

## **Article XIII**

### **PERFORMANCE STANDARDS**

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following performance standards:

#### **Section 1301 - Accessory Buildings and Structures**

1. No accessory building or structure shall project nearer to the street on which the principal building fronts than such principal building.
2. Any accessory building or structure shall conform to the height regulations for principal buildings.
3. An accessory building or structure shall comply in all respects with the yard requirements of this Ordinance for the principal building, with the following exceptions:
  - a. Accessory buildings or utility sheds which are single story, less than two hundred eighty-eight (288) square feet in floor area and are not permanently anchored on a footer, foundation or permanent floor, may be located not less than five (5) feet from any side or rear property line.
  - b. Any commercial or industrial building or structure must be setback a distance sufficient to assure that no noise level exceeds 78 dBA at the property line, but in no case less than the building setback lines of the district in which it is located.

#### **Section 1302 - Temporary Structures for Dwelling Purposes**

No tent, cabin, mobile home, garage, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time exceeding 14 days unless approval for temporary use is granted by the Board of Supervisors.

**Section 1303 - Water Supply and Sewerage Facilities Required**  
(2008-02 - 6/25/08)

In the interest of protecting the public health, safety and welfare, every premise, used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply, a minimum of 1 bathroom per premise, and a safe and sanitary means of collection and disposal of commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

**Section 1304 - Exceptions**

1. Height Exceptions.

The height limitations of this Ordinance shall not apply to church spires, silos, belfries, cupolas, and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other government regulations.

2. Front-yard Exception

No proposed principal building shall have a set-back greater than the average of the two existing principal buildings with the greatest set-backs located within two-hundred (200) feet on each side of the said proposed principal building, on the same side of the street, within the same block, and the same district or one-half ( $\frac{1}{2}$ ) the required minimum setback distance, which ever provides the greater setback from the street right-of-way line or property line.

**Section 1305 - Corner Lots**

1. At all street intersections in all Districts, no obstructions to vision exceeding 30 inches in height above the edge of the street shall be erected or maintained on any lot within the triangle formed by the centerline of the roadways and a line drawn between points along such centerlines lines 75 feet distant from their point of intersection.

2. On a corner lot, front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards.

#### **Section 1306 - Through Lots**

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

#### **Section 1307 - Driveways**

All driveways shall be located and constructed in accordance with the requirements of The Pennsylvania Department of Transportation for state roadways and the Penn Township Driveway Ordinance and Subdivision and Land Development Ordinance for Township roads.

#### **Section 1308 - Prohibited Uses in All Districts**

1. No use may be permitted, unless otherwise permitted by this ordinance, which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in a manner or amount as to cause permanent damage to the soil and stream or to adversely affect the surrounding area, or by reason of the creation of noise, vibration, electro-magnetic or other disturbance, or by reason of illumination by artificial light or light reflection beyond the limits of the lot on or from which such light or light reflection emanates, or which involves any dangerous fire, explosive, radioactive or other hazard, or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants, any other process or use which is unwholesome and noisy and may be dangerous or prejudicial to health, safety or general welfare.
2. Amusement parks and circuses and similar activities, except for a temporary period not to exceed ten (10) days.
3. Dump or waste disposal site, except a waste disposal site duly licensed as a refuse site by the Pennsylvania Department of Environmental Protection.

**Section 1309 - Fences and Walls**

1. Fences and walls (including retaining walls) may be erected, altered, and maintained within yards.
2. No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic or a street or public road by obscuring the minimum required sight distance.
3. No fence, wall or other structure shall be erected or maintained within the right-of-way of any street or drainage easement. If a fence is erected in such a right-of-way or easement and needs to be removed for maintenance or repair by the Township, the owner shall have sole responsibility for the replacement of the fence.
4. Maximum permitted heights of fences and walls within required yards shall be as follows:
  - a. All zoning districts except C, I, and MUC:
    - (1) Front Yard - 6 feet
    - (2) Side or Rear Yard - 8 feet
  - b. C, I, and MUC zoning districts - maximum 10 feet in any required yard.

