufacturing	1 per employee on largest shift
Medical and Dental Clinics and Laboratories	3 per each professional who typically sees patients, 1 per employee who does not see patients
Medical Marijuana Dispensary	1 per 175 square feet of GFA
Medical Marijuana Grower/Processor	1 per employee on maximum shift
Mini-Storage Warehouse	1 per 10 storage units
Mining, Open Pit	1 per employee
Mixed Use (Residential/Commercial)	Per use, 2 per dwelling, per commercial use
Mobile Home Park	2 per dwelling units, 1 per 2 trailer spaces
Nightclub or Tavern	1 per 100 square feet of GFA, 1 per employee
Personal Services Establishment	1 per 300 square feet of GFA
Pet Grooming	3 per each practitioner
Place of Worship	1 per 2 seats
Power Generation Facility	1 per employee on largest shift
Private Recreational Facility	1 per 100 square feet of GFA
Professional Office	1 per 175 square feet of GFA

Public Park/Recreational Facility/Grounds	1 per 10,000 square feet of use area
Public Utility Building and Structures	1 per employee
Recycling Center	1 per employee
Research, Testing, or Experimental Laboratory	1 per employee
Retail Establishment	1 per 200 square feet of GFA
Riding Academy and/or Boarding Stable	1 per 3 stalls
Sawmills	1 per employee
School, Commercial	1 per student 1 per instructor
Shooting Range/Indoor	1 per shooting stall, 1 per employee
Shooting Range/Outdoor	1 per shooting stall, 1 per employee
Shopping Center, Mall, or Plaza	1 per 200 square feet of GFA
Short-term Rental	1 per bedroom
Solid Waste Processing Facility	1 per employee
Taxidermy	2 per employee
Theater	1 per 2 seats
Truck or Motor Freight Terminal	1 per truck, 1 per 1 employee
Vehicle Washing Facility	2 per bay
Warehouse or Distribution Center	1 per employee on largest shift
Wholesale Establishment	1 per employee on largest shift
Wireless Communication Facility	2 spaces per facility

303.2 Development and Maintenance of Parking lots: Whenever off-street parking is required, the parking area, turning aisle, and parking space shall be designed, constructed, and maintained in accordance with the following minimum standards:

- A. All parking areas shall be marked for ease of movement and efficient use of space.
- B. All parking spaces shall have access from an aisle in the parking area. Under no circumstances shall direct access to the parking area be allowed from a public street or private road.
- C. Parking areas shall be a minimum of ten (10) feet from the right-of-way of public or private streets and a side or rear property line.
- D. The parking area shall be constructed of a stabilized base and shall be paved with concrete or compacted/rolled asphalt paving material, concrete pavers, or similar material. Special consideration should be given to utilizing the parking area as a component of the storm water management facilities.
- E. Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'); however, lots of eight (8) or more spaces may designate several compact spaces (8' x 16'), up to a maximum of 20% of the total number of required spaces.
- F. All parking areas shall have access from a limited and defined driveway curb in accordance with the following standards:

1. One-way traffic: twelve (12) foot minimum, fifteen (15) foot maximum.
 2. Two-way traffic: twenty (20) foot minimum, thirty-five (35) foot maximum.
 3. Or as PennDOT may specify for any given proposal.
- G. All parking areas shall include a minimum buffer of ten (10) feet consisting of evergreen vegetation between the parking area and property line. Where parking areas of five (5) or more spaces are adjacent to residential development, a solid screen of evergreen vegetation shall be provided to a minimum height of four (4) feet.
- H. In all cases where curbs or sidewalks exist on the properties adjacent to a proposed parking area, the curb and sidewalk shall be extended along the street frontage of the parking area.
- I. Parking areas shall be illuminated to protect public safety; in all cases, such illumination shall be designed to prevent glare or excessive brightness which may become a nuisance for adjacent residential development. A lighting plan must be submitted along with any other permit application.
- J. In accordance with Variance procedures, the Zoning Hearing Board may require fewer total spaces under the following conditions:
1. The peak usage hours of the different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use.
 2. When the given use could be reasonably expected to be pedestrian or utilize shared-rides or public transit.
 3. Should the Zoning Hearing Board and developer agree to reduced parking requirements, the Zoning Hearing Board may require a written agreement that reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or any miscalculation.
 4. Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary for the excess of the guidelines in the schedule of required spaces.
 5. Vehicle charging stations and curb side pickup spaces are not included in parking space requirements.

Section 304 LOADING SPACE

- 304.1** The loading space must be not less than twelve (12) feet wide and fifty (50) feet long. It must be paved with concrete or compacted/rolled asphalt paving material.
- 304.2** Commercial establishments will have a minimum of one (1) loading space for each 10,000 square feet of gross floor area.
- 304.3** The loading area must be arranged so it does not cross in the public right-of-way.

Type of Use	Gross Floor Area (sq. ft.)	Number of Spaces	
Industrial, Manufacturing, or Processing	Up to 4,999	0	
	5,000 – 25,000	1	
	Each additional 50,000 or portion thereof	1	
New vehicle sales	Any	1	
Retail uses	Up to 2,499	0	
	2,500 – 100,000	1	
	Each additional 50,000 or portion thereof	1	
Convenience store	Any	1	
Shopping Centers/Shopping Mall	Up to 100,000	1	
	Each additional 50,000 or portion thereof	1	
Restaurants	Any	1	
Warehouse	Up to 25,000	1	
	Each additional 50,000 or portion thereof	1	
All other non-residential uses	Greater than 10,000	1	
Facility	Length	Width	Height (If Covered or Obstructed)
Industrial, Manufacturing, or Processing, Warehouse, New vehicle sales, Shopping Center/Shopping Mall and Retail (over 50,000 sq. ft.)	63 feet	12 feet	15 feet
All other non-residential uses	33 feet	12 feet	15 feet

Section 305 DRIVEWAYS

305.1 All Single-Family Detached, Semi-Detached, Single Family Attached, and Two-Family dwelling driveways shall conform to the following:

- A. One driveway per dwelling on a street frontage. Shared driveways are prohibited.
- B. Driveways may not exceed a width of twenty-four (24) feet between the street line and the right-of-way line and shall have a minimum width of ten (10) feet.
- C. Driveways may not exceed a slope of eight (8) percent within thirty (30) feet of the street right-of-way line. Where a driveway enters a bank, the grade on either side of the driveway shall not exceed ten (10) percent one (1) foot in ten (10) feet of slope where the driveway intersects the right-of-way for the width of the right-of-way.
- D. Driveways should follow PennDOT driveway sight distance measurements for local roads per Publication 70 for speed and sight distance.
- E. Driveways may be utilized as part of required parking.
- F. Any driveway directly accessing an arterial or collector street shall provide an area to be utilized as a turnaround area to the side of the main driveway for safe entrance to the road. The minimum size of the turnaround area shall be fifteen (15) feet by ten (10) feet. Turnarounds may not be placed in the street right-of-way.
- G. Driveways may not be within five (5) feet of a fire hydrant.
- H. Driveways may not be within three (3) feet of a side and/or rear property line.
- I. PennDOT Permit: Any driveway intersecting with a State-owned Road shall obtain a PennDOT driveway permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441.
- J. Driveways shall be set back fifty (50) feet from any other street right-of-way.

Section 306 ACCESS DRIVE

306.1 Multi-Family Dwellings:

- A. The number of access drives may not exceed two (2) per lot on a street frontage.
- B. Access drives may not exceed a width of twenty-four (24) feet between the street lines at the right-of-way line.

- C. Access drives may not exceed a slope of eight (8) percent within thirty (30) feet of the street right-of-way line. Where a driveway enters a bank, the grade on either side of the driveway shall not exceed ten (10) percent one (1) foot in ten (10) feet in slope where the driveway intersects the right-of-way for the width of the right-of-way.
- D. Access drives shall follow PennDOT access drive sight distance measurements for local roads per Publication 70 for speed and sight distance.
- E. Access drives may not be within five (5) feet of a fire hydrant.
- F. Access drives may not be within three (3) feet of a side and/or rear property line.
- G. Access drives shall not be within fifty (50) feet of another access drive or right-of-way on the same property.
- H. PennDOT Permit: Any access drive intersecting with a State-owned Road shall obtain a PennDOT driveway permit as set forth in the Pennsylvania Code.

306.2 Non-Residential Access Drive:

- A. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
- B. Setbacks: All-access drives shall be located at least:
 - 1. Fifty (50) feet from any other access drive located upon the same lot (measured from cartway edges); and
 - 2. Ten (10) feet from any side and/or rear property lines; however, this setback may be waived along one property line when a joint parking lot is shared by adjoining uses.
- C. Access drives may not exceed a slope of eight (8) percent within thirty (30) feet of the street right-of-way line. Where a driveway enters a bank, the grade on either side of the driveway shall not exceed ten (10) percent one (1) foot in ten (10) feet in slope where the driveway intersects the right-of-way for the width of the right-of-way.
- D. Clear Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle of a minimum of one hundred (100) feet as measured along the street centerline and the access drive centerline is maintained; no permanent obstructions and/or plant materials over thirty-six (36) inches high shall be placed

within this area. Additionally, all proposed access drives must have a minimum adequate safe stopping sight distance based upon current PennDOT standards.

- E. Access Drive Width: In no case shall any access drive be less than eighteen (18) feet wide. See the table below for further explanation:

Number of Lanes	1	2	3 or more
Direction of Travel	One way	One or two way	One or two way
Required Drive Width	18 feet	24 feet	12 feet per lane

- F. PennDOT Permit: Any access drive intersecting with a State-owned Road shall obtain a PennDOT driveway permit as set forth in the Pennsylvania Code.

Section 307 NUMBER OF PRINCIPAL USES ON A LOT

In all residential zones, no more than one principal use shall be permitted upon a lot except by Special Exception.

Section 308 STREET ACCESS

A lot of any dwelling hereafter erected shall abut a public street unless otherwise authorized by Special Exception. The street shall have a minimum right-of-way of fifty (50) feet.

Section 309 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area following:

- A. Single-Family Dwelling: eight hundred (800) square feet.
- B. Multi-Family Dwellings: six hundred (600) square feet.

Section 310 OTHER IMPROVEMENTS

- 310.1 Water Supply:** Unless a safe water supply is provided, a use certificate shall not be issued for any principal building involving human use or occupancy. For any private water supply for a principal building involving human use and occupancy, satisfactory evidence to this effect must be submitted to the Township. The water supply must meet or exceed the Pennsylvania Department of Environmental Protection standards.

Section 311 INTERIOR YARDS

Open space between Multi-Family buildings shall be provided as follows:

- A. Parallel buildings shall have fifty (50) feet between their faces for one story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by a similar or greater distance at the opposite end. Where service drives, bank-grade changes, or collector walks are introduced in this space, the yard distance shall be at least twenty-five (25) feet.
- B. A yard space of twenty-five (25) feet for each one-story building, plus five (5) feet for each additional story, shall be required between end walls of buildings. A yard space of thirty (30) feet for one story, plus five (5) feet for each additional story, shall be required between end walls and front or rear faces of buildings where buildings are not parallel.
- C. When two adjacent buildings differ in the number of stories, the spacing shall be not less than the required distance between two (2) buildings having the same height as the higher building.
- D. Outer and inner courts shall be permitted when such courts are not less than fifty (50) feet or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

Section 312 DEMOLITION

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion includes tearing the structure down to grade, filling any resulting cavity to grade, and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidence of the structure that was demolished must be removed from the exterior surfaces of the remaining building.

Section 313 PERFORMANCE STANDARDS

No land or building in any district in the Township shall be used or occupied in such a manner as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by federal and state agencies. Where the provisions of this section impose greater restrictions than those of federal or state agencies, the provisions of this section shall prevail.

313.1 Noise:

- A. The sound level of any operation or activity shall not exceed the decibel levels of the preferred frequencies cited below, or as modified or exempted by the American Standard Association (ASA). The sound-pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the ASA.
- B. At no point on the property line of the owner of any operation or activity shall the sound-pressure level resulting from any operation or activity exceed the maximum permitted sound levels set forth or expressly waived below.

Measurement taken at an adjoining property line (or its vertical extension) within/along the following districts	Time Period	Maximum Permitted Noise Level (dBA)
R-10, R-15, R-22, R-40	7:00 A.M. to 10:00 P.M.	55
R-10, R-15, R-22, R-40	10:00 P.M. to 7:00 A.M.	50
MU, CB, S/C	7:00 A.M. to 10:00 P.M.	65
MU, CB, S/C	10:00 P.M. to 7:00 A.M.	60
I	Anytime	70

- C. The following sources of noise are exempt:
 - 1. Vehicles not under the control of on-site use.
 - 2. Occasionally used safety signals, warning devices, and emergency vehicles.
 - 3. Temporary construction activity between 6:00 a.m. and 7:00 p.m.

313.2 Offensive Area: All areas for parking, recreation, service, utility equipment, waste receptacles, and/or other elements which, because of their appearance, odor, or noise, would be offensive to those occupying the lot or adjoining lots or those on the street, shall be screened, landscaped or otherwise treated to eliminate the offensive condition.

313.3 Landscaping: Natural landscaping elements, including trees, shrubs, rocks, streams, and contours, are a valuable asset in the environment. All site developments shall retain as much of the natural landscaping to a quality comparable to that of the surrounding properties as possible.

313.4 Fire: All site layouts and structures shall comply with the International Fire Code. No structure or activity within a site or structure shall pose a hazard of fire for adjacent lots and/or structures. Access for firefighters and equipment shall be provided for every structure on all sites.

313.5 Toxic and Noxious Matter: No emission that would be demonstrably injurious to human health, animals, or plant life on any lot will be permitted. Where such an

emission could result from an accident or equipment malfunction, adequate safeguards considered standard for utilization of the toxic and noxious matters involved shall be taken.

- 313.6 Radiation Hazards:** The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the applicable regulations of the Atomic Energy Commission.
- 313.7 Fire and Explosive Hazards:** The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within a completely enclosed building having an incombustible exterior and being protected throughout by an automatic fire extinguishing system.
- 313.8 Safety Devices:** All activities involving the use, storage, or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.
- 313.9 Water:** No emission of pollutants (as defined by the Pennsylvania Department of Environmental Protection) into a waterway or sewage system extending beyond the property line shall be permitted.
- 313.10 Outdoor Lighting:** Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply. These standards will only apply to non-residential users abutting residential users. See also the Penn Township Residential Street Lighting Ordinance, as amended.
- A. All outdoor lighting, whether or not required by this ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
 - B. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Board of Commissioners.
 - C. Parking and site lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.
 - D. The lighting from any luminaire shall be shaded, shielded, or directed to prevent direct light from being distributed beyond an angle of thirty-five (35) degrees from a vertical plane onto adjacent properties or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.

- E. Lighting shall be designed so that the illumination does not exceed one half (0.5) foot-candles beyond the property line on which the lighting originates.
- F. Externally illuminated signs shall be lighted by fixtures mounted on top of the sign and aligned downwards, rather than by fixtures mounted at the bottom of the sign and aimed up. Sign lighting shall be equipped with timers and extinguished between the hours of 11:00 P.M. and dawn.
- G. Such lighting on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- H. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
- I. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
- J. The installation of any lighting which may be confused with warning signals, emergency signals, or traffic signals shall not be permitted.
- K. Except for all night safety or security lighting uses, all area lighting shall be controlled by automatic switching devices such as timers or motion detectors to extinguish offending sources between 11:00 P.M. and dawn to mitigate glare and sky lighting consequences.
- L. Fixtures used for architectural lighting, including facade, feature, and landscape lighting, shall be aimed to not project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11:00 P.M. and dawn.
- M. Maintenance: Lighting fixtures shall be maintained to always meet the requirements of this Ordinance.
- N. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture, subject to the following:

1. All nonconforming lighting fixtures shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated, or repaired.
 2. All nonconforming lighting fixtures within the Township shall be made to conform to all pertinent regulations or be removed upon notification by the Zoning Officer after the effective date of this Ordinance.
- O. When a property owner is notified by the Zoning Officer that a violation of these provisions exists, the glare or illumination problem shall be abated within ten (10) days of receipt of the violation notice.

Section 314 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS AND UNREGISTERED VEHICLES.

- A. Intent: To prevent residential areas from being harmed by nuisance smells and noises generated by noxious commercial vehicles and to maintain a residential character in residential districts.
- B. Definitions:
1. Commercial Vehicle: A motor vehicle with a gross vehicle weight (GVW) exceeding eight-thousand-five-hundred (8,500) pounds and licensed by the state of Pennsylvania as a commercial vehicle, that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business, or in accomplishing physical work as part of a business (such as hauling material).
 2. Tractor: A truck with more than two (2) axles that is primarily intended to be used to pull a trailer, as defined below.
 3. Trailer: A commercial vehicle with a length of ten (10) feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases, or liquids, and that is intended to be pulled by a tractor, as defined above.
- C. Exceptions: No part of this section shall apply to the following:
1. Township-owned vehicles
 2. Ambulance, fire, and rescue vehicles
 3. Buses used primarily for public transportation
 4. Recreational vehicles, as defined in the Ordinance of Definitions

5. Vehicles operated by the United States Postal Service
 6. Vehicles engaged in the construction or repair of streets, curbs, sidewalks, or utilities
 7. Vehicles engaged in making routine household deliveries or rendering routine household services
- D. Storage of Commercial Vehicles in Residential District: No commercial vehicle with a gross vehicle weight exceeding eight-thousand-five-hundred (8,500) pounds or with greater than two (2) axles or any tractor or any trailer (as defined by this Section) shall be maintained (except for emergency repairs), parked, stored, or otherwise kept within a lot that is within a residential district between the hours of 6:30 P.M. and 9:00 A.M. any day of the week.
 - E. Refuse Hauling Vehicle: In addition to the requirements of this Section, no vehicle that has been used for the bulk hauling of refuse shall be parked for more than fifteen (15) minutes in any twenty-four (24) hour period on a lot.
 - F. Nonconformities: The provisions of this Ordinance that allow nonconforming uses to continue and expand do not apply to conditions under this Section. Any nonconforming condition or use that exists under this Section shall be made conforming within ninety (90) days of the adoption of this Ordinance.
 - G. Moving of Pre-existing Nonconforming Vehicles: If a vehicle that is parked in a nonconforming fashion under this Section is moved from the subject property or street for more than 12 consecutive hours, the nonconformity shall be considered to have been abandoned, and the lot shall then only be used in a manner that conforms to this Ordinance in that respect.
 - H. Storage of Unregistered Vehicles: Except as specifically permitted by this Ordinance, no motor vehicle(s) that do not display both current State registration and safety inspection stickers shall be parked or stored in any way on any lot.

Section 315 TIMBER HARVESTING

- A. Timber harvesting shall not apply to the harvesting of wood for personal use by the property owner and his or her family.
- B. A person who intends to undertake timber harvesting activities on land located within the Township shall provide the Township with written notice at least seven (7) days prior to the date that such activities are to commence. Such notice must be sent to the Zoning Officer and shall include the following components:

1. A copy of the Erosion and Sedimentation Control Plan (as required by Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law); and
 2. The following information shall also be submitted to the extent that such information is not clearly indicated within the submitted copy of the Erosion and Sedimentation Control Plan.
 - a. Location of the land
 - b. Owner of the land
 - c. Person timbering
 - d. Timbering schedule
 - e. Number of acres to be timbered
 - f. Estimated number of board feet to be timbered
 - g. Type of timbering: selective, cutting, or clear cut
 - h. Method of transport
 - i. Identification of transport route through the Township
- C. A person who fails to give notice or fails to provide all of the information required above may not commence timber harvesting activities. The Board of Commissioners may take the course(s) of action it deems to be necessary (including injunctive relief) to prevent timbering of land within the Township without notice. Any expenses incurred by the Township to enforce these provisions (including reasonable attorney fees) shall be charged to and fully payable by the owner of the land being timbered and/or the person timbering the land and such costs and expenses shall constitute a lien upon the land until paid in full.

Section 316 CORNER LOTS

A front yard, as provided for in the area and bulk regulations for the various zones, shall be required along each street on which a corner lot abuts. On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other plant material shall be planted or maintained higher than thirty-six (36) inches within the clear sight triangle.

Section 317 USES NOT PROVIDED FOR

Whenever under this Ordinance a use is neither specifically permitted nor denied and an applicant makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a Special Exception. The Zoning Hearing Board shall have the authority to permit or deny the use in accordance with the standards governing Special Exception applications.

The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

ARTICLE IV

MODIFICATIONS AND NON-CONFORMITIES

Section 400 SETBACK MODIFICATIONS

- 400.1 Front Setbacks from Major or Minor Arterials:** To protect residential use from adverse traffic influences and to protect traffic functions of major or minor arterials, all buildings along these roadways shall be located at least fifty (50) feet from the right-of-way line of the roadways. Major or minor arterials are or will be any street or road so designated by the York County Functional Class Map.
- 400.2 Front, Side, and Rear Setbacks of Buildings on Built-up Streets:** Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances shall become the required minimum front setback for the property; however, in no case shall the setback line be less than twenty (20) feet from any abutting street right-of-way line.
- 400.3 Setbacks on Corner Lots:** In the case of corner lots, two (2) front yards shall be provided, the second of which will exist in place of one (1) side yard.
- 400.4 Accessory or Appurtenant Structures:** Setback regulations do not apply to:
- Bus shelters, telephone poles, cornices, eaves, chimneys, steps, handicap ramps, window awnings, or retractable or removable fabric canopies
 - Open fire escapes
 - Minor public utility structures,
 - Articles of ornamentation or decoration
 - Fences, hedges, arbors, trellis, or retaining walls (if under thirty-six (36) inches)
 - Egress window wells and doors
 - HVAC equipment
 - Emergency power generators
 - Clothes-line poles, lamp posts, or mailboxes

Section 401 MODIFICATION OF MAXIMUM HEIGHT RESTRICTIONS

Height regulations do not apply to the following projections, provided that the height of any such projection above its base is not greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- A. Structures such as chimneys (attached to a building), standpipes, flagpoles, television antennas (for permitted uses in non-residential zones only), or radio towers.
- B. Structures on buildings such as clock or bell towers, church steeples, cupolas, water tanks, and other mechanical appurtenances. Such structures at any level shall not cover more than twenty-five (25) percent of the roof on which they are located.
- C. Parapet walls or cornices used solely for ornamental purposes. Such structures shall not exceed five (5) feet in height above the roof line.

401.1 Flag Lots: Flag lots shall be permitted only if no other reasonable method of providing access to a lot is available.

- A. The flagpole or access strip shall be twenty-five (25) feet wide for its entire length.
- B. No structures other than small accessory structures may be placed within the flagpole. Examples include mailboxes, light posts, or house numbers.
- C. Required setbacks shall be provided in the primary portion of the lot. The front setback shall be placed along the property line or lines that are closest to the street of access. Other setbacks shall be designated in relation to the front setback.
- D. Flag lots shall not be adjacent to one another.

401.2 Solar Energy Systems: Solar energy systems shall be permitted relief from previously stated limitations to the following extent:

A. Setbacks

- 1. Architectural features needed for the operation of active or passive solar energy systems – including, but not limited to: canopies, eaves, overhangs, detached solar collectors, reflectors, piping, and movable insulation - may be permitted to extend up to ten (10) feet into required yard areas when these devices are a functional component of the space heating or domestic hot water system of the principal building lot.

2. The rear or side yard setbacks required may be reduced to zero to allow the placement of solar energy systems, provided that:
 - No portion of the structure or architectural features projects over the property lines.
 - Exposure protection between structures is provided according to the specifications of all applicable fire and safety regulations guaranteeing emergency access, light, and ventilation.
 - The placement of all structures, building materials, and finished wall construction along the lot lines does not interfere with traffic along adjacent or intersecting rights-of-way or with the sight distance at intersections.
 - No other design can be shown to meet the requirements of the Zoning Ordinance and provide the same solar energy utilization.
 - Existing solar energy systems will not be substantially impaired by shadowing more than ten (10) percent of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21st) day.

B. Lot Coverage: Solar collectors and/or solar energy systems shall not be included in the lot coverage calculations provided that their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.

401.3 Wind Energy Systems: Wind energy systems shall be permitted relief from previously stated limitations to the following extent:

- A. Setbacks: The setbacks from any lot line must be equal to the height of the tower plus the length of the longest extension of the rotor, plus ten (10) feet.
- B. Access: Climbing access to the tower is secured from use by unauthorized persons.

Section 402 BUILDINGS UNDER CONSTRUCTION

If construction is completed within one (1) year after the effective date of this Ordinance, a building - the foundation of which was completed before the effective date - may be constructed without being bound by the requirements of this Ordinance. In like manner, a building - the foundation of which was completed before an amendment - may be constructed if the construction is completed within one (1) year following the amendment.

Section 403 DIVISION OF BUILT-ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this Ordinance, except where a new lot is formed from a lot with an existing approved nonconformity and no new nonconformity is created in any lot by the formation of the new lot.

Section 404 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision by the provision of the Zoning Ordinance as it stood at the time the application was duly filed. Additionally, when a preliminary application has been duly approved, the applicant shall be entitled to final approval per the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening changes in the Zoning Ordinance.

When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development following the terms of such approval within five (5) years from such approval. The five (5) years shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition that was imposed after the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five (5) years shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired, provided that no extension shall be based upon any water or sewer moratorium that was in effect as of the date of the filing of a preliminary application.

Where final approval is preceded by preliminary approval, the five (5) years shall be counted from the date of the preliminary approval.

Section 405 LOT OF RECORD

Where there is a request for the erection of a dwelling and/or accessory uses on a vacant lot that does not meet the regulations for the minimum lot area and/or lot width or depth for the zone in which it is located, the setback requirements shall conform to the average established by existing uses in the neighborhood, except those lots covered under Section 404.

Section 406 NONCONFORMING USES, STRUCTURES, AND DIMENSIONAL NONCONFORMITIES

406.1 Continuance:

- A. Except as otherwise provided in this Section, the lawful use of land or building existing at the date of the adoption of this Ordinance or amendment thereto may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance or amendment thereto for the zone in which such land or building is located.
- B. Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Ordinance or amendment thereto may be continued.

406.2 Expansion and Alteration:

- A. Upon application for a Special Exception and per the provisions of Section 639, the Zoning Hearing Board may approve the expansion or alteration of a use of land or building that is not in conformance with the provisions of this Ordinance.
- B. A nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance. The Zoning Hearing Board may authorize additions or improvements to dimensional nonconformities by Special Exception, provided that such additions or improvements meet the requirements of Section 639.

406.3 Replacement:

- A. Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one (1) nonconforming use by another nonconforming use provided that the proposed nonconforming use will have no more adverse effect upon adjacent property than the existing nonconforming use as provided in Section 678.
- B. Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one dimensional nonconformity by another dimensional nonconformity provided that such replacement does not create new dimensional nonconformities or further increase existing dimensional nonconformities, as provided in Section 678.

406.4 Restoration:

- A. If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or public enemy to an extent of more than seventy-five (75)

percent of the market value as appraised for the tax assessment purposes than such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except in conformance with this Ordinance.

- B. If the structure is damaged less than seventy-five (75) percent of the appraised value, such structure must be repaired or replaced within one (1) year of destruction date.
- C. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

406.5 Abandonment:

- A. A nonconforming use shall be declared as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date of cessation or discontinuance.
- B. In the event that a nonconforming use has been discontinued for a period exceeding one (1) year and has not been removed from the property or otherwise altered, the owner may seek a Special Exception to continue the nonconforming use.

406.6 Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity. This section shall not preclude a property owner from applying for or securing a Variance or Special Exception according to the requirements of this Ordinance.

406.7 Identification and Registration:

- A. The owner of the premises occupied by a lawful nonconforming use existing on the effective date of this Ordinance shall secure a certificate of nonconformance which shall be to ensure to this owner the right to continue the nonconforming use.
- B. An application for a certificate of nonconformance shall be made to the Zoning Officer by the owner of any property that, at the time of the effective date of this Ordinance, does not conform to the provisions of this Ordinance. Such application shall be made within ninety (90) days after the effective date of this Ordinance, and the certificate of nonconformance shall outline in detail all of the nonconforming conditions of said property and shall include a sketch of the land and improvements that will be covered by the certificate of nonconformance. This sketch may be on the back of the certificate of nonconformance or may be a map or sketch attached to the certificate of nonconformance. If desired or required, photographs may also be made a part of the record.

- C. All forms for applications and certificates on nonconformance shall be supplied by the Zoning Officer on request. Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer.
- D. Failure of an owner to secure a certificate of nonconformance by a timely application shall create a presumption that the nonconforming use of the owner's building did not exist on the effective date of this Ordinance.

ARTICLE V

ZONING HEARING BOARD

Section 500 POWERS AND DUTIES – GENERAL

500.1 Membership of Board: The membership of the Board shall consist of five (5) residents of the Municipality appointed by the resolution of the governing body. The terms of office of a five (5) member Board shall be five (5) years and shall be so fixed that the term of office of one member of a five-member Board shall expire each year. The Board shall promptly notify the governing body of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Municipality.

The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. An alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member pursuant to Section 500.2.

500.2 Organization of Board: The Board shall elect from its membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but where three (3) or four (4) members are disqualified to act in a particular matter, the remaining member(s) may act for the Board. The Board may appoint a hearing officer from its membership to conduct any hearing on its behalf and the parties may waive further action by the Board. If by reason of absence or disqualification of a member a quorum is not reached, the Chairman of the Board shall designate an alternate member to sit on the Board. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

500.3 Powers: The Zoning Hearing Board has the following powers:

- A. Interpretation: To interpret any provision of this Ordinance, including zone boundaries.

- B. Special Exceptions: To hear and decide Special Exceptions in accordance with the provisions established in this ordinance and by the Pennsylvania Municipalities Planning Code. In granting any Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, as amended.

- C. Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance.
- D. Variances: To authorize or grant a particular modification to a regulation or provision of this Ordinance and may attach such reasonable conditions and safeguards to an approval as allowed by the Pennsylvania Municipalities Planning Code.
- E. Rehearing: To grant the rehearing of a case if it appears there has been a substantial change in the facts as evidence of the case as presented at the initial hearing.
- F. Challenge to the Validity of the Ordinance or Map: The Board shall hear challenges to the validity of the Zoning Ordinance or Map. In all such challenges, the Board shall take evidence and make a record thereon. After the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact that shall become part of the record on appeal to the court.
- G. Unified Appeals: Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it concerning any Township Ordinance or requirement pertaining to the same development plan or development. In any such case the Board shall have no power to pass upon the non-zoning issues but shall take evidence and make a record thereon. After the hearing, the Board shall make findings on all relevant issues of fact that shall become part of the record on appeal to the court.

In exercising the powers above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination.

500.4 Board Calendar: Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar.

However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

Section 501 PUBLIC HEARINGS

501.1 Notice; Conduct of Meeting: Public and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Commissioners shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by the 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.

The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board by Resolution.

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

The Board shall conduct the hearings 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 or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

The Board or hearing officer shall not communicate, directly or indirectly, with any party or their representatives in connection with any issues 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 the 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 their representative unless all parties are given an opportunity to be present.

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- 501.2 Representation; Statements:** 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 have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

The parties shall have the right to be represented by counsel and shall be allowed to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- 501.3 Witnesses:** The chairman, 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 paper, including witnesses and documents requested by the parties.

- 501.4 Decision Procedure:** 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 therefor.

Conclusions based on 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 the decision or findings are final, the Board shall make its 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 a final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the receipt from the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing 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 herein provided, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection 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 personally or mailed to the applicant no later than the day following the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- 501.5 Records:** The Board or the hearing officer shall keep a stenographic record of the proceedings. The applicant and the Board shall share the appearance fee for a stenographer equally. 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 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.

Section 502 VARIANCES

502.1 Filing of Variance: An application may be made to the Zoning Hearing Board for a Variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Zoning Hearing Board and copies given to both the Zoning Officer and the Township Planning Commission.

The applicant must provide all the information requested on the form together with any other information and data that may be required to advise the Board of the Variance, whether such information is called for by the Zoning Officer or not.

Unless otherwise specified or extended by the Board a variance when authorized will remain in effect for one (1) year. If no building permit or use certificate is issued for the Variance within the one (1) year period the variance will expire.

502.2 Additional Conditions: For any use permitted by Variance, a Variance must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the variance application must include:

- A. Ground floor plans and elevations of proposed structures.
- B. Names and addresses of adjoining owners.
- C. For existing structures, a dated photograph(s) showing all sides of the structure.

502.3 Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:

- A. 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 a 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.
- B. 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 necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.

- D. 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 an adjacent property, nor be detrimental to the public welfare.
- E. 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.
- F. All the above standards must be met.

502.4 Conditions: In granting any Variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement the purposes of this Zoning Ordinance.

Section 503 SPECIAL EXCEPTIONS

Special Exceptions are deemed uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any Special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Zoning Ordinance.

All applications for a Special Exception may be referred to the Planning Commission by the Zoning Hearing Board with the direction that the Planning Commission shall make a study thereof and recommendation thereon to the Board within thirty (30) days from the date of the receipt of said application by the Planning Commission. The burden of proof for all specific criteria rests with the applicant.

503.1 Procedures: The application for the Special Exception shall first be submitted to the Zoning Officer. The Zoning Officer shall review the submittal to determine if it is generally in a form that complies with the terms of this Zoning Ordinance. If within five (5) days from the submittal date the Zoning Officer determines that the submittal is incomplete, it shall be returned to the applicant as not having been properly filed. If the submittal is found to be in accordance with this Ordinance, the Zoning Officer shall forward the same to the Zoning Hearing Board. Such submittals shall be on forms provided by the Township. Submittals shall include the appropriate fee set by resolution of the Board of Commissioners. Failure of an applicant to pay the required filing fee shall cause an application to be deemed incomplete and not being properly filed.

503.2 Plan Required:

- A. A scaled minimum (1"=50') drawing (site plan) certified by a licensed engineer, surveyor, or landscape architect, or accompanied by a sworn affidavit of the applicant that the drawing is true and correct, for the proposed development shall be submitted with the application for a permitted special exception.
- B. Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance.

503.3 General Standards for Special Exceptions:

- A. The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the proposed operations and development in connection with the use, or the modification of the terms of this Ordinance, shall have been specifically authorized as a special exception in the District within which such particular site is located. The Board shall make the following findings, in writing, when relevant in a given case, either from the evidence presented at the hearing or from a study and report prepared by the Planning Commission:
 - 1. That the location of the use, including with respect to the existing or future streets giving access to it, is in harmony with the orderly and appropriate development of the zone in which the use is to be located.
 - 2. That the nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the zone in which the use is to be located.
 - 3. That the grant of the special exception shall not materially increase traffic congestion on the roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.
 - 4. The applicant must meet all General and Specific Requirements as defined in this Article.
- B. General Criteria: Each applicant must demonstrate compliance with the following general criteria:
 - 1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety, or welfare of the neighborhood.

2. The proposed use shall not injure, detract from the use, enjoyment, or character of adjoining or nearby properties, cause land deterioration or potential decrease of the value of surrounding properties.
 3. The proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the District in which it lies.
 4. Adequate public facilities are available and exist to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, etc.).
 5. The proposed use will not impair the integrity of the Township's Comprehensive Plan.
 6. The proposed use is not incompatible with the existing traffic conditions and adjacent uses.
 7. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 8. Operations in connection with a use shall not be more objectionable to nearby properties because of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use.
- C. Specific Criteria: Each applicant must demonstrate compliance with the following specific criteria:
1. The parking, traffic, and pedestrian access shall conform to this Ordinance.
 2. Screening, landscaping, and slope of the proposed use from adjacent uses are sufficient to prevent the deleterious impact of the proposed use upon another and to comply with this Ordinance.
- D. Conditions: The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare, including conditions and safeguards which are more restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer. Failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to penalties.
- E. Site Plan Approval: Any site plan presented in support of the special exception shall become an official part of the record for the said special exception. Should a change in the site plan be required as part of the approval of the use, the

applicant shall revise the site plan before the issuance of a zoning permit. Any subsequent change to the use of the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

503.4 Additional Conditions

- A. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, considered necessary to implement the purposes of this Ordinance, including conditions that are more restrictive than those established for other uses in the same zone and may require, among others and where appropriate:
 - 1. Planting, fencing, or screening.
 - 2. Architectural or landscaping treatment.
 - 3. Hours of operation.
 - 4. Proper vehicular access and parking facilities.
 - 5. Sidewalks, storm sewer, and/or other public improvements.
 - 6. Proper restrictions as to the use of outdoor lighting, public address systems, and advertising displays.
 - 7. And such other improvements, restrictions, or conditions as the Board may deem appropriate.
- B. For any use permitted by Special Exception, a Special Exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must include:
 - 1. Ground floor plans and elevations of proposed structures.
 - 2. Names and addresses of adjoining owners.
 - 3. For existing structures, a dated photograph(s) showing all sides of the structure.
- C. Unless specifically authorized by the Township Zoning Hearing Board, the grant of a Special Exception shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one (1) year from the date of the grant of the Special Exception; however, if the grant of a Special Exception requires the processing of a subdivision or land development plan, then the grant of the special exception shall expire if a zoning permit, building permit, or

certificate of use and occupancy is not obtained within two (2) years from the date of the grant of the special exception unless the Township Zoning Hearing Board, in its decision, grants a special exception to permit a greater period of time.

- 503.5 Special Standards:** In addition to the general standards for all special exceptions, the specific standards for particular uses as listed in ARTICLE VI must be met prior to the granting of a special exception.

ARTICLE VI

SPECIFIC REGULATIONS

Section 600 SPECIFIC REGULATIONS

It is the intent of this section to provide special controls and regulations for particular uses which may be permitted by right or by Special Exception within the various zoning districts established in this Ordinance. In addition to the general standards set forth in Article III, the specific standards for particular uses allowed by Special Exceptions are set forth herein. These regulations must be met prior to the granting by the Zoning Hearing Board of a Special Exception for such uses in applicable zones.

Section 601 ADULT DAY SERVICES CENTERS

Adult Day Services Centers are permitted by Special Exception in the R-10, R-15, R-22, R-40, Mixed Use, and Rural Conservation zones and are subject to the following:

- A. The Older Adult Daily Living Center regulations, 6 Pa. Code Chapter 11 went into effect on October 12, 1993. These regulations govern the operation of older adult daily living centers, commonly known as adult day services centers, in the Commonwealth of Pennsylvania.
- B. The Licensing Inspection Guide (LIG), published by the Pennsylvania Department of Aging, will provide clearer explanations of the regulatory requirements of 6 Pa. Code Chapter 11 to help adult day services operators provide safe environments and effective services to clients through regulatory compliance and to improve consistency by licensing representatives. It provides a detailed explanation of each regulatory requirement, including expectations for compliance and guidelines for measuring compliance. The guide is a companion piece to 6 Pa. Code Chapter 11; it should be used along with the regulations, not instead of them. The explanatory material in the guide is not meant to be “new regulations” or to extend the meaning of the regulations beyond their original intent.
- C. Proof of Licensing required.

Section 602 ADULT-ORIENTED BUSINESSES

Adult oriented businesses are permitted by Special Exception in the Industrial zone and are subject to the following:

- A. Permits: No person shall operate an adult regulated facility without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other

applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will perform regular inspections.

B. Minimum Spacing and Proximity Requirements:

1. An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.
2. No adult-related facility shall be located within six hundred (600) feet of any residentially zoned land.
3. No adult-related facility shall be located within six hundred (600) feet of any parcel of land which contains one or more of the following specified land uses:
 - a. Camp (for minors' activity)
 - b. Childcare facility
 - c. Church or other similar religious facilities
 - d. Community center
 - e. Park
 - f. Playground
 - g. School
 - h. Other properties where minors congregate
4. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closest point on the property line of said land use.
5. No materials, merchandise, or film offered for sale, rent, lease, loan, or for viewing upon the premises shall be exhibited or displayed outside of a building or structure.
6. Any building or structure used and occupied as an adult-related facility shall be windowless or have an opaque covering over all of the windows or doors

of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from the outside of the building or structure.

7. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise, or film offered therein.
8. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
9. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
10. No unlawful sexual activity or conduct shall be permitted.
11. No more than one adult-related facility may be located within one building or shopping center.
12. Must meet the parking requirements set forth in Article III.

Section 603 AGE RESTRICTED COMMUNITIES (ARC)

To provide housing and related private recreation facilities for persons primarily aged fifty-five (55) and older. Age restricted communities are permitted by Special Exception in the R-10 zone and are subject to the following:

- A. Minimum lot size of 50 acres
- B. The following uses shall be permitted when part of an Age Restricted Community:
 1. Single-family detached dwellings.
 2. Single-family semidetached dwellings.
 3. Single-family attached dwellings.
 4. Multi-family dwellings.
 5. Private community facilities/recreation areas.
 6. Home-based and home-based/no impact businesses.

- C. An ARC shall be subject to the following dimensional requirements:
1. When an ARC includes three or more dwelling types, at least two of the dwelling types provided shall each constitute a minimum of twenty (20) percent of the total of all the dwellings proposed within the community.
 2. Common open space requirements for an ARC Community shall be as follows:
 - a. A minimum of thirty-five (35) percent of the net developable area of an ARC development site shall be provided as common open space.
 - b. A minimum of forty (40) percent of the required common open space area shall include usable recreation areas. For the purposes of this section, usable recreation areas must comply with the following:
 - i. Minimum dimension of ten (10) feet in every direction.
 - ii. Designed, intended, landscaped, and developed for active or passive recreational or leisure use.
 - iii. Conveniently located and accessible primarily by the Active-Adult Community residents and their guests.
 3. A minimum of fifteen (15) percent of the required common open space area shall include a centrally located recreation area serving as a formal gathering place and focus of the ARC recreation activity. Such centrally located recreation area shall include a minimum of one of the following features:
 - a. Multi-purpose field
 - b. Court
 - c. Plaza
 - d. Patio
 - e. Swimming pool
 - f. Other similar recreational amenities where people can assemble
 4. An ARC containing twenty (20) or more dwelling units shall include a meeting and recreation center (i.e., community clubhouse), which may

include a temporary sales office while the ARC development site is under construction and management offices for the development after construction is completed. The minimum floor area of the community clubhouse, excluding sales and/or administrative office area(s), shall be the average floor area of all the dwellings proposed in the ARC (e.g., if the average floor area of dwellings in the community is twenty-five hundred (2,500) square feet, the community clubhouse shall be no less than twenty-five hundred (2,500) square feet in area). Such a community clubhouse shall be located within the centrally located recreation area.

5. No common open space lands may be used or improved for purposes other than those shown on the development plan approved by the Township or subsequent revisions thereto.
 6. To the largest extent practical, natural vegetation shall be preserved on common open space, wooded areas, and wetland areas, and such natural vegetation shall be removed only for safety or reasons of prudent forest management, unless such disturbance is depicted on the subdivision and/or land development plan approved by the Township.
- D. The dwelling units shall be permanently occupied by at least one person fifty-five (55) years of age or older.
- E. All internal streets shall be privately owned and maintained.
- F. Each dwelling unit shall have no more than two bedrooms.
- G. Maximum density of eight (8) dwelling units per net acre.

Section 604 AIRPORTS, HELIPORTS, AND HELISTOPS

Airports, Heliports and Helistops are permitted by Special Exception in the Industrial Zone and are subject to the following:

- A. The minimum lot area shall be thirty (30) acres for airports and three (3) acres for heliports and helistops.
- B. All facilities shall submit evidence of compliance with the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation.
- D. No part of the take-off, landing strip, and/or pad shall be located within three

hundred (300) feet from any property line.

- E. All facilities shall not pose a detriment to the health, welfare, and safety of the Township residents and their property.
- F. In addition, heliports and helistops shall meet the following requirements:
 - 1. Heliports shall be licensed by the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation.
 - 2. An application for a helistop on a roof or similar above-ground structure shall be accompanied by a certification by a registered engineer that the loads imposed by a helicopter will be supported by the structure.
 - 3. The helistop and heliports shall be used only for personal or executive use by a firm or individual.
- G. The application shall include, at a minimum, the following:
 - 1. A copy of the FAA Form 7480-1, Notice of Land Area Proposal, as amended.
 - 2. A copy of the letter of No Objections from the FAA.
 - 3. A copy of the Commonwealth of Pennsylvania Application for Approval of a Land Site, AV-4, and necessary supplemental information or equivalent and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation.
 - 4. An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals two hundred (200) feet, indicating the approach and departure routes, the location of all residences, schools, places of worship, hospitals, and areas used for the open assembly of people, as well as other noise-sensitive areas within the radius of one-half (1/2) mile of the proposed helistop or heliport sites.
- H. It shall be unlawful for any person to land, discharge, load, or take off in a helicopter any place within Penn Township other than at an approved helistop or heliport, except:
 - 1. In conjunction with a special event such as an athletic contest, a holiday celebration, a parade, or similar activity, after ten (10) days advanced notice has been given to the Zoning Officer and a special permit has been issued by the Zoning Officer.
 - 2. When necessary for law enforcement purposes and emergencies.

3. For the delivery or transfer of patients to/from any hospital and/or its emergency trauma centers.

Section 605 ANIMAL HOSPITALS

Animal Hospitals are permitted by Special Exception in the Shopping/Commercial, Mixed Use, Corridor Business, and Rural Conservation zones and are subject to the following:

- A. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
- B. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- C. No outdoor animal pens, stalls, or runways shall be permitted.

Section 606 ASSISTED LIVING/PERSONAL CARE/SKILLED NURSING/SENIOR CONGREGATE LIVING FACILITIES

Assisted living, personal care, skilled nursing and senior congregate living facilities are a permitted use in the Shopping/Commercial zone and is subject to the following:

- A. A minimum lot area of two (2) acres is required.
- B. The facility shall have its principal traffic access to a public street with sufficient capacity to handle the traffic generated by the proposed use.
- C. Adequate fire lanes shall be provided between structures and approved by the local Fire Chief. Building construction shall comply with all applicable health and safety codes of the county, state, and federal governments.
- D. Ambulance, delivery, and service areas shall be obscured from the view of all residential properties by fencing, decorative walls, or planted screening.
- E. Proof of licensing of all required agencies is a condition of occupancy.

Section 607 AUTOMOBILE/ LIGHT TRUCK LEASE/RENTAL

Automobile/Light Truck Lease/Rental is a use by right in the Mixed Use and Corridor Business zones and is subject to the following:

- A. The sale of new or used vehicles is prohibited.

- B. All merchandise shall be stored within the building.
- C. Retail sale of gasoline is prohibited.

Section 608 AUTOMOBILE/LIGHT TRUCK REPAIR GARAGE AND BODY SHOP

Automobile/Light Truck Repair Garage and Body Shop are permitted by right in the Mixed Use and Corridor Business zones and are subject to the following:

- A. All repair work shall be done within an enclosed building.
- B. No more than four (4) damaged or other vehicles waiting for repair shall be parked outdoors on the premises at any time. Automobile parts, dismantled vehicles, excess vehicles waiting for repair over four (4) in number, and other similar articles shall be stored within a building or screened from view by a solid or privacy fence as approved by Penn Township.
- C. All debris, used tires, and other garbage must be stored in an enclosed container that is periodically emptied or in such a manner that it is not visible from adjacent properties or roadways.
- D. No sale of vehicles shall take place in conjunction with this use.
- E. Any sale of gasoline and vehicle accessories shall be accessory and incidental to repair work.
- F. Setbacks for pumps and canopies shall match that of a fueling station.

Section 609 AUTOMOBILE/ LIGHT TRUCK SALES LOT

Automobile and truck sales lot is permitted by right in the Mixed Use and Corridor Business zones and is subject to the following:

- A. Vehicles on display must be set back from the road frontage so as not to impede safe sight distances.
- B. All service, maintenance and/or inspection facilities are permitted as accessory uses. All the above activities must take place inside a completely enclosed building.
- C. No outside storage of inoperable vehicles.
- D. Vehicle display areas must meet the design criteria of parking lots.
- E. Any vehicle awaiting repair must be stored in the rear of the building.

Section 610 BED AND BREAKFASTS

Bed and Breakfasts are permitted by Special Exception in the R-10 and Mixed Use zones and are subject to the following:

- A. The household must be the permanent address of the owner or lessee and the owner or lessee must occupy the household for at least six (6) months of the calendar year. The owner or lessee shall register as a short-term rental with Penn Township.
- B. Guests shall be limited to a maximum length of stay of fourteen (14) consecutive days in any sixty (60) day period.
- C. Bed and breakfasts shall only be permitted within single-family detached dwellings that existed on or before the effective date of this Ordinance.
- D. No more than six (6) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals unless children under the age of sixteen (16) are accompanying the guest. In no instance shall the total number of guests in a bed and breakfast exceed twelve (12) people (not including accompanied minors).
- E. No part of the facility shall be rented for social or business functions.
- F. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
- G. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
- H. Not more than one (1) identification sign shall be permitted. The identification sign must conform to the signage regulations found in the Penn Township Sign Ordinance.
- I. All required parking spaces shall be provided on the lot and shall not be located in the front yard.
- J. Must meet the parking requirements set forth in Article III.
- K. All parking areas shall be set back a minimum of five (5) feet from all property lines and shall be screened from adjoining lots and streets.
- L. Meals shall only be offered to registered overnight guests.
- M. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used. Additionally, the applicant shall furnish proof of any needed land development approvals and approval from the Pennsylvania

Department of Labor and Industry.

- N. A bed and breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, and other uses provided for in a halfway house.

Section 611 BEEKEEPING

Beekeeping is a use that is permitted by right in the R-40 and Rural Conservation zones and by Special Exception in the R-10, R-15, and R-22 zones and is subject to the following:

- A. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance.
- B. Colonies shall be maintained in movable hives with removable frames, which shall be kept in sound and usable condition.
- C. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- D. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees is left upon the grounds of the apiary lot. Such materials, once removed from the site, shall be handled and stored in sealed containers or placed within a building or other insect proof container.
- E. For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot one nucleus colony in a hive structure not to exceed the volume of one standard 9 5/8-inch depth, ten-frame hive body with no supers.
- F. Each beekeeper shall maintain his beekeeping equipment in good condition, as to prevent theft or vandalism and occupancy by swarms.
- G. Each beekeeper shall display a sign on his/her property, viewable by the public, informing the public that bee colonies are maintained on the property.
- H. No person is permitted to keep more than the following numbers of colonies on any lot within the Township, based upon the size or configuration of the apiary lot:
 - 1. Two thousand (2,000) square feet: two (2) colonies.
 - 2. Two (2) additional colonies for each additional two thousand (2,000) square feet.
 - 3. Two (2) additional colonies are permitted on the rooftop per dwelling.

- I. In no case shall hives be located within twenty-five (25) feet of any property line.
- J. All beehives must be registered in accordance with the Pennsylvania Department of Agriculture.
- K. Hives shall not be oriented to children's play areas, either on the site or an adjoining property.

Section 612 BETTING ESTABLISHMENTS

Betting Establishments are permitted by Special Exception in the Mixed Use, Corridor Business, and Shopping/Commercial zones and are subject to the following:

- A. Betting establishments shall not be permitted to be located within one thousand (1,000) feet of any other betting establishment.
- B. No betting establishment shall be located within one thousand (1,000) feet of any land within a residential zone.
- C. No betting establishment shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
 - 1. Camp (for minors)
 - 2. Child-Care Facility
 - 3. Place of Worship
 - 4. Community Center
 - 5. Park
 - 6. Playground
 - 7. School
 - 8. Other lands where minors congregate
- D. The above-required distances shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each land use.
- E. No more than one betting establishment may be located within one building or shopping center.

- F. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties.
- G. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
- H. Must meet the parking requirements set forth in Article III.
- I. All betting establishments shall be licensed by the Pennsylvania Gaming Control Board.

Section 613 BEVERAGE PRODUCTION, MICROBREWERY

Beverage Production, Microbrewery are permitted by right in the Mixed Use, Corridor Business and Shopping/Commercial zones and are subject to the following:

- A. Beverage production uses shall be subject to the following lot size and development scale regulations:
 - 1. If a microbrewery is situated on its own lot, the minimum lot area for the use shall be three thousand (3,000) square feet. If the use occupies a tenant space or series of tenant spaces that are part of a multi-tenant building on a lot(s), the minimum building square footage associated with the use shall be twelve hundred (1,200) square feet.
- B. Any conditions imposed upon the establishment related to proximity from any specified land uses shall be set forth by the Pennsylvania Liquor Code, as amended, and the Pennsylvania Liquor Control Board.
- C. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located. No dumpster shall be located within twenty (20) feet of any property line.
- D. To minimize conflicts and promote public health and safety, the storage of pallettes, loading-related equipment, and production-related materials shall be contained within an enclosed and covered structure that is connected to the principal building.
- E. Storage and production activities shall be located within the principal building. The combined square footage associated with storage and production shall not exceed fifty (50) percent of the gross square footage of the principal building.
- F. Must meet the parking requirements for beverage production set forth in Article III.
- G. Based upon the extent of delivery/truck traffic associated with the use, the

Township may require a loading berth to be provided. The location of such berth shall be designated to minimize impact to surrounding land use(s) and circulation of vehicles and pedestrians.

- H. Outdoor seating areas associated with beverage production uses shall be subject to the following:
 - 1. A designated outdoor seating area, designed to be integral with the principal building, is permitted and shall be no larger than ten (10) percent of the total seating area and shall be accessible only through the inside of the facility.
 - 2. The outdoor seating area shall be entirely enclosed by fencing or landscaping and shall comply with all standards as required by the Pennsylvania Liquor Control Board.
 - 3. The outdoor seating area shall only be located within the side or rear yards of the lot.
 - 4. The outdoor seating area shall comply with all setback regulations required for the principal building.
- I. The establishment shall not have a drive-through facility.
- J. Retail sales of beverage products shall be limited to those produced by the operator of the brewery, limited winery, cidery, or limited distillery or produced, bottled, or grown on the premises.
- K. The primary focus of the tasting room or brewery pub/taproom shall be the marketing and sale of beverage products produced on the premises. Sales of souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the beverage production business may also be offered for sale.
- L. Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the premises to prevent spillover onto adjacent lots under separate ownership. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

Section 614 BOARDING HOUSES

Boarding Houses are permitted by Special Exception in the R-10 zone and are subject to the following:

- A. All off-street parking shall be provided on the lot.

- B. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines and shall be screened from adjoining lots and streets per the regulations set forth in Section 303.2G of this ordinance.
- C. All rooms available for boarding shall be located within the lot's principal building.
- D. Dumpsters shall be located in the rear yard and shall be screened with a fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- E. Boarding houses must include a full-time on-site resident manager who is not a boarder upon the site.
- F. The minimum lot size is one (1) acre.
- G. Maximum of 5 boarders per dwellings
- H. The use is only permitted in single family detached dwellings

Section 615 BUILDING MATERIAL/HEAVY STORAGE YARD

Building Material/Heavy Storage Yard is a use that is permitted in the Industrial Zone and is subject to the following:

- A. Outside storage of material is permitted and may be stored on a stone base.
- B. No storage may be placed within twenty (20) feet of the right of way on a road frontage.

Section 616 BUSINESS SERVICES ESTABLISHMENT

Business Services Establishment is a use permitted by right in the Shopping/Commercial, Corridor Business, and Mixed Use zones.

Section 617 CAMPGROUNDS

Campgrounds are permitted by Special Exception in the R-40 and Rural Conservation zones and are subject to the following:

- A. The minimum lot area is ten (10) acres
- B. All campsites shall be located at least fifty (50) feet from any side or rear property

line and at least one hundred (100) feet from a public street.

- C. An internal road system shall be provided. Access drives shall be designed and constructed in accordance with Article III.
- D. All outdoor play areas shall be set fifty (50) feet from any property line.
- E. All campgrounds shall furnish centralized and completely enclosed sanitary and garbage collection facilities that are leak-proof and vermin-proof and shall be set back a minimum of one hundred (100) feet from any property line.
- F. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street.
- G. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.
- H. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to recreational facilities. Responsibility for the maintenance of the recreation area shall be with the landowner.
- I. During operation, every campground shall have an office which shall be occupied by the person responsible for the campground.
- J. All water utilities, sewage disposal systems, restrooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirement of the Pennsylvania Department of Environmental Protection.
- K. No permanent structures shall be permitted on any campsite other than fireplaces.
- L. No recreational vehicles may be parked within a campground for more than one hundred eighty (180) consecutive days.
- M. No person shall be permitted to permanently reside on any campsite.

Section 618 CEMETERY

A Cemetery is a use permitted by Special Exception in the R-15, R-22, and R-40 zones and is subject to the following:

- A. All burial plots or facilities shall be located at least one hundred (100) feet from all property or street lines.

- B. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- C. No burial plots or facilities are permitted in flood plain areas.
- D. Minimum lot size of ten (10) Acres.

Section 619 CHILDCARE CENTERS

Childcare Centers are permitted by right in the Mixed Use, Corridor Business, and Shopping/Commercial zones and are subject to the following:

- A. All childcare centers shall be licensed by the Pennsylvania Department of Health and Human Services and must operate in accordance with the requirements of the Department. A current copy of said license must be provided to the Zoning Officer. This requirement is a condition of occupancy.
- B. Outdoor play areas must conform to the Pennsylvania Department of Health and Human Services requirements.
- C. No childcare center shall be located within a twenty-five hundred (2,500) foot radius of another childcare center.
- D. Safe vehicular access and off-street areas for discharging and picking up children shall be provided.
- E. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the zone and/or neighborhood.
- F. Enrollment shall be defined as the largest number of persons and/or children under childcare supervision at any one (1) time during a seven (7) day period.
- G. Proof of licensing shall be required.

Section 620 CHILDCARE HOME FACILITIES

Childcare Home Facilities are permitted by right in the R-10, R-15, R-22, R-40, Mixed Use, and Rural Conservation zones and is subject to the following:

- A. All childcare homes shall be licensed by the Pennsylvania Department of Health and Human Services and must operate in accordance with the requirements of the Department. A current copy of said license must be provided to the Zoning

Officer. This requirement is a condition of occupancy.

- B. Outdoor play areas must conform to the Pennsylvania Department of Health and Human Services requirements.
- C. No exterior alterations, additions, or other structural changes shall be made to the dwelling unit to accommodate or facilitate the operation of a child care home except for accessibility requirements.
- D. Must meet the parking requirements set forth in Article III.
- E. A safe area shall be provided for the drop-off and pick-up of children which does not obstruct the free flow of traffic on any public street.
- F. A childcare home shall meet all additional requirements as defined by a low-impact home-based business.
- G. There shall be no signs or exterior display of advertising other than a nameplate sign as permitted for a no-impact home-based business.
- H. Proof of licensing is a condition of occupancy.

Section 621 CHILDCARE HOME GROUP

Childcare home group is permitted by right in the R-10, R-15, R-22, R-40, Mixed Use, and Rural Conservation zones and is subject to the following:

- A. All childcare home groups shall be licensed by the Pennsylvania Department of Health and Human Services and must operate in accordance with the requirements of the Department. A current copy of this license must be provided to the Zoning Officer. This requirement is a condition of occupancy.
- B. Outdoor play areas must conform to the Pennsylvania Department of Health and Human Services requirements.
- C. No exterior alterations, additions, or other structural changes shall be made to the dwelling unit to accommodate or facilitate the operation of a childcare home except for accessibility requirements.
- D. Must meet the parking requirements set forth in Article III.
- E. A safe area shall be provided for the drop-off and pick-up of children which does not obstruct the free flow of traffic on any public street.
- F. A childcare home shall meet all additional requirements as defined by a low-impact home-based business.

- G. There shall be no signs or exterior display of advertising other than a nameplate sign as permitted for a no-impact home-based business.
- H. Proof of licensing is a condition of occupancy.

Section 622 CLUB, CLUBHOUSE, OR LODGE

A Club, Clubhouse, or Lodge is permitted by Special Exception in the Shopping/Commercial, Corridor Business, and Mixed Use zones and is subject to the following:

- A. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.
- C. Parking areas must be set back at least fifty (50) feet from any adjoining agricultural or residential use or district.
- D. Either public water or public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.
- E. Minimum lot size of five (5) acres.

Section 623 COMMERCIAL RECREATION OR ENTERTAINMENT FACILITIES

Commercial recreation or entertainment facility is permitted by right in the Shopping/Commercial, Corridor Business, and Mixed Use zones.

Section 624 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

A CAFO is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. The minimum lot area for a CAFO shall be fifty (50) acres.
- B. All areas for the storage, feeding, or keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals.
- C. Buildings housing animals shall not be located within the floodplain.

D. Any building constructed after the date of the enactment of this Ordinance to house animals in a large livestock operation must maintain the following setbacks:

1. From any residential zone: Five hundred (500) feet
2. From adjacent property lines: Two hundred (200) feet
3. From a well not owned by the owner of the large livestock operation: Five hundred (500) feet.

E. The owner of the CAFO must establish and maintain adequate vehicular access to the CAFO by adhering to the following provisions:

1. All motor vehicles making a right turn (whether entering or leaving the property) must be able to do so without first having to enter the left-hand side of a public highway. Otherwise, the owner of the CAFO shall be required to alter the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public street.
2. All uses shall have sufficient off-street loading or stacking space to prevent the back-up of vehicles on adjoining roads.
3. All access drives shall be designed and located to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of the cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

Speed Limit on Public Street	Required Sight Distance
25	240
30	275
35	315
40	350
45	425
50	475
55	550

4. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred foot (200) paved section to help collect any mud that may have attached to a vehicle's wheels.

5. In general, access drives shall intersect public streets at ninety (90) degrees as site conditions permit. However, in no case shall access drives intersect public streets at less than seventy (70) degrees. The angle shall be measured from the centerline of the street to the centerline of the access drive.
- F. A large livestock operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
 - G. A large livestock operation must ensure that all dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection. Until such disposal, irrespective of whether such disposal occurs on the property, the operation will ensure that dead animals are kept in airtight containers and larger animals are kept in a manner to minimize any offensive effects.
 - H. The owner of the property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner obtains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit the use of such building for storage purposes unless:
 1. Such storage is of materials utilized in conjunction with the agricultural use of the property.
 2. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.
 3. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the building and it is in reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as at the time the certificate is issued.
 - I. All animal wastes and/or dead animals shall be properly stored and disposed of so as to not be objectionable at the site's property line or to become a nuisance to adjoining properties. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the applicable Pennsylvania Department of Environmental Protection guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan.
 - J. Proof of all licensing required.

Section 625 CONCRETE/ASPHALT MIXING PLANT

A Concrete/Asphalt Mixing Plant is permitted by right in the Industrial zone and is subject to the following:

- A. All such uses shall be located on a paved public road.
- B. All such uses shall keep internal roads and operational areas dust-free at all times. No dust or other particulate emissions shall be permitted beyond the property line.
- C. All site access roads, drives, and employee parking areas shall be paved with asphalt or concrete. Internal haul roads that access bulk storage areas may be unpaved.
- D. All bulk material storage areas shall be screened from view of adjoining residential zoned property wherever the proposed use abuts residentially zoned parcels and adjacent public rights of way.
- E. All outdoor bulk storage areas and truck storage areas shall be setback a minimum of one hundred (100) feet from any property line. All mixing plants shall be set back a minimum of two hundred fifty (250) feet from any property line.

Section 626 CONTRACTOR OR FARM EQUIPMENT SALES AND SERVICE FACILITIES

Contractor/Farm Equipment Sales and Service Facilities are permitted by right in the Corridor Business zone.

Section 627 CONVENIENCE STORES

Convenience Stores are permitted by Special Exception in the Mixed Use, Corridor Business, and Shopping/Commercial zones and are subject to the following:

- A. A site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services. The plan shall include the following information:
 - 1. Location and dimensions of all structures and fuel pumps.
 - 2. Location and dimension of parking, landscaping areas, and signage.
 - 3. Description of internal circulation and external access.
- B. Minimum fuel pump setbacks shall be:

1. Behind the front yard setback line.
 2. Thirty (30) feet from all parking areas.
- C. Minimum lot area – thirty thousand (30,000) square feet. With gasoline, diesel, or kerosene pumps the minimum lot area is forty thousand (40,000) square feet.
- D. Minimum lot width – Two hundred (200) feet.
- E. Maximum lot coverage – Seventy (70) percent.
- F. Access drives must be located as follows:
1. Minimum offset from intersection of street right-of-way lines: fifty (50) feet.
 2. Side lot line offset: ten (10) feet.
 3. Minimum width: eighteen (18) feet.
 4. Maximum width: thirty-five (35) feet.
 5. A minimum separation of drives on the same lot: twenty-five (25) feet.
 6. Access onto a State highway must be approved by PennDOT.
- G. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines abutting a residential use.
- H. Lot must front on an arterial street.

Section 628 CREMATORY

A Crematory is permitted by Special Exception in the Mixed Use, Corridor Business, and Industrial zones and is subject to the following:

- A. The unit must be located so as not to create a fire hazard, to be in a well-ventilated area, and to be secured when not in use.
- B. The building must be located at least three hundred (300) feet from any adjoining property line.
- C. The facility must comply with all applicable state and local laws and regulations, including but not limited to water systems, sewage disposal systems, and solid waste disposal systems.

Section 629 DRIVE-IN ESTABLISHMENT

A Drive-in establishment is permitted by right in the Mixed Use and Corridor Business zones and is subject to the following:

- A. The property shall front on an arterial road.
- B. Drive-through windows shall be located on the side or rear of buildings.
- C. All drive-in and drive-through lanes shall be separated from the parking lot's passageways and interior access drives providing access to parking spaces.
- D. Any structure associated with the drive-through business, such as a canopy, menu board, or exterior speaker/microphone system, shall meet the minimum setback regulations of the underlying district and shall be arranged and/or screened to prevent objectionable noise and visual impact on adjoining properties.
- E. All exterior seating/play areas shall be screened and buffered. In addition to the parking requirements for the Drive-in establishment, the eating establishment criteria in Article III also applies to any outdoor seating areas.
- F. On-site stacking lanes shall accommodate eight vehicles within the property lines, shall be situated to prevent vehicle backups onto adjoining roads, shall not block access to on-site parking and loading spaces, and shall not block pedestrian routes through and within the parking lot.

Section 630 DWELLING, CONVERSION

Dwelling, Conversion is a use permitted by Special Exception in the R-10, R-15, R-22, R-40, Rural Conservation, and Mixed Use Zones and is subject to the requirements of the zone except as herein modified and provided:

- A. A Single-Family dwelling unit may be converted by allowing a second kitchen for the incorporation of one (1) additional dwelling unit for a family member in any residential district. For the purpose of this section, the term incorporation shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. For the purposes of this Ordinance, family members shall include and be restricted to the following: parents, grandparents, children, grandchildren and siblings.
- B. The dwelling in question shall be owner occupied during the duration of the special permit. The Zoning Officer upon verification that the use is still in effect shall renew the permit on an annual basis.

- C. A family member shall occupy the additional dwelling unit and under no circumstances shall more than two (2) individuals occupy this unit.
- D. The additional dwelling unit shall not exceed four hundred fifty (450) square feet of floor area, unless such parts of an existing dwelling are otherwise arranged or designed to be reasonably, conveniently, and safely transformed into a slightly larger one (1) bedroom unit. The minimum non-habitable floor area shall not be more than thirty (30) percent of the total habitable floor area of the dwelling.
- E. Prior to the issuance of a zoning permit, a certificate in the form of an affidavit to verify that the owner is in residence and that one (1) of the occupants of a particular dwelling unit is a family member shall be presented to the Planning Commission and the Zoning Hearing Board. Thereafter, the applicant shall submit such notarized affidavit to the Zoning Officer by January 31st of each year as a requirement for the continuance of the special permit, with an annual fee as established by the Board of Commissioners.
- F. At such time as the owner is no longer in residence or the approved family member is no longer an occupant of the unit, the owner shall immediately notify the Township and the unit shall be returned to use as part of the normal Single-Family residence.
- G. For sewage disposal, water supply and all other utilities, the addition or conversion area for an additional family member shall be physically connected to those systems serving the principal dwelling. No separate utility systems or conversions shall be constructed or used. All connections shall meet the applicable utility company and Penn Township standards.
- H. A minimum of one (1) all-weather, off-street parking space with an unrestricted ingress and egress to a dedicated street shall be provided in addition to that required for the principal dwelling.

Section 631 DWELLING, MULTI-FAMILY

Dwelling, Multi-Family is a use that is permitted by Special Exception by the Zoning Hearing Board in the R-10 zone and is subject to the following:

- A. The minimum lot area shall be one (1) acre calculated on a net lot area. The total area shall provide, at minimum, the following lot area per dwelling unit calculated on Net Lot:
 - 1. Efficiency units: one thousand (1,000) square feet
 - 2. One-bedroom units: fifteen hundred (1,500) square feet
 - 3. Two-bedroom units: two thousand (2,000) square feet

- 4. Three or more-bedroom units: twenty-five hundred (2,500) square feet
- B. Lot width: two hundred (200) feet minimum.
- C. Side setbacks: twenty (20) feet minimum.
- D. Consideration shall be given to traffic and fire protection problems. If the nature of the multi-family development is such that it will generate a high volume of vehicular traffic, then access shall be via an arterial or collector street.
- E. Only two (2) access drives permitted per lot.
- F. Three (3) parking spaces per dwelling unit for off street parking required.

Section 632 DWELLING, SINGLE-FAMILY ATTACHED

Dwelling, Single-Family Attached is permitted by Special Exception in the R-10 zone and is subject to the following:

- A. Minimum lot area: four thousand (4,000) square feet per unit.
- B. Lot width: twenty-five (25) feet minimum per unit.
- C. Side setbacks: fifteen (15) feet minimum per side setback.
- D. Density Requirement: eight (8) is the maximum number of dwelling units per net acre of land permitted for this use.
- E. Consideration shall be given to traffic problems. If the nature of the development is such that it will generate a high volume of vehicular traffic, then access shall be via arterial or collector street.
- F. Driveways, garage access, and off-street parking shall be at the rear of the building, accessible via access drive from a public street. One (1) additional off-street parking space separate from the driveway shall be required for each unit.
- G. Driveway and extra parking space may be within one (1) foot of the property line
- H. Minimum lot area of one (1) net acre.

Section 633 DWELLING, SINGLE-FAMILY DETACHED

Dwelling, Single-Family Detached is permitted by right in the R-10, R-15, R-22, R-40, Rural

Conservation, and Mixed Use zones.

Section 634 DWELLING, SINGLE-FAMILY SEMI-DETACHED

Dwelling, Single-Family Semi-Detached is a use that is permitted by right in the R-10 and Mixed Use zones and is subject to the following:

- A. Minimum lot area: five thousand (5,000) square feet.
- B. No setback requirements where dwelling units join.
- C. Minimum lot width: forty (40) feet.

Section 635 DWELLING, TWO FAMILY DETACHED (DUPLEX)

Dwelling, Two-Family Detached (Duplex) is a use that is permitted in the R-10 and Mixed Use zones and is subject to the following:

- A. Minimum lot area: ten thousand (10,000) square feet.
- B. Minimum lot width: eighty (80) feet.

Section 636 EATING ESTABLISHMENT

Eating Establishments are permitted by right in the Shopping/Commercial, Corridor Business, and Mixed Use zones.

Section 637 ELDER COTTAGE HOUSING OPPORTUNITY (ECHO)

ECHO is permitted by Special Exception in the R-10, R-15, R-22, R-40, Mixed Use, and Rural Conservation zones and is subject to the following:

- A. The elder cottage shall be of portable construction with a minimum of three hundred (300) square feet of floor area and may not exceed nine hundred (900) square feet of floor area.
- B. The total building coverage for the principal dwelling, any existing accessory structures, and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone.
- C. The elder cottage shall be occupied by:
 - 1. One person who is at least sixty (60) years of age, handicapped, or disabled who is related by blood, marriage, or adoption to the occupants of the principal dwelling; or

2. A caregiver who is related by blood, marriage, or adoption to the elderly, handicapped, or disabled occupant(s) of the principal dwelling.
- D. The elder cottage shall be occupied by a maximum of two people.
 - E. For sewage disposal, water supply, and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used unless required by the Pennsylvania Department of Environmental Protection. All connections shall meet the applicable utility company standards. If on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.
 - F. Unless provided within an existing building, the elder cottage shall be installed and located in the side or rear yards only and shall adhere to all side and rear yard setback requirements for principal uses.
 - G. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. The applicant shall be required to post a bond with the Township, for a value equal to the cost of lawful removal of the use from the property, before issuance of a zoning permit for the proposed use.
 - H. Upon the proper installation of the elder cottage, the Zoning Officer shall issue an occupancy permit. Such permit shall be reviewed every twelve (12) months until the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Commissioners, shall be paid by the landowner upon each renewal of the occupancy permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 638 ESSENTIAL SERVICES

Essential services may be located in any zone and are subject to the following:

- A. Essential utility services (pump station, power substation, etc.) shall be exempt from lot area, height, lot coverage, setback and parking requirements.
- B. Essential services buildings (fire, police, ambulance, etc.) parking spaces shall total one space for every employee, firefighter or EMT.

- C. Essential services uses shall be buffered from any residential use as required per SALDO requirements.
- D. Outdoor vehicle and/or equipment storage areas shall be enclosed with a six (6) foot fence per fence requirements.
- E. Essential services which provide temporary living quarters for emergency personnel shall meet the following:
 - 1. All applicable building codes shall be met.
 - 2. The maximum number of residents shall be indicated at the time of application.
 - 3. Common Kitchen, dining and or gathering area may be provided.
 - 4. Temporary living quarters shall only be utilized by emergency personnel directly involved with essential services.
- F. Social halls and outdoor recreation facilities may be rented for private use

Section 639 EXPANSION AND ALTERATION OF A NONCONFORMITY

Expansion and Alteration of A Nonconformity is permitted by Special Exception in any zone and is subject to the requirements of the zone in which located, except as herein modified and provided:

- A. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- B. The total of all such expansions or alterations of use shall not exceed an additional thirty-five (35) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- C. Provision for access drives, off-street parking, and off-street loading shall be consistent with standards required by this Ordinance.
- D. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.

- E. Appearance shall be harmonious with surrounding properties. This feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control, and maintenance in good conditions of all improvements and open spaces.
- F. Landscaping and buffer yards in accordance with the Subdivision and Land Development Ordinance shall be provided as necessary to adequately protect neighboring properties.
- G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

Section 640 FINANCIAL INSTITUTIONS

Financial Institutions are permitted by right in the Shopping/Commercial, Corridor Business, and Mixed Use zones and are subject to the following:

- A. Drive up windows may be located in the side or rear of the building.
- B. There shall be a minimum of one hundred (100) feet of stacking lane per window.

Section 641 FORESTRY/TIMBER HARVESTING

Forestry/Timber Harvesting is permitted by right in all zones and is subject to the following:

- A. These provisions shall not regulate the following:
 - 1. Cutting of up to ten (10) percent of trees with a trunk diameter of six (6) inches or greater measured Diameter at Breast Height (DBH) on a lot in any calendar year, for routine thinning of woods;
 - 2. Cutting of trees with a diameter of less than six (6) inches DBH;
 - 3. Cutting of dead or diseased or hazardous trees, and
 - 4. Cutting of trees as depicted on an approved subdivision and/or land development plan, or lot development plan.
- B. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of the street.

- C. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare, trail or private roadway providing access to an adjoining residential property.
- D. All tops and slash between twenty-five (25) and fifty (50) feet from a public street right-of-way or private road providing access to an adjoining residential property or within fifty feet (50) of an adjoining residential property shall be lopped so that they do not extend more than four (4) feet above the surface of the ground.
- E. No tops or slash shall be left within a street channel or within twenty-five feet (25) of a stream bank.
- F. Within seventy-five (75) feet of surface waters of the Commonwealth, or twenty-five (25) feet beyond the floodplain, whichever is greater, forestry is regulated as follows:
 - 1. All forestry is prohibited within twenty-five (25) feet of surface waters of this Commonwealth, except dead or diseased trees.
 - 2. The basal area of trees beyond twenty-five (25) feet from the surface waters of this Commonwealth shall not be reduced below sixty (60) percent of the basal area present before cutting.
 - 3. All earthmoving within this area shall be minimized or fully avoided.
- G. The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to public roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic.
- H. All forestry operations shall require the preparation of an Erosion and Sediment Control Plan following standards of the County Conservation District for a timber harvesting operation. Such a plan shall be submitted by the applicant to the Township and approved prior to any Forestry activity. A copy of the Plan shall be kept on site by the operators. If the forestry involves more than one (1) acres, then such Plan shall be submitted to the County Conservation District for pre-approval.

Section 642 FUEL STATIONS

Fuel Stations are permitted by right in the Mixed Use, Corridor Business, and Shopping/Commercial zones and are subject to the following:

- A. Fuel pumps shall be set back thirty-five (35) feet from all street rights-of-way.
- B. Adequate space shall be provided for fuel delivery vehicles so that when they are present, they shall not block access drives or cause traffic to back up onto public streets.
- C. All luminaries mounted on or recessed into the fuel canopy shall be fully shielded and shall utilize flat lenses.
- D. Canopies shall be set back at least twenty (20) feet from the street right of way

Section 643 FUEL STATIONS, WHOLESALE

Fuel Stations, Wholesale, are permitted by right in the Industrial zone and are subject to the following:

- A. Pump areas, including canopies and any other accessory structure, shall be located between the front facade of any principal structure on the lot and the rear setback line only.
- B. Fuel canopies and their support structure shall not contain interior illumination that is used to attract attention to the canopy.
- C. Fuel service establishments adjacent to residential uses shall provide a landscape buffer.
- D. No outdoor storage of equipment or materials is permitted.
- E. Buildings and structures associated with a major fuel service establishment must be located no closer than two hundred (200) feet to a building used as a dwelling which exists at the time of the establishment of the facility, unless separated from said dwelling use by an existing or proposed public street, other than an alley.

Section 644 FUNERAL HOME OR MORTUARY

Funeral Home or Mortuary is permitted by right in the Mixed Use, Corridor Business, and Shopping/Commercial zones and is subject to the following:

- A. Public sewer and water facilities shall be utilized.
- B. Sufficient off-street parking shall be provided to prevent traffic backups onto adjoining roads.

Section 645 GOLF COURSE

A Golf Course, including accessory uses (e.g., clubhouse, parking lots, storage sheds, pro shop, driving range, snack bar, restaurant, swimming pools, etc.), is permitted by Special Exception in the R-22, R-40, and Rural Conservation zones and is subject to the following:

- A. No separate chip n' putt, nine-hole, or miniature golf course shall be permitted.
- B. Minimum lot area: thirty (30) acres.
- C. The construction of a golf course shall be considered a development and subject to all appropriate requirements.
- D. All applicants shall submit plans for the following to the Township Zoning Officer and York County Conservation District at least thirty (30) days before the Zoning Hearing Board request for a Special Exception:
 - 1. Earthmoving and erosion control plan.
 - 2. Run-off control for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items.
 - 3. Water use plan, including emergency condition usage.
 - 4. Wastewater treatment and disposal.
 - 5. Traffic study.
 - 6. Mosquito control.
 - 7. Nutrient management plan to ensure no excess nitrates, herbicides, pesticides, fungicides, or other fertilizer is used. When less potentially environmentally harmful alternatives are available, they shall be used.
- E. No golf hole shall be arranged to require a golf ball to be driven across any building, road, or parking lot.
- F. Any points where the golf course crosses a road(s), a sign shall be posted warning motorists and pedestrians.
- G. All accessory uses of the golf course shall be set back at least two hundred (200) feet from all lot lines.
- H. No outdoor maintenance of golf carts shall be permitted.
- I. All golf course buildings shall be set back two hundred (200) feet from any adjoining roads and parcels.

Section 646 GROUP HOME

Group Home is permitted by right in all residential and Mixed Use zones.

Section 647 HALFWAY HOUSE

Halfway house is permitted by Special Exception in the R-10 zone and is subject to the following:

- A. All halfway houses must be licensed and/or certified by the Pennsylvania Department of Health and Human Services. Certification or licensing shall be a prerequisite to obtaining a certificate of occupancy. A copy of an annual report with evidence of continuing certification shall be submitted to the Township Zoning Office every January. Suspension or revocation of the license/certificate shall automatically revoke the certificate of occupancy.
- B. The minimum area and bulk regulations for a halfway house shall be the same as those required for all uses in the zone in which the house is located.
- C. No halfway house shall be located within twenty-five hundred (2,500) feet of another group home or group-care facility or within one thousand (1,000) feet of a childcare facility, place of worship, community center, library museum, park, playground, or school.
- D. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. The house must comply with all applicable building, fire, health, and other safety codes. Smoke detectors shall be installed in or near each bedroom or sleeping area of the home and in the basement or cellar if there is one. When more than one detector is required to be installed within the house, the detectors shall be wired so that the actuation of one alarm will actuate all of the alarms in the home.
- F. Twenty-four (24) hour supervision shall be provided by qualified staff by the sponsoring agency.
- G. Off-street parking shall be provided.
- H. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
- I. Only those signs permitted in the district in which the facility is located shall be permitted.

- J. No exterior changes to an existing residential structure or property shall be permitted that would alter the residential character of the dwelling or lot.
- K. The maximum number of occupants for a halfway house shall not exceed eight (8) occupants.

Section 648 HOME-BASED BUSINESS

Home-Based Businesses are permitted by Special Exception in the R-10, R-15, R-22, R-40, and Rural Conservation zones and by right in the Mixed Use zone and are subject to the following:

- A. The use shall be incidental to the primary use of the premises as a dwelling for living purposes.
- B. No more than two (2) persons, both of whom shall be residents of the dwelling, may be engaged in the home business use.
- C. No more than one (1) home business may be located in any dwelling unit.
- D. The home business shall not alter the appearance of the building as a dwelling unit.
- E. No mechanical equipment shall be employed in a home business other than that customarily utilized for hobby or domestic purposes.
- F. No sales of any goods or merchandise shall occur other than those goods or merchandise that are produced on the premises.
- G. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or similar occupation.
- H. No goods may be publicly displayed on the premises.
- I. Home business shall be limited to not more than fifteen (15) percent of the net floor area of the dwelling unit or four hundred (400) square feet, whichever is less.
- J. No accessory building or structure or attached garage shall be utilized as a home business or for storage for a home business.
- K. Must meet the parking requirements set forth in Article III.
- L. Only one (1) sign advertising a home business may be permitted. Such sign shall not be illuminated and shall be limited to a two (2) square foot area,

including all sides of the sign. A zoning permit is required for the sign.

- M. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.
- N. No on-site parking of commercial vehicles.
- O. Delivery of materials and goods shall not require a size larger than a standard panel truck.
- P. Only single-family, detached dwellings may contain a home business.
- Q. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that noise, odor, vibration, electromagnetic interference, dust, smoke, or other nuisance or pollution shall not be noticeable at or beyond the property line.

Section 649 HOME BASED BUSINESS, NO-IMPACT

Home Based Business/No-Impact is permitted by right in the R-10, R-15, R-22, R-40, Rural Conservation, and Mixed Use zones and is subject to the following:

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

Section 650 HOSPITAL

Hospital is permitted by Special Exception in the Shopping/Commercial zone and is subject to the following:

- A. The institution shall be licensed by the Commonwealth of Pennsylvania and shall have any other required approvals of other regulatory agencies and accreditation organizations.
- B. The minimum lot area for a hospital shall be five (5) acres.
- C. The property shall have principal traffic access to a major or minor arterial street with sufficient capacity to handle the traffic generated by the proposed use.
- D. No structure shall be located within one hundred (100) feet of any property boundary or street right-of-way.
- E. Adequate fire lanes shall be provided between structures and approved by the Penn Township Fire Chief. Building construction shall meet all applicable health and safety codes of the County, State, and Federal governments.
- F. Ambulance and delivery areas shall be obscured from the view of all residential properties by fencing, decorative walls, or planted screening.
- G. Proof of licensing required for occupancy.

Section 651 HOTEL, MOTEL OR INN

A Hotel, Motel or Inn is permitted by Special Exception in the Shopping/Commercial and Mixed Use zones and is subject to the following:

- A. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- B. A twenty (20) foot wide fire/emergency access route shall be provided around the perimeter of each building.
- C. Service of meals and/or beverages must be secondary to the principal use of room or suite rentals.
- D. Secondary bars or secondary eating establishments serving alcoholic beverages must be licensed by the Pennsylvania Liquor Control Board.
- E. The owner(s)/operator(s) of a hotel, motel, or inn shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

- F. Minimum lot area shall be two (2) acres.

Section 652 JUNKYARD

A Junkyard is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. Lot area: five (5) acres minimum.
- B. Lot width: three hundred (300) feet minimum.
- C. Setbacks: any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
- D. The area to be used must be completely enclosed within a six (6) foot high fence that is constructed so as not to have openings greater than six (6) inches in any direction.
- E. An annual license shall be obtained from the Township.
- F. Annual inspections will be performed by the Township Zoning Officer or designee.
- G. Must comply with all other applicable Federal, State, and Local regulations.

Section 653 KENNEL

A Kennel is permitted by Special Exception in the R-40 zone and is subject to the following:

- A. Kennels shall have a minimum lot size of five (5) acres.
- B. All areas used for exercise shall be securely fenced.
- C. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways, shall be a minimum of one hundred (100) feet from all property lines and a minimum of two hundred (200) feet from any adjacent residence whose owner is other than the kennel owner.
- D. Animals shall be permitted to exercise daily only between the hours of 8:00 a.m. and 8:00 p.m. All outdoor exercise areas shall be two hundred (200) feet from any property line.
- E. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

- F. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
- G. All kennel areas not enclosed by a building shall be enclosed by a solid fence not less than six (6) feet in height.
- H. All animal boarding buildings that are not wholly enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- I. Proof of licensing by the required agencies is a condition of occupancy.

Section 654 LANDFILL/SOLID WASTE FACILITY

A Landfill/Solid Waste Facility is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. Lot area: fifty (50) acre minimum.
- B. Lot width: three hundred (300) feet.
- C. No more than one (1) access road shall be constructed to the entrance of the landfill/solid waste facility. The access road shall be an all-weather paved surface road, negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept free of mud.
- D. A tire cleaning area shall be provided on-site. All tires and trucks leaving the landfill/solid waste facility shall be cleaned prior to leaving the site. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent Federal, State, and/or Township regulations.
- E. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every landfill/solid waste facility shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times. Such barricade, fence, or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.
- F. No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 8:30am and 5:30pm. No vehicles shall be staged or parked at entrance and/or access road of the landfill prior to 6:30am. Overnight parking is prohibited.
- G. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the solid waste facility shall be inspected for debris on a daily basis.

- H. Hazardous, contaminated, and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of in a solid waste landfill.
- I. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill.
- J. Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightly conditions or health hazards. The storage of salvage shall be controlled in a manner that will not permit the habitation or reproduction of deleterious biological vectors.
- K. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent soil erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water.
- L. The landfill/solid waste facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act (Act 101, as amended).
- M. No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- N. Burning of solid waste is prohibited; suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Pennsylvania Department of Environmental Protection and the Township. Burning or incineration shall only occur within an approved waste-to-energy or resource derived fuel facility.
- O. The area being used must be completely surrounded by a six (6) foot high fence, constructed so that no opening will be greater than six (6) inches in any direction.
- P. Must comply with all applicable requirements of the Pennsylvania Department of Environmental Protection.

Section 655 LANDSCAPING AND GARDEN CENTER, RETAIL

A Landscaping and Garden Center, Retail, is permitted by Special Exception in the Mixed Use, Corridor Business, and Shopping/Commercial zones and is subject to the following:

- A. All garden centers shall have vehicular access to an arterial or collector road.
- B. All outdoor display areas shall be set back at least fifty (50) feet from the street

right-of-way line.

- C. All structures, parking lots and loading areas shall be screened from adjoining residential properties existing at the time of development.
- D. Proof of availability and adequacy must be supplied if on-lot water and sewage is proposed.
- E. All landscaping equipment and associated vehicles shall be screened in accordance with Section 605 of the Penn Township Subdivision and Land Development Ordinance.
- F. A buffer yard of fifty (50) feet shall be provided when the lot is located adjacent to an existing residential use or a residential zone.

Section 656 LANDSCAPING OPERATION. NON-RETAIL

A Landscaping Operation, Non-Retail is permitted by right in the Corridor Business and Mixed Use zone and is subject to the following:

- A. All vehicles and equipment associated with the business shall be screened from view by a fence or hedgerow during off business hours.
- B. Pick-up and receiving (loading and unloading) areas shall contain an all-weather, dust-free surface.
- C. Pick-up and receiving areas shall be located behind the front face of the building and otherwise compliant with the setbacks and screening of the underlying zoning district.
- D. Outdoor storage of products and materials is specifically permitted as a part of a retail landscaping and garden center; however, these areas shall be screened with a landscape buffer from public roads and adjacent residential uses.

Section 657 LOUNGE, TOBACCO/VAPING

A Lounge, Tobacco/Vaping is permitted by Special Exception in the Mixed Use, Corridor Business, and Shopping/Commercial zones and is subject to the following:

- A. Daily hours of operation shall be within the hours of 10:00 A.M. to 11:00 P.M.
- B. All activities of the business/facility shall take place indoors.
- C. The land use shall be a minimum of five hundred (500) feet from the following:

1. Schools or childcare facilities

2. Parks or recreation facilities
3. Places of worship
4. Another Tobacco/ Vaping Lounge

Section 658 MANUFACTURING

Manufacturing is permitted by right in the Industrial zone and is subject to the following: all outdoor storage areas shall be screened from adjoining roads and properties.

Section 659 MEDICAL AND DENTAL CLINICS AND LABORATORIES

Medical and Dental Clinics and Laboratories are permitted by right in the Mixed Use and Corridor Business zones and are subject to the following:

- A. Lot area: one (1) acre minimum.
- B. Lot width: two hundred (200) feet minimum.
- C. Access shall be via an arterial or collector street.
- D. Public sewer and public water.
- E. The appearance shall be harmonious with adjoining properties. This feature includes but is not limited to landscaping, height control, sign control, building coverage, and architectural controls.
- F. Landscaping and buffer yards, in accordance with the Subdivision and Land Development Ordinance, shall be provided.
- G. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 1. All entrances to the parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

Section 660 MEDICAL MARIJUANA DISPENSARY

A Medical Marijuana Dispensary is permitted by right in the Mixed Use, Shopping/Commercial, Corridor Business, and Industrial zones and is subject to the following:

- A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicles.
- C. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- D. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
- E. Permitted hours of operation of a medical marijuana dispensary shall be between the hours of 8:00 A.M. and 7:00 P.M. of any calendar day.
- F. A medical marijuana dispensary shall be a maximum of three thousand (3,000) gross square feet, of which no more than five hundred (500) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- G. A medical marijuana dispensary shall:
 - 1. Not have a drive-through service.
 - 2. Not have outdoor seating areas.
 - 3. Not have outdoor vending machines.
 - 4. Prohibit the administering or the consumption of medical marijuana on the premises.
 - 5. Not offer direct or home delivery service.
- H. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

- I. A medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of a school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- J. A medical marijuana dispensary shall be a minimum distance of one thousand (1,000) feet from the next nearest medical marijuana dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located.
- K. All external lighting serving a medical marijuana dispensary must be shielded in such a manner as to not allow light to be emitted skyward or onto adjoining properties.
- L. Proof of required permitting is a condition of occupancy.

Section 661 MEDICAL MARIJUANA GROWER/PROCESSOR

Medical Marijuana Grower/Processor is permitted by right in the Mixed Use, Shopping/Commercial, Corridor Business, and Industrial zones and is subject to the following:

- A. A medical marijuana grower/processor shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicles.
- B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana-related materials and equipment used in production and cultivation or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of per the Pennsylvania Department of Health policy and shall not be placed within any unsecured exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related

products is prohibited at medical marijuana grower/processor facilities.

- F. Growing/processor facilities may not be located within one thousand (1,000) feet of the property line of a school or day-care center.

Section 662 MINING, OPEN PIT

A Mining, Open Pit Operation is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- B. A six (6) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be constructed so as to have openings no larger than six (6) inches (if pickets are used, the openings shall not exceed six (6) inches). Planting may be used as fencing. When used, the original plants must be at least eighteen (18) inches high at time of planting and must be placed in a double-staggered row with no more than three (3) feet between plants.
- C. In addition to the fencing requirements, landscaping and buffer yards shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.
- D. When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment, and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet to a residential district.
- E. From the right-of-way line of a public street or highway, no part of a quarry or excavating operation shall be closer than one thousand (1000) feet.
- F. No part of the quarrying or excavating operation shall be located closer than two hundred (200) feet to a commercial district.
- G. Where a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet.
- H. In no case shall any use permanently impede the flow of natural watercourses.
- I. All uses of land or processes that pollute natural watercourses are prohibited.
- J. All uses of land shall be conducted in a manner that will not allow water to collect or stagnate.

- K. An Operations Plan shall be submitted that contains, but is not limited to, the following items:
1. Ownership and acreage of the land proposed for use.
 2. Type of resources to be extracted or quarried.
 3. The estimated depth of the proposed operation.
 4. Location map at a scale of 1 inch = 800 feet, or less, which shall show:
 - a. The land area to be excavated or quarried with dimensions of the total property.
 - b. Private access roads and abutting streets and highways.
 - c. Abutting and/or adjacent districts and land uses.
 - d. Existing watercourses, and proposed alterations to assure stream quantity and quality.
 - e. Fencing and buffer planting. If fencing is to be vegetation, details must be given of the size and type.
 - f. Title, scale, north arrow, and date.
 - g. Ownership.
- L. A Rehabilitation/Reclamation Plan shall be submitted that includes, but is not limited to, the following items:
1. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.
 2. A description of the location, type, extent, methods, and schedule for the operation(s) proposed.
 3. A drawing showing the location and/or proposed re-location of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition, or restoration either during or following the completion of the operations proposed.
 4. A statement describing all Operational Requirements, plus any drainage, air pollution, soil erosion, or

other environmental problems created during the operations, including production, transportation, processing, stockpiling, storage, and disposal of by-products and wastes.

5. A plan for re-use of the land after completion of the operation which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation, or other correction work deemed necessary.
- M. Within three (3) years after the termination of operations, the area must be rehabilitated to conform to the Rehabilitation and/or Reclamation Plan as approved.
- N. The following minimum standards must be met in the rehabilitation of the area:
1. The entire area disturbed by excavating, quarrying, mining, or other natural production use shall be planted in such a manner so as to control soil erosion.
 2. The entire area shall be graded wherever necessary to provide for the adequate conveyance of storm water. The finished grade shall not have a slope of less than two (2) percent to provide for natural drainage.
 3. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations, and in no case shall such removal be delayed for more than six (6) months.
 4. Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.
- O. All mining or quarrying operations and reclamation practices shall conform to the provisions of the "Surface Mining Conservation and Reclamation Act," as amended.

Section 663 MINI-STORAGE WAREHOUSE

A Mini-Storage Warehouse is permitted by right in the Industrial zone and by Special Exception in the Corridor Business zone and is subject to the following:

- 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 (1) side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- B. Required parking spaces may not be rented as, or used for, vehicular storage; however, additional external storage area may be provided for the storage of

privately owned recreational vehicle and/or boats, so long as such external storage area is screened from adjoining residentially zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

- C. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- D. It shall be prohibited to store gasoline, diesel fuel, paint, paint remover, and other flammable materials. Additionally, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- E. Mini warehouses shall be used solely for the storage of property. The following uses are prohibited and shall be noted in any written contract between the Lessor and Lessee:
 - 1. Auctions, commercial, wholesale, or retail sales including garage sales.
 - 2. The servicing, repair, or fabrication of any item.
 - 3. The operation of power tools or spray-painting equipment.
 - 4. Any use that is noxious because of odors, dust fumes, or vibrations.
- F. The minimum tract area shall be two (2) acres.
- G. All lighting shall be shielded to direct light onto the uses established and away from an adjacent properties.
- H. Landscaping and buffer yards in accordance with the Subdivision and Land Development Ordinance shall be provided.
- I. Fencing is required in accordance with Article III.
- J. Storage units may be no larger than eighty (80) square feet.

Section 664 MIXED USE (RESIDENTIAL/COMMERCIAL)

Mixed Use (Residential/Commercial) is permitted by right in the Mixed Use, Corridor Business, and Shopping/Commercial zones and is subject to the following:

- A. Dwellings shall be located on any floor except the floor at street level.

- B. Entrance to individual dwellings should be separate from non-residential use.
- C. Any additional standards that are needed to protect public health, safety, and welfare or to address the unique characteristics of a particular site shall be complied with by the landowner and/or developer.

Section 665 MOBILE HOME PARK

A Mobile Home Park is permitted by Special Exception in the Mixed Use zone and is subject to the following:

- A. The minimum tract area shall be ten (10) acres.
- B. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be at least five thousand (5,000) square feet in area and not less than fifty (50) feet wide at the building setback line.
- C. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet. In no case shall the distance between any two (2) mobile homes be less than thirty (30) feet.
- D. The Zoning Hearing Board may require suitable screen planting or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- E. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.
- F. A mobile home park shall be registered with the Township annually. The annual registration shall include:
 - a. A map of the mobile home park showing all addresses, including the names of owners and tenants.
 - b. An annual inspection to ensure that the properties are in good condition and meet all Township codes and regulations.

Section 666 NIGHTCLUBS OR TAVERNS

Nightclubs or Taverns are permitted in the Shopping/Commercial, Corridor Business and Mixed Use zones and are subject to the following:

- A. No part of the subject property shall be located within five hundred (500) feet of any land within any residential zones.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to the hours of operation.
- C. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to loitering outside the building.

Section 667 OUTDOOR SALES AND SERVICES

Outdoor Sales and Services are permitted by right in the Mixed Use, Corridor Business, and Shopping/Commercial zones and are subject to the following: outdoor display of merchandise shall only be permitted with a permitted commercial building.

Section 668 PARKING LOT/GARAGE

Parking Lot/Garage is permitted by right in the Mixed Use, Corridor Business, Shopping/Commercial, and Industrial zones.

Section 669 PERSONAL SERVICES ESTABLISHMENT

Personal Services Establishment is permitted by right in the Shopping/commercial, Corridor Business and Mixed Use zones.

Section 670 PET GROOMING

Pet Grooming is permitted by Special Exception in the Shopping/Commercial, Corridor Business and Mixed Use zones and is subject to the following:

- A. There shall be no overnight keeping of animals.
- B. Grooming shall be limited to dogs and cats.
- C. Access to public water and sewer shall be required.

Section 671 POWER GENERATION FACILITIES/GAS FIRED GENERATORS

Power Generation Facilities/Gas Fired Generators are permitted by Special Exception in the Industrial Zone and are subject to the following:

- A. Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors, or other objectionable emissions beyond any boundary of the site on which the use is located.
- B. Outdoor storage and waste disposal:
 - 1. No material or waste shall be deposited upon a site in such a form or manner that natural causes or forces may transfer them off-site.
 - 2. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
 - 3. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids, and the bulk storage of liquefied petroleum gas must comply with all local, State, and Federal distance and other safety requirements applicable to the types of storage stated in this subsection.
- C. The proposed facility shall comply with all applicable State and Federal air, waste quality, environmental, and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval shall be contingent on the granting of the required permits and approvals.
 - 1. National Pollutant Discharge Elimination System (NPDES) water quality and earth disturbance permits.
 - 2. Chapter 105 Encroachment Permit required for any projects involving the construction, modification, or relocation of any dam, water obstruction, or encroachment.
 - 3. A Water Consumptive Permit from the Susquehanna River Basin Commission is required if water use is twenty thousand (20,000) gpd or more over a thirty (30) day average from any water source.
 - 4. A Water Allocation/Withdrawal Permit from the Pennsylvania Department of Environmental Protection is required for the diversion of ground and/or surface water in excess of one hundred thousand (100,000) gallons per day for a period of more than thirty (30) days in a three hundred sixty-five (365) consecutive day period.
 - 5. An Air Quality Permit through the Pennsylvania Department of Environmental Protection.
 - 6. Public Utility Commission Approvals.
- D. Landscape Requirements:

1. The landscape provisions in this ordinance are intended to encourage the development of an attractive working environment for development, to buffer objectionable views, to provide a year-round landscape, and to provide for the mitigation of environmental impacts.
 2. Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this ordinance.
 3. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
 4. Parking shall not be permitted in the landscape setback abutting any street.
 5. Landscaping shall meet all other requirements of the Penn Township Subdivision and Land Development Ordinance.
- E. The owner must provide an Emergency Plan of Access in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Township and the Fire Chief at the time of application for a building permit.

Section 672 PRINTER OR PUBLISHING FACILITY

A Printer or Publishing Facility is permitted by right in the Corridor Business, Shopping/Commercial, and Industrial zones, and is subject to the following:

- A. Objectional noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- B. All materials and equipment shall be stored within a completely enclosed building.
- C. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids stored and/or used on site shall be available upon request.

Section 673 PRIVATE RECREATIONAL FACILITY

A Private Recreational Facility is permitted by Special Exception in the R-10, R-15, R-22, R-40, and Rural Conservations zones and is subject to the following:

- A. Temporary toilet facilities must be provided. The location of such facilities shall be shown on the land development plan.

- B. No land development plan shall be required where a land development plan exists with required parking and adequate area for the private recreation area use, or the property owner has adequate area available for a private recreation area use and has the required parking on the existing lot and the primary use on the property existed before the Township requirement that a land development plan be filed. In each of these instances, the property owner shall be required to submit a zoning permit application with a sketch plan to scale showing the location of the proposed use, the existing required parking, the location of the required plantings and temporary toilet facilities, and any other required information.

Section 674 PROFESSIONAL OFFICES

Professional Offices are permitted by right in the Shopping/Commercial, Corridor Business and Mixed Use zones.

Section 675 PUBLIC PARK, RECREATIONAL FACILITY/GROUNDS

A Public Park, Recreational Facility/Grounds is permitted by right in all zones and is subject to the following:

- A. In any residential zones, all principal structures, such as pools, bathhouses, or clubhouses, must be set back at least one hundred (100) feet from the front property line and fifty (50) feet from other property lines.
- B. Eating establishments proposed as an accessory use and other places serving food or beverages may be permitted but may only be open when the recreational facilities are operating.
- C. All equipment storage shall be indoors.
- D. The maximum height for any structure must comply with the zoning requirements of the zone in which it is located.
- E. Outdoor lighting for buildings and facilities may be approved, provided it is directed away from residential uses and public rights-of-way.
- F. Must meet the parking requirements set forth in Article III.
- G. Activities that produce an objectionable level of noise to surrounding residential properties may be prohibited.

Section 676 PUBLIC USES AND BUILDINGS

Public Uses and Buildings are permitted by right in all zones and are subject to the following:

- A. Consideration shall be given to traffic problems. If the nature of the public building is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street.
- B. Side setback: must meet the minimum side yard setback for each zone.

Section 677 PUBLIC UTILITY BUILDINGS AND STRUCTURES

Public Utility Buildings and Structures are permitted by Special Exception in all zones and are subject to the following:

- A. Front, side, and rear yards shall be provided following the regulations of the zone in which the facility is located.
- B. Height restrictions shall be as required by the regulations of the zone in which the facility is located.
- C. Unhoused equipment shall be enclosed within a fence with a minimum height of six (6) feet and a minimum opacity of eighty (80) percent.
- D. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block and adjacent lots of the subject lot.

Section 678 REPLACEMENT OF NONCONFORMITY BY ANOTHER

Replacement of Nonconformity by Another is permitted by Special Exception in any zone and is subject to the requirements of that zone except as herein modified and provided:

- A. Before granting a Special Exception for the replacement of one (1) nonconformity by another, the Zoning Hearing Board must determine that the proposed nonconformity will have no more adverse effect upon adjacent property than the existing nonconformity. In making this determination, the Board should consider particularly the effect upon the adjacent property of the following:
 - 1. Signs and lighting.
 - 2. The appearance of structures.
 - 3. Traffic generation and movement.
 - 4. Parking and loading.
 - 5. Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes, or storm water runoff.

6. Fire, explosion, or other hazards.

Section 679 RESEARCH, TESTING, OR EXPERIMENTAL LABORATORY

A Research, Testing, or Experimental Laboratory is permitted by right in the Industrial zone and is subject to the following: there shall be no commercial production or storage of any hazardous, flammable, or corrosive commodity or substance, except for storage necessary for such scientific research.

Section 680 RETAIL ESTABLISHMENT

A Retail Establishment is permitted by right in the Shopping/Commercial, Corridor Business and Mixed Use zone.

Section 681 RIDING ACADEMY AND/OR BOARDING STABLE

A Riding Academy and/or Boarding Stable is permitted by Special Exception in the R-40 and Rural Conservation zones and is subject to the following:

- A. Shall have a minimum lot size of ten (10) acres.
- B. Signs shall meet the provisions contained in the Sign Ordinance.
- C. All animals except while exercising or pasturing shall be confined in a building erected or maintained for that purpose.
- D. The building shall not be erected or maintained within three hundred (300) feet of any lot line and seventy-five (75) feet from any public or private road.
- E. All areas used for exercising and pasturing shall be securely fenced. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines. All buildings shall be set back a minimum of one hundred (100) feet from any adjacent residence whose owner is not the owner of this use.
- F. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- G. No more than ten (10) equines may be kept with the exception that one (1) additional equine may be kept for each additional acre of land over ten (10) acres.
- H. The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each added

equine.

- I. Must meet the parking requirements set forth in Article III.

Section 682 SAWMILL

A Sawmill is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. All cutting, sawing, grinding, or other processing shall be conducted within a completely enclosed building.
- B. No building or structure shall be located within two hundred (200) feet of any property line.
- C. Any external area used for the unloading/loading, transfer, storage, or deposition of material must be provided with buffering, landscaping, and screening.
- D. All facilities shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not have to back up onto public roads.
- E. All access drives serving the site shall have a paved minimum thirty-two (32) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. Also, a fifty (50) foot gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may attach to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by vehicles traveling from the site.
- F. In general, access drives shall intersect public streets at ninety (90) degrees as site conditions permit; however, in no case shall access drives intersect public streets at less than seventy (70) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.

Section 683 SCHOOL, COMMERCIAL

A School, Commercial is permitted by right in the Shopping/Commercial and Mixed Use zones.

Section 684 SHOOTING RANGE, INDOOR

A Shooting Range, Indoor is permitted by Special Exception in the Shopping/Commercial, Corridor Business, and Industrial zones and is subject to the following:

- A. The building and method of operation shall conform to any applicable Commonwealth of Pennsylvania, Environmental Protection Agency and OSHA standards for indoor ventilation, emission into the atmosphere, and lead management.
- B. The design and construction of the shooting range shall completely confine all ammunition rounds and projectiles within the building and in a controlled manner.
- C. The design and construction of the shooting range shall be certified by a registered architect or engineer.
 - 1. The certified plans shall include the specification for construction of the bullet trap(s), ceilings, exterior, and interior walls and floors.
 - 2. The certified plans shall state what type and caliber of ammunition the shooting range is designed to confine.
 - 3. A security plan for the building shall be submitted which secures the shooting range against unauthorized entrants.
- D. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
- E. For shooting ranges that are for other than recreational purpose, firearms shall not be stored on the premises when the shooting range is closed for business unless they are stored in an acceptable gun safe or other secure locking device.
- F. On-site supervision shall be supplied at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for the conduct of his or her place of business and the conditions of safety and order in the place of business and on the premises.
- G. Each shooting range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all shooting range users to study and use.
- H. Minors shall not be allowed in the shooting range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class that is supervised by an adult instructor.
- I. In multi-tenant buildings, the shooting range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
- J. The applicant shall have the burden to demonstrate that the shooting range is designed to promote the safety of all persons on the premises or on abutting

properties when the shooting range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association, Commonwealth of Pennsylvania, or other generally recognized guidelines for shooting range design and safety or by submitting evidence from persons with experience and expertise in shooting range design and safety.

Section 685 SHOOTING RANGE, OUTDOOR

A Shooting Range, Outdoor is permitted by Special Exception in the Industrial zone and is subject to the following:

- A. The building, grounds, and method of operation shall conform to any applicable Federal, State, and local standards for the operation of an outdoor range including requirements for safety, noise abatement, lead, and other waste management.
- B. The design and construction of the range shall completely confine all projectiles and ammunition rounds within the site and in a controlled manner.
- C. The design and construction of the range shall be certified by properly registered architect or engineer.
 - 1. The certified plans shall include the specification for construction of the bullet trap(s), archery areas, backstops, storage buildings, and other amenities.
 - 2. If applicable, the certified plans shall state what type and caliber of ammunition the shooting range is designed to confine.
 - 3. A security plan for the site, any buildings, and/or storage areas shall be submitted which secures the range against unauthorized entrants.
- D. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
- E. Firearms shall not be stored on the premises when the shooting range is closed for business unless they are stored in locked gun safes or other secure locking device.
- F. On-site supervision shall be supplied at all times by an adult who is an experienced range operator. The range operator shall be responsible for the conduct of patrons, safety, and order at his or her place of business.
- G. Each range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all range users to study and use.
- H. Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating

in a firearm safety class that is supervised by an adult instructor.

- I. All outdoor shooting ranges shall be a minimum of one thousand (1000) feet from any occupied structure existing at the time of the establishment of the shooting range. This isolation dimension may be reduced to six hundred (600) feet for any range restricted to archery use.
- J. The applicant shall have the burden to demonstrate that the range is designed to promote the safety of all persons on the premises or on abutting property when the range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association or other generally recognized guidelines for range design and safety or by submitting evidence from persons with experience and expertise in range design and safety.

Section 686 SHOPPING CENTER, MALL, OR PLAZA

A Shopping Center, Mall, or Plaza is permitted by right in the Shopping/Commercial Zone and is subject to the following:

- A. All shopping centers, malls, or plazas shall have a minimum of two (2) acres.
- B. Authorized uses may include all commercial uses allowed in the district in which the shopping center, mall, or plaza is located.
- C. Access must be via an arterial street or collector street.
- D. All shopping centers, malls, and plazas shall be designed to limit the number of access driveways and curb cuts. The development shall be designed to utilize common driveways as much as possible.
 - 1. The minimum sight distance for all access drives from any proposed commercial driveway to points in the left and right traveling lanes shall be measured from a point ten (10) feet back from the pavement. The developer is responsible for having sight distance information certified by a registered professional engineer or surveyor.
 - 2. No driveway shall be closer than fifty (50) feet from any other driveway.
 - 3. All shopping centers, malls, and plazas shall have no more than one (1) driveway for each one hundred twenty-five (125) feet of lot frontage.
 - 4. Parking areas shall not be permitted within ten (10) feet of the road right-of-way. This setback area shall be landscaped with suitable plants or other decorative landscape materials that will be resistant to damage from road deicing chemicals.
 - 5. The general siting of buildings and location of any service roads and common driveways of all shopping centers, malls, and plazas shall be designed to enable adjacent properties the opportunity to connect into the circulation

system of the shopping center, mall, or plaza should future development occur.

- E. Subdivision of shopping centers, malls, and plazas into lots not less than one-half (1/2) acre is permitted, provided all the requirements of this Section are met for the entire site. In addition, the following standards shall be required:
 - 1. The location, size, right of access, and other pertinent features of the lots, driveways, parking areas, and all common areas shall be described and included in deed restrictions or other suitable legal instruments prepared by the developer.
 - 2. Individual lots subdivided under this Section shall be reviewed as separate land development plans. Each lot shall meet the applicable zoning standards for the zone in which it is located. This includes, but is not limited to:
 - a. Side and front yard setbacks shall be measured only from the outside or perimeter lot lines of the entire site. Spacing between buildings and interior lot side yards shall be determined during the site land development plan review by the Planning Commission. No side yards shall be required where buildings have common or party walls and share common side yard lot lines.

Section 687 SHORT-TERM RENTAL

A Short-Term Rental is permitted by Special Exception in the Mixed Use zone and is subject to the following:

- A. The household must be the permanent address of the owner or lessee and the owner or lessee must occupy the household for at least six (6) months of the calendar year. The owner or lessee shall register as a short-term rental with Penn Township.
- B. An owner or lessee of the household may provide short-term rentals up to six (6) times in one calendar year. However, the maximum total number of days short-term rental activity shall be permitted to occur per dwelling unit shall not exceed sixty (60) calendar days in one calendar year.
- C. The short-term rental shall not permit more than two (2) persons to occupy one (1) bed.
- D. If the short-term rental pertains specifically to couches, the short-term rental shall not permit more than one (1) house guest to occupy one (1) couch. Additionally, if the short-term rental does not offer private sleeping quarters, then the number of houseguests shall be limited to one (1) per household at a time.

- E. All activity at the short-term rental shall be subject to enforcement of the Township's noise, nuisance, and property maintenance-related ordinances.
- F. Any noise caused by the houseguests that disturbs the neighboring households shall not be permitted, and if the house or houseguest is convicted by the police for any disturbance(s) of the peace, the owner or lessee shall not be permitted to continue to offer short-term rentals.
- G. Within the context of short-term rentals, a meeting room shall refer to the location within the dwelling unit where a houseguest(s) gathers for personal and/or professional purposes.
- H. Must meet the parking requirements set forth in Article III.
- I. Must provide 24-hour emergency contact information.

Section 688 SOLAR PANELS AS A COMMERCIAL USE/SOLAR FIELDS

Solar Panels as a Commercial Use/Solar Fields are permitted by Special Exception in the Industrial zone and are subject to the following:

- A. Solar panels and related equipment shall be permitted in all zoning districts as an accessory use to a principal building or structure. All Solar Panel Arrays, whether accessory or commercial uses, shall comply with the following requirements:
 - 1. All panels and equipment shall meet the setback requirements for a detached accessory use in accordance with the zoning district requirements where the array will be located if the panels are accessory to the commercial use.
 - 2. The minimum lot size is two (2) acres.
- B. The facility owner shall, at their expense, complete decommissioning of the Solar Electric Energy Facility or individual Solar Electric Systems within twelve (12) months after the end of the useful life of such system. The system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- C. Decommissioning shall include removal of all Solar Electric Energy Systems, buildings, cabling, electrical components, roads, foundations, and any other associated facilities.
- D. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

Section 689 SOLID WASTE PROCESSING FACILITY

Solid Waste Processing Facility is permitted by right in the Industrial zone.

Section 690 SPECIAL EVENTS

Special events are permitted by Special Exception in all zones and are subject to the following:

- A. Within all zones, special events shall be permitted by Special Exception, subject to the following:
 - 1. Special events shall be permitted to operate for a maximum of seven (7) consecutive calendar days per event, with a maximum of four (4) such events permitted on a particular property per year.
 - 2. The applicant shall provide evidence to demonstrate that adequate provisions have been made for sanitary sewage disposal, trash disposal, parking, traffic control, emergency access, and any other items having the potential to affect public health and welfare.
 - 3. Special events are permitted to operate between the hours of 8:00 A.M. to 11:00 P.M.
 - 4. All waste, trash and rubbish, tents, and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within forty-eight (48) hours after the special event has ended.

Section 691 TAXIDERMY

Taxidermy is permitted by Special Exception in the Mixed Use, Corridor Business, and Shopping/Commercial zones and is subject to the following:

- A. There shall be no outdoor storage of materials associated with said use.
- B. No slaughtering or animal rendering shall be permitted on site.
- C. A waste management plan shall be presented at the time of the zoning hearing and shall comply with any applicable State and Federal requirements, including all advisories issued by the Pennsylvania Game Commission for the prevention of the spread of animal diseases.
- D. The facility owner must present the Township with documentation showing registration with the Pennsylvania Department of Agriculture.

Section 692 THEATER

A Theater is a use permitted by right in the Shopping/Commercial zone.

Section 693 TRANSPORTATION (PASSENGER) TERMINAL

A Transportation (Passenger) Terminal is permitted by Special Exception in the Corridor Business zone and by right in the Shopping/Commercial zone and is subject to the following:

- A. The applicant shall submit a Traffic Impact Study.
- B. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of “oversized” off-street parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- C. The subject property shall have a minimum of two hundred (200) feet of road frontage along an arterial road.
- D. The subject property shall be located no closer than three hundred (300) feet from any adjoining residence, residential zones, and/or property containing a school, day-care facility, park, playground, library, hospital, personal care home, or assisted living residence.
- E. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line.
- F. Access drives shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges.
- G. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- H. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

Section 694 TRUCK OR MOTOR FREIGHT TERMINAL

A Truck or Motor Freight Terminal is permitted by right in the Industrial Zone and is subject to the following:

- A. Primary access shall be via an arterial or collector street.
- B. All service and/or repair activities shall be conducted within a completely enclosed building.
- C. The outdoor storage of inoperable machinery or vehicles waiting for repair must be in a fenced and screened area. Fencing shall be a minimum of eight (8) feet in height.
- D. Flammable or explosive liquids, solids, or gases stored in bulk shall demonstrate compliance with all applicable regulations of the United States Environmental Protection Agency; the Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshal Division, including notification and registration requirements.
- E. No door openings for any loading areas shall be constructed facing any adjacent residential use.
- F. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- G. Control measures shall be provided to mitigate adverse impacts of noise, fumes, and dust.

Section 695 URBAN AGRICULTURE/LIVESTOCK KEPT FOR PERSONAL

Urban Agriculture/Livestock Kept for Personal Use is permitted by Special Exception in the R-40 and Rural Conservation zones and is subject to the following:

- A. All areas used for pasturing, grazing, feeding or exercise shall be securely fenced.
- B. All poultry and livestock shall, except while pasturing, grazing, feeding or exercising, be housed in a building erected or maintained for that purpose.
- C. The building required by subsection (b) hereof shall not be erected or maintained within two hundred (200) feet of any property line.
- D. The accumulation and storage of livestock and poultry waste (manure) or other odor producing substances shall not be permitted within two hundred (200) feet

of any lot line, and such accumulation and storage shall not be permitted beyond thirty (30) days.

- E. Lot area – Five (5) acres minimum.

Section 696 UTILITY, SUPPLEMENTAL WIND

Utility, Supplemental Wind is permitted by right in all zones and is subject to the following:

- A. Wind energy conversion systems and related equipment shall be permitted in the R-40, RC, and Industrial zones as a commercial use to a principal building or structure. All Wind Energy Conversion Systems shall comply with the following requirement:
 - 1. All components of the wind energy conversion system, including windmill structure and associated equipment, shall meet the setback requirements for a detached accessory use in accordance with the zoning district requirements where the array will be located.
- B. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- C. On-site transmission and power lines between wind turbines shall, to the maximum extent practical, be placed underground.
- D. Audible sound from a wind energy facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any existing dwelling on another lot.
- E. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on another lot.
- F. The facility owner and operator shall, at their expense, complete decommissioning of the wind energy facility, or individual wind turbines, within twelve (12) months after the end of the useful life of the facility or individual wind turbines. The wind turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of wind turbines, buildings, electrical components, roads, and any other associated aboveground facilities.

Section 697 VEHICLE WASHING FACILITY

A Vehicle Washing Facility is permitted by right in the Shopping/Commercial, Corridor Business and Mixed Use zones and is subject to the following:

- A. The content of sanitary waste flows and the volume of water usage shall be subject to State and Local regulations.
- B. All operations, including brushing, steaming, and polishing, shall take place in an enclosed building. Final spot wiping may be done after the vehicle exit the wash.
- C. All access drives and waiting areas shall be paved and shall be large enough to accommodate all traffic at peak operating periods so that the operation shall not conflict with normal street operations. Design plans shall be accompanied by a traffic study showing projected peak operating capacity in relation to the access drive and waiting area design.
- D. Access shall be from an arterial or collector street.

Section 698 WAREHOUSE OR DISTRIBUTION CENTER

A Warehouse or Distribution Center is permitted by right in the Industrial zone. A warehouse shall provide a traffic study completed by a professional traffic engineer. A Distribution Center is subject to the following:

- A. Minimum lot area of ten (10) acres.
- B. Tractor-trailer truck parking, principal structures, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a fifty (50) foot wide buffer yard. A fifty (50) foot buffer is required along the frontage of all streets.
- C. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.
- D. All facilities with gated entrances shall provide an on-site queuing area for the stacking of a minimum of two tractor-trailers.
- E. No parking or loading/unloading shall be permitted on or along any public road.
- F. Mechanical scraper systems shall be installed at each truck exit drive for the purpose of removing snow, slush and ice from trailer and truck rooftops. During winter months, all trucks must pass under these mechanical scrapers prior to exiting the warehouse facility.
- G. Prior to the construction or installation of a distribution center, the following shall

be completed:

1. A traffic study prepared by a professional traffic engineer.
2. A community impact study.
3. An environmental impact assessment prepared by a professional environmental engineer, ecologist, environmental planner.

Section 699 WHOLESALE ESTABLISHMENT

A Wholesale Establishment is permitted by right in the Industrial zone.

Section 699A WINERY

A Winery is permitted by Special Exception in the R-40 and Rural Conservation zones and is subject to the following:

- A. A winery shall be located on premises used for agricultural purposes.
- B. At least fifty (50) percent of the fruit used in connection with the processing of wine shall be grown on the premises. The remaining fruit may be grown and/or purchased off-site.
- C. The winery may include a tasting room, subject to the requirements of this Article.
- D. Structures and outdoor use areas associated with a winery shall comply with the setbacks of the zoning district.
- E. Access:
 1. Ingress and egress shall be marked and visible, and turning movements into the premises shall not create congestion or unnecessary slowing at access points.
 2. Existing driveways shall be utilized to the maximum extent feasible to minimize grading, site disturbance, and the loss of agricultural land.
- F. Must meet the parking requirements set forth in Article III.
- G. A winery vegetative waste management plan shall be submitted for review and approval by the Township. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and disking the waste into the soil on the winery premises or approved property. Pomace may be used as fertilizer or as a soil amendment provided that

the use or other disposal shall occur in compliance with applicable standards.

- H. Liquid waste (process wastewater) from the winery operation shall be handled separately from domestic liquid waste and shall comply with applicable discharge requirements.
- I. Tasting rooms shall be incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility and are subject to the following requirements:
 - 1. The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading, and other environmental issues.
 - 2. The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises. Sales of souvenirs and clothing bearing the logo of the winery, as well as wine-related items and other products that reflect or enhance the character or theme of the winery may also be offered for sale in the tasting room.
 - 3. If more than one winemaker shares production facilities or more than one winery is located on winery premises, only one tasting room is allowed. More than one winemaker or winery facility may share a tasting room.
- J. The retail sale of cheeses, fruits, meats, chocolates, specialty agricultural food products, and other culinary items typically paired with wine, but which do not involve the use of an onsite commercial kitchen to prepare, is permitted.
- K. Special events, including, but not limited to, weddings, workshops, corporate events, concerts, and organizational picnics, are permitted, consistent with the following:
 - 1. Indoor special events are permitted provided they are held in a building that shall contain no more than two thousand five hundred (2,500) square feet dedicated to public use, including areas used for retail sales. The maximum allowed attendance will be per the maximum occupancy requirements for the building in which the event is conducted.
 - 2. Outdoor special events, including those held under tents or other temporary structures, are only permitted on a winery containing a vineyard of not less than five (5) acres.
- L. Adequate parking, in terms of size, location, and surface material shall be provided.
- M. Lighting may be used for special events for the duration of the event only and may not shine or produce a glare on adjacent properties or streets.

- N. Alcoholic beverages produced at the winery, nonalcoholic beverages, and catered food may be served at the special event.
- O. Overflow parking areas may be on grass surface areas of the lot. Driveways from permanent parking areas to overflow parking areas shall have a gravel tire cleaning area having a minimum length of fifty (50) feet. The grass surface area which is to be used for overflow parking shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition. If the surface of any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines. All such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least twenty-five (25) feet from side and rear property lines.
- P. Adequate and appropriate sewage disposal shall be provided for special events.
- Q. Application Requirements: the application for a winery facility shall include, but shall not be limited to:
 - 1. The range of activities occurring onsite directly related to wine production (e.g., crushing, fermentation, barrel aging, bottling, bottle storage, shipping, and receiving) accompanied by a site plan that describes where the different winery processes will occur on the site.
 - 2. Production capacity (existing and proposed).
 - 3. The area (existing and proposed) of structures, parking, roads, and driveways, uncovered processing areas, vineyards, and other planted areas.
 - 4. A description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed winery operation.
 - 5. Information regarding proposed public tours and wine tasting, retail wine sales, other retail sales including food service, and picnic areas available to the public.
 - 6. Information regarding any planned permitted accessory use as listed in this Section.
- R. To preserve the character of established surrounding development and landscapes, new structures associated with the winery including production facilities and exterior changes to existing structures associated with the winery shall be subject to review and approval by the Township using the following standards:

1. Screening: The visibility of winery operations from public roads shall be minimized through the use of landscaping and other screening devices to ensure that the character of the area is retained. Tanks not located within a structure shall be completely screened from public roads.
2. Height: The height of a structure associated with a winery facility shall be limited to the allowable height of that zoning district.
3. Lighting: Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to prevent spillover onto adjacent lots under separate ownership. Exterior lighting shall not be installed or operated in a manner that would project light, either reflected or directly, in an upward direction.

Section 699B WIRELESS COMMUNICATION FACILITIES

Wireless Communication Facilities are permitted by Special Exception in all zones and are subject to the following:

- A. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communication facilities in Penn Township. While the Township recognizes the importance of wireless communications facilities (WCFs) in providing high-quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards outlined in the following provisions.
- B. By enacting this section, the Township intends to:
 1. Promote the health, safety, and welfare of Township residents and businesses concerning aerial utilities, including WCFs.
 2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers under Federal and State laws and regulations.
 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower-based (supplemental) aerial utilities in the Township, including WCFs both inside and outside the public rights-of-way.
 4. Address new wireless technologies, including but not limited to, distributed antenna systems, small-cell antennas, data collection units, cable Wi-Fi, and other WCFs.

5. Encourage the collocation of WCFs on existing structures rather than the construction of new tower-based structures.
 6. Protect Township residents from potential adverse impacts of aerial utilities, including WCFs, and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
- C. The following regulations shall apply to all tower-based aerial utilities:
1. Any tower-based aerial utility facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes. Any tower-based aerial utility facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
 2. Any tower-based aerial utility facility shall be designed to withstand the effects of wind.
 3. Any tower-based aerial utility facility shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All tower-based WCFs applicants must submit documentation of the total height of the structure.
 4. No tower-based aerial utility shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
 5. The following maintenance requirements shall apply to all tower-based aerial utilities:
 - a. Any tower-based aerial utility facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility to promote the safety and security of the Township's residents.
 6. No tower-based aerial utility may, by itself or in conjunction with other aerial utilities, generate radio-frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC).
 7. No tower-based aerial utility may be located on a building or structure that is

listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic structure as defined in the Penn Township Ordinance of Definition.

8. All tower-based aerial utilities shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
9. Tower-based aerial utility facilities shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, that shall be unobtrusive and inoffensive as is permissible under State and Federal regulations.
10. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
11. Tower-based aerial utilities shall be operated and maintained so as not to produce noise above applicable noise standards under state law and the Township Code, except in emergencies requiring the use of a backup generator, where such noise standards may be temporarily exceeded.
12. Tower-based aerial utilities shall comply with all Federal and State laws and regulations concerning aviation safety.
13. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based aerial utility facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the aerial utility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
14. Within thirty (30) calendar days of the date that an application for a tower-based aerial utility facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application.
15. Nonconforming tower-based aerial utility facilities that are hereafter damaged or destroyed due to any reason or cause must be repaired and restored and otherwise comply with the terms and conditions of this section.
16. If the use of a tower-based aerial utility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned aerial utility facilities or portions of such shall be removed as follows:

- a. All unused or abandoned tower-based aerial utility facilities and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the aerial utility facility and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the aerial utility facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the aerial utility.
 - c. Any unused portions of tower-based aerial utility facilities, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based aerial utility facility previously removed.
- D. The following regulations shall apply to tower-based aerial utilities located outside the rights-of-way:
- 1. No tower-based aerial utility facility shall be located in residential zones or within five hundred (500) feet of a lot in residential use or a residential zone boundary.
 - 2. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists for all wireless operators in the applicable area and that the type of aerial utility facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based wireless communications facilities.
 - 3. A tower-based aerial utility facility is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zone.
 - 4. A tower-based aerial utility facility may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional, or municipal use, subject to the following conditions:
 - a. The existing use on the property may be any permitted use in the applicable zone other than a residential use and need not be affiliated with the utility facility.
 - b. The minimum lot shall comply with the requirements for the applicable

zone and shall be large enough accommodate the tower-based aerial utility facility and guy wires, the equipment building, security fence, and buffer planting.

- c. The tower-based aerial utility facility and accompanying equipment building shall comply with the requirements for the applicable zone. No tower-based aerial utility facility shall be located within five hundred (500) feet of a lot in residential use or a residential zone boundary.
5. Upon receipt of an application for a tower-based aerial utility facility, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.
6. An application for a new tower-based aerial utility facility shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based aerial utility facility cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based aerial utility facility shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the planned location of the proposed tower unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
7. The following design guidelines shall apply to tower-based aerial utilities located outside the rights-of-way:
 - a. The aerial utility facility shall employ the most-current stealth technology available to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the aerial utility applicant shall be subject to the approval of the Township.
 - b. Any height extensions to an existing tower-based aerial utility facility shall require prior approval of the Township. The Township reserves the right to deny such requests based upon any lawful considerations related to the character of the Township.
 - c. Any proposed tower-based aerial utility facility shall be designed structurally, electrically, and in all respects to accommodate both the aerial utility applicant's antennas and comparable antennas for future users.
 - d. A security fence having a maximum height of six (6) feet shall surround

any tower-based aerial utility facility, guy wires, or any building housing aerial utility equipment.

- e. An evergreen screen that consists of a hedge or a right-of-way of evergreen trees shall be located along the perimeter of the security fence.
 - f. The aerial utility applicant shall submit a landscape plan for review and approval by the Township Planning Commission for all proposed screening.
8. The aerial utility applicant shall submit a soil report to document and verify the design specifications of the foundation of the tower-based aerial utility facility, and anchors for guy wires, if used.
9. The following regulations apply to accessory equipment to tower-based aerial utilities located outside the rights-of-way:
- a. Ground-mounted equipment associated with, or connected to, a tower-based aerial utility shall be underground. If an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies.
 - b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the zone.
10. As a condition of approval for all tower-based aerial utility facilities, the aerial utility applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based aerial utility facilities where technically and economically feasible and that the aerial utility applicant shall not unreasonably withhold such permission. The owner of a tower-based aerial utility shall not install any additional antennas without obtaining the prior written approval of the Township.
11. An access road, turn-around space, and parking shall be provided to ensure adequate emergency and service access to a tower-based aerial utility facility. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the aerial utility owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
12. Before the issuance of a permit, the owner of a tower-based aerial utility facility outside the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial

security acceptable to the Township Solicitor, in an amount to be set by resolution of the Board of Commissioners, to assure the faithful performance of the terms and conditions of this section. The financial security shall provide that the Township may recover from the principal and surety all compensatory damages incurred by the Township for violations of this section, after reasonable notice. The owner shall file the financial security with the Township.

13. The Township reserves the right to deny an application for the construction or placement of any tower-based aerial utility facility based upon visual and/or land use impact, to the extent permitted by law.
 14. The Township reserves the right to inspect any tower-based aerial utility facility to ensure compliance with the provisions of this section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which an aerial utility facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- E. The following regulations shall apply to tower-based aerial utility facilities located in the rights-of-way:
1. No tower-based aerial utility facility shall be located in residential zones or within five hundred (500) feet of a lot in residential use or a residential zone boundary.
 2. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists for all wireless operators in the applicable area and that the type of aerial utility facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based wireless communications facilities.
 3. Upon receipt of an application for a tower-based aerial utility facility, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.
 4. An application for a new tower-based aerial utility facility in the right-of-way shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based aerial utility facility cannot be accommodated on an existing or approved structure or building, such as a utility pole or traffic light pole. Any application for approval of a tower-based aerial utility facility shall include a comprehensive inventory of all existing towers and other suitable structures within a one (1)

mile radius from the point of the proposed tower unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

5. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based aerial utility facilities in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations.
6. Tower-based aerial utility facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Township. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, or in the absence of a curb, the edge of the pavement.
 - b. Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to tower-based aerial utilities shall be reviewed and approved by the Township.
7. The following design guidelines shall apply to tower-based aerial utility facilities located in the rights-of-way:
 - a. The aerial utility facility shall employ the most-current stealth technology available to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the aerial utility applicant shall be subject to the approval of the Township.
 - b. Any height extensions to an existing tower-based aerial utility facility shall require prior approval of the Township. The Township reserves the right to deny such requests based upon any lawful considerations related

to the character of the Township.

- c. Any proposed tower-based aerial utility facility shall be designed structurally, electrically, and in all respects to accommodate both the aerial utility applicant's antennas and comparable antennas for future users.
8. The Township reserves the right to deny an application for the construction or placement of any tower-based aerial utility facility based upon visual and/or land use impact, to the extent permitted by law.
9. As a condition of approval for all tower-based aerial utility facilities in the right-of-way, the aerial utility applicant shall provide the Township with a written commitment that it will allow other service providers to collocate antennas on tower-based aerial utility facilities where technically and economically feasible and that the aerial utility applicant shall not unreasonably withhold such permission. The owner of a tower-based aerial utility facility shall not install any additional antennas without obtaining the prior written approval of the Township.
10. Within sixty (60) days following written notice from the Township or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based aerial utilities in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any aerial utility facility when it is determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way.
 - b. The operations of the Township or other governmental entity will utilize the right-of-way.
 - c. When the street or road is vacated or the release of a utility easement.
 - d. An emergency as determined by the Township.
11. In addition to permit fees as described herein, every tower-based aerial utility in the right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the Township. The owner of each tower-based aerial utility shall

pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual right-of-way management fee for tower-based aerial utility facilities shall be determined by the Township and authorized by resolution of the Township Board of Commissioners and shall be based on the Township's actual right-of-way management costs as applied to such tower-based aerial utility facilities.

12. Before the issuance of a permit, the owner of a tower-based aerial utility in the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Township Solicitor, in an amount to be set by resolution by the Board of Commissioners, to assure the faithful performance of the terms and conditions of this section. The financial security shall provide that the Township may recover from the principal and surety all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure. The owner shall file the financial security with the Township.
- F. The following regulations shall apply to all supplemental aerial utilities, including non-tower wireless communications facilities:
1. Supplemental aerial utilities are permitted in all zones subject to the restrictions and conditions prescribed below and subject to prior written approval of the Township.
 2. Upon receipt of an application for a supplemental aerial utility facility, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.
 3. Any supplemental aerial utility facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes. Any supplemental aerial utility facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
 4. Any supplemental aerial utility facilities shall be designed to withstand the effects of wind.
 5. No supplemental aerial utilities shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

6. Supplemental aerial utility facilities shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.
 7. No supplemental aerial utility may, by itself or in conjunction with other aerial utilities, generate radio-frequency emissions above the standards and regulations of the FCC.
 8. If the use of a supplemental aerial utility facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned aerial utility facilities or portions of aerial utilities shall be removed as follows:
 - a. All unused or abandoned supplemental aerial utility facilities and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the supplemental aerial utility facility and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the supplemental aerial utility facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the supplemental aerial utility.
 9. Within thirty (30) calendar days of the date that an application for a supplemental aerial utility facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
 10. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a supplemental aerial utility facility or \$1,000, whichever is less.
- G. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:
1. Supplemental aerial utility facilities are permitted in all zones subject to the

restrictions and conditions prescribed below and subject to prior written approval of the Township.

2. Upon receipt of an application for a supplemental aerial utility facility, the Township shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility.
3. Any supplemental aerial utility facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes. Any supplemental aerial utility facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.
4. Any supplemental aerial utility facilities shall be designed to withstand the effects of wind.
5. No supplemental aerial utility facility shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
6. No supplemental aerial utility facility may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic structure as defined in the Penn Township Ordinance of Definition.
7. Supplemental aerial utility facilities shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.
8. The following maintenance requirements shall apply to all supplemental aerial utility facilities:
 - a. Any supplemental aerial utility facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. No supplemental aerial utility facility may, by itself or in conjunction with other aerial utility facilities, generate radio-frequency emissions above the

standards and regulations of the FCC.

10. If the use of a supplemental aerial utility facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned supplemental aerial utility facilities or portions of such shall be removed as follows:
 - a. All unused or abandoned supplemental aerial utility facilities and accessory facilities shall be removed within ninety (90) calendar days of the cessation of operations at the site unless a time extension is approved by the Township.
 - b. If the supplemental aerial utility facility and/or accessory facility is not removed within ninety (90) calendar days of the cessation of operations at a site, or within any longer period approved by the Township, the supplemental aerial utility facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the supplemental aerial utility.
11. Within thirty (30) calendar days of the date that an application for a supplemental aerial utility facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
12. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the supplemental aerial utility facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the supplemental aerial utility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities
13. Before the issuance of a permit, the owner of a supplemental aerial utility facility shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or another form of security acceptable to the Township Solicitor, in the amount of \$35,000 for each supplemental aerial utility facility, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Township may recover from the principal and surety all compensatory damages incurred

by the Township for violations of this section, after reasonable notice. The owner shall file a copy of the bond with the Township.

14. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a supplemental aerial utility facility, as well as related inspection, monitoring, and related costs.
- H. The following regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way:
1. Supplemental aerial utility facilities shall be collocated on existing structures such as existing buildings or tower-based aerial utility facilities subject to the following conditions:
 - a. Such an aerial utility facility does not exceed a maximum height of one hundred fifty (150) feet.
 - b. If the aerial utility applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zone.
 - c. A six (6) foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 2. The following design guidelines shall apply to supplemental aerial utility facilities located outside the rights-of-way:
 - a. Supplemental aerial utility facilities shall employ stealth technology to match the supporting structure to minimize aesthetic impact. The application of the stealth technology chosen by the supplemental aerial utility applicant shall be subject to the approval of the Township.
 - b. Supplemental aerial utility facilities, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher unless the supplemental aerial utility applicant obtains a conditional use approval.
 - c. All supplemental aerial utility applicants must submit documentation to the Township justifying the total height of the supplemental aerial utility facility. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - d. Antennas, and their respective accompanying support structures, shall be

no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.

- e. The design guidelines above shall not apply to direct-broadcast satellite dishes installed to receive video and related communications services at residential dwellings.
- 3. The removal and replacement of supplemental aerial utility facilities and/or accessory equipment to upgrade or repair the supplemental aerial utility facility is permitted, so long as such repair or upgrade does not increase the overall size of the supplemental aerial utility facility or the number of antennas.
 - 4. Any material modification to a supplemental aerial utility facility shall require a prior amendment to the original permit or authorization.
 - 5. The Township reserves the right to deny an application for the construction or placement of any supplemental aerial utility facility based upon visual and/or land use impact, to the extent permitted by law.
 - 6. The Township reserves the right to inspect any supplemental aerial utility facility to ensure compliance with the provisions of this section and any other provisions found within the Township Code or Commonwealth or federal law. The Township and/or its agents shall have the authority to enter the property upon which an aerial utility facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- I. The following regulations shall apply to supplemental aerial utility facilities located in the rights-of-way:
 - 1. Supplemental aerial utility facilities in the right-of-way shall be collocated on existing poles, such as existing utility poles or light poles.
 - 2. The following design guidelines shall apply to supplemental aerial utility facilities located in the rights-of-way:
 - a. Aerial utility installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennas and all support equipment shall be treated to match the supporting structure. Supplemental aerial utility facilities and accompanying equipment shall be painted, or otherwise coated, to be

visually compatible with the support structure upon which they are mounted.

3. In addition to permit fees as described herein, every supplemental aerial utility facility in the right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the Township. The owner of each supplemental aerial utility shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual right-of-way management fee for supplemental aerial utility facilities shall be determined by the Township and authorized by resolution of the Township Board of Commissioners and shall be based on the Township's actual right-of-way management costs as applied to such supplemental aerial utility facility.
4. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all supplemental aerial utility facilities in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
5. Supplemental aerial utility facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Township. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, or in the absence of a curb, the edge of the pavement.
 - b. Ground-mounted equipment shall be located underground. If an applicant can demonstrate that ground-mounted equipment cannot be underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the tower or any accessory equipment shall be removed at

the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

- e. Any underground vaults related to supplemental aerial utility facilities shall be reviewed and approved by the Township.
6. Within sixty (60) days following written notice from the Township or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of supplemental aerial utilities in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any supplemental aerial utility facility when the Township shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance, or installation of any Township or other public improvement in the right-of-way.
 - b. The operations of the Township or other governmental entity will utilize the right-of-way.
 - c. When the street or road is vacated or the release of a utility easement.
 - d. An emergency as determined by the Township.
7. The Township reserves the right to deny an application for the construction or placement of any supplemental aerial utility facility based upon visual and/or land use impact, to the extent permitted by law.

Article VII

ADMINISTRATION AND ENFORCEMENT

Section 700 APPOINTMENT AND POWERS OF THE ZONING OFFICER

- A. For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Commissioners.
- B. The Township Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- C. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- D. The Zoning Officer is the enforcement officer for this Ordinance. He and/or she issues all zoning/building permits, use, and occupancy certificates, and at the direction of the Zoning Hearing Board, Special Exceptions and Variances.
- E. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures, together with the reasons why they were identified as nonconformities.
- F. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with the consent of the owner.
- G. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this chapter in the case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this chapter.
- H. The Zoning Officer shall also be the Floodplain Administrator and shall enforce the Floodplain Ordinance.

Section 701 ENFORCEMENT

- A. It shall be the duty of the Zoning Officer to enforce the provisions of this Article and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer.

- B. The Zoning Officer shall examine all applications for zoning/building permits and land use, and upon determination that all proposed activities are in accordance with the requirements of this Ordinance and all other relevant ordinances, shall authorize issuance of zoning/building permits, and/or certificates of use and occupancy, as the situation may warrant.
- C. The Zoning Officer must provide a form or forms approved by the Township Solicitor for:
 - 1. Zoning/building permits
 - 2. Special Exceptions
 - 3. Appeals
 - 4. Variances
 - 5. Use and Occupancy Certificates
 - 6. Registration of nonconforming uses and nonconforming structures
- D. Upon receipt of an application for a Special Exception, Variance, or a Notice of Appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and the Township Planning Commission copies of all papers constituting the record of such Special Exception, Variance, or appeal.
- E. Within thirty (30) business days after receipt of an application for a zoning/building permit, the Zoning Officer shall grant or deny the permit. If the application conforms to this Ordinance and applicable building codes, the Zoning Officer must grant a permit. If the permit is not granted, the Zoning Officer must state, in writing, the grounds for denial and inform the applicant of the right to appeal to the Zoning Hearing Board.
- F. Within thirty (30) days after the request for a Use and Occupancy Certificate, and upon the receipt of all other applicable approvals, the Zoning Officer must issue or deny the certificate. If the application and intended use conform to the applicable requirements of building codes and this Ordinance, the Zoning Officer must grant a certificate. If the certificate is not granted, the Zoning Officer must state, in writing, the reasons for the denial.
- G. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit

or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance, and such permit may be revoked.

Section 702 RECORDS

- A. The Township Zoning Officer must keep a record of:
 - 1. All applications for zoning/building permits, Use and Occupancy Certificates, Special Exceptions and Variances, and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
 - 2. All complaints of violations of provisions of this Ordinance and the action taken on them.
 - 3. All plans submitted.
 - 4. Nonconforming uses and nonconforming structures. All such records and plans shall be available for public inspection.
 - 5. Records of all proceedings of the Zoning Hearing Board.
- B. At intervals of not greater than one (1) month, the Zoning Officer must report to the Board of Commissioners:
 - 1. The number of zoning/building permits issued.
 - 2. The number of complaints of violations received and the action taken on these complaints.

Section 703 VIOLATIONS AND PENALTIES

- A. Upon determining that a violation of any provisions of this Ordinance exists, the Zoning Officer must send an enforcement notice 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. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of the ordinance.
 4. The date before which the steps for compliance must be commenced (within fifteen (15) days of issuance of notice) and the date before which the steps must be completed (within forty-five (45) days of issuance of notice).
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of issuance of said notice.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.
- B. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Board of Commissioners or, with the approval of the Board of Commissioners, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Board of Commissioners at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

Section 704 ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation

violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.
- D. District Justices shall have initial jurisdiction over proceedings brought under this Article.

Section 705 REGULATIONS AND INTERPRETATIONS OF PROVISIONS

- A. In the interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the protection of the public health, safety, morals or general welfare. Wherever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, including other portions of this Article, the most restrictive or that imposing the higher standards shall govern.
- B. In interpreting the language of this Article to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language adopted by the Township Board of Commissioners, in favor of the property owner and against any implied extension of the restriction.

Section 706 AMENDMENTS

- A. The Board of Commissioners may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance.
- B. Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning

Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

- C. The Township shall submit any proposed amendment to the County Planning Commission for recommendations in accordance with the Pennsylvania Municipal Planning Code (MPC) regulations.
- D. If the proposed amendment involves a Zoning Map change, a notice of the required public hearing shall be conspicuously posted by the Township to notify potentially interested citizens. The affected parcel or area shall be posted at least one (1) week before the date of the hearing. In addition to the requirement that notice be posted, a notice of the public hearing must be sent by first-class mail to the addresses to which real estate tax bills are sent for all real estate property located within the area being rezoned and all adjoining properties. The notice shall include the location, date, and time of the public hearing.
- E. Proposed amendments shall not be enacted unless notice of the proposed enactment is given in the manner set forth in this section, and it shall include the time and place of the meeting at which passage will be considered and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Commissioners shall publish the proposed amendment once in one newspaper of general circulation in the Township and/or on the Township's Website not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not advertised, then:
 - 1. A copy thereof shall be supplied to the newspaper in general circulation in the Township and/or posted on the Township's Website at the time the public notice is published.
 - 2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the ordinance.

3. Within thirty (30) days after enactment of any amendment to this Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.
- F. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map, or any provision thereof, which prohibits or restricts the use or development of land in which he or she has an interest may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in the MPC.
- G. If the Township determines that this Ordinance or any portion thereof is substantially invalid, the Township shall declare, by formal action, this Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with the procedures set forth in the MPC.

Section 707 FEES

The Board of Commissioners shall, by resolution, establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and Use and Occupancy Certificates. The fee schedule shall be available at the Township Office and on the Township's Website for inspection.

Section 708 APPEALS

Any person aggrieved or affected by the provisions of this Ordinance or decision of the Township Zoning Officer may appeal in the manner set forth in Article IX of the MPC, Act 247 as amended.

Section 709 REPEALER

All Township Ordinances or parts thereof in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 710 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall

prevail. When provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

Section 711 VALIDITY

If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions, or portions of this Ordinance.

Article VIII

ZONING/BUILDING PERMITS

Section 800 APPLICATION FOR ZONING/BUILDING PERMITS

- A. The applicant shall be responsible to submit sufficient data with an application for a zoning/ building permit to enable the Township to review said application for full compliance with the provisions of this and other applicable ordinances.
- B. The Township reserves the right to request the applicant to submit information certified by a professional engineer or registered surveyor licensed by the State of Pennsylvania, when it is deemed necessary for an accurate review of the application.

Section 801 ZONING/BUILDING PERMITS

- A. Zoning/Building permit administration shall be governed by provisions of the currently adopted building code or codes of the Township; provided, however, that no zoning/building permit shall be issued until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Article, and has issued a zoning/building permit.
- B. A zoning/building permit is required for any of the following:
 - 1. A change in use of land or structures.
 - 2. The erection or construction of a structure or portion thereof.
 - 3. The moving, improvement, enlargement, or alteration of an existing structure.
 - 4. The alteration of the development of any real estate, including mining, dredging, grading, filling, excavation, or drilling.
 - 5. The erection or alteration of a sign.
 - 6. The construction of impoundments for water or animal wastes.
- C. A zoning/building permit is not required for maintenance and repairs that do not alter the use or exterior dimensions of a structure.

- D. The zoning/building permit application must be accompanied by a site plan, drawn to scale, that includes the following information:
1. The location and dimensions of the lot.
 2. The names and widths of abutting streets and highways.
 3. Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one-hundred (100) feet of the proposed structure but off the lot.
 4. Locations of existing on-site water wells and septic systems and if served by such facilities.
 5. Proposed off-street parking and loading areas, access drives, and walks, landscaping, lighting, signs, storage areas, fences, walls, sewage disposal system, and any other significant features to be part of the proposed construction or development.
- E. All permits are subject to current building codes.
- F. The zoning/building permit application must include a statement of the intended use and any existing use of the structure or land.
- G. Work on the proposed construction shall begin within ninety (90) calendar days and shall be completed within one (1) year after the date of the issuance of the zoning/building permit or the permit will expire. However, the Zoning Officer at the written request of the permittee, may extend the time for completion to a period not exceeding two (2) years from the date of issuance in one (1) year increments. Applicable fees shall apply to any granted extensions.
- H. Display of zoning permit: All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such zoning permit displays shall occur within five (5) days of zoning permit issuance or prior to the commencement of actual work on the site, whichever occurs first. Such zoning permit display shall be continuous until the site receives its Use and Occupancy Certificate.

Section 802 CERTIFICATES OF USE AND OCCUPANCY

- A. A Use and Occupancy Certificate shall be required before the use and/or occupancy of any structure, land, or portion thereof for which a zoning/building

permit is required. The Use and Occupancy Certificate shall be issued by the Zoning Officer upon his or her determination that the use and/or occupancy of a structure or land complies with this Ordinance.

- B. The application for a Use and Occupancy Certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect if the use of the structure or land for which it is granted conforms to this Ordinance.
- C. When a previously approved Use and Occupancy Certificate has been granted, a new certificate of use and occupancy is required when there is a change in use of a commercial building. In addition, all current fire safety regulations must be met and approved.
- D. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary Use and Occupancy Certificate for a structure, building, sign and/or land. Or portion thereof, before the entire work covered by the zoning permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary Use and Occupancy Certificate for such temporary uses as tents, use of land for religious or other public or semipublic purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six months.

Section 803 ERRONEOUS PERMIT

- A. A zoning/building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Section 804 EFFECTIVE DATE

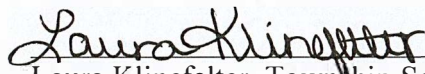
This Ordinance shall take effect immediately upon adoption and publication according to law.

ENACTED AND ORDAINED this 17th day of November 2025.

Board of Commissioners of Penn Township

By: 
Mark R. Elksnis, President

Attest:


Laura Klinefelter, Township Secretary