**Section 1310 - Landscaping and Screening (2008-02 - 6/25/2008)**

1. Landscaping
  - a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
  - b. Except for single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land

Development Plan required under the Township's Subdivision and Land Development Ordinance.

2. Planting Strip

All nonresidential uses excluding agricultural uses shall include planting strips or buffer areas in accordance with the following:

- a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.
- b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.
- c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.
- d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits

3. Screening

- a. Screening requirements shall be applicable under the following circumstances:
  - (1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.
  - (2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-

family detached or two-family semi-detached dwelling.

- (3) Any other instances where screening is required by This Ordinance or by the Township.
- b. Screening shall be provided in accordance with the following requirements:
- (1) All required screening shall be located within the required planting strip.
  - (2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.
  - (3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip
  - (4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residentially-zoned district or other applicable use, to form an ornamental screen.
  - (5) Said screening shall be maintained by property owner(s).

### **Section 1311 - Private Outdoor Swimming Pools**

Every private outdoor swimming pool must conform to all applicable requirements of state law and in addition, the installation or construction of a private outdoor swimming pool with a surface area of one hundred fifty (150) square feet or more or a depth in

excess of two (2) feet must comply with the following requirements:

1. The pool shall be completely surrounded by a fence or wall not less than four (4) feet nor greater than eight (8) feet in height and be constructed as not to have openings, holes or gaps that a sphere with a diameter of four inches cannot pass through, except for doors and gates. All gates or doors opening through said fence or wall shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool and to prevent accidents. However, if the top of the pool wall is more than three and one-half feet (3'-6") above the finish grade level, then a fence is not required, provided that all points of access to said pool are adequately protected, and any access ladder shall be fold-up type or removable.
2. Pools and pumps can be installed in the rear yard building setback, but not in the front yard, or the side yard building setback.
3. Except as provided for in 4. below, pools and pumps may encroach on the required rear yard setback to a point not less than ten (10) feet from the property line. This shall apply to both in-ground and above-ground pools.
4. Appurtenances, if at or below ground level, may extend to the rear property line or right-of-way line. Diving boards may encroach into the required rear yard setback to a point of not less than five (5) feet from the property line.
5. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulations and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.
6. No overhead utility lines shall be carried across any swimming pool or wading area.
7. Compliance with other regulations as required by the Penn Township Building Permit Ordinance.

### **Section 1312 - Illumination**

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic

devices provided by a public utility or governmental entity within a public right-of-way.

1. The light from any luminary shall be directed downward and shaded, shielded or directed to prevent direct light from being cast beyond an angle of 35 degrees from a downward vertical axis, and to prevent glare or other objectionable problems to surrounding areas. Unshielded lamps, bulbs and tubes are not permitted, except for residential base-mounted lamps and driveway post lamps utilizing 60 watt or lesser wattage light bulbs (specifically not including spotlight or floodlights).
2. Lighting shall be designed so that the illumination does not exceed one-tenth (0.10) foot-candles beyond the property line from which the lighting originates.
3. Except for public street lights and traffic lights, freestanding lighting fixtures shall not exceed thirty (30) feet in height. Security or floodlighting may exceed this height requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties.
4. No luminaries shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness or color, nor will any beacon lights be permitted, **except for temporary holiday lighting.**
5. Neither the direct or reflected light from any luminary shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.
6. Parking areas shall be lighted using support poles; lighting standards and luminaries, or building mounted lights. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators, adjacent landscape areas, or on the exterior side and rear walls of buildings. Poles, standards or luminaries shall be located so as not to be damaged by automobiles being parked (front overhang - minimum 39 inches; rear overhang - minimum 60 inches).

7. Levels of lighting in pedestrian and vehicular use areas should adhere to the following standards:

<u>Type of Development</u>	<u>Minimum Average Foot-candle Level</u>
Pedestrian Walkways and Sidewalks	0.2 - 0.4
Residential Streets	0.4 - 0.6
Multi-Family Developments	0.6 - 0.8
Signs Required to be Illuminated - 1.2	0.6
Recreational/Institutional Activity 1.0 - 1.2	
Industrial/Office Campus Areas and Parking Lots - 1.0	0.5
Commercial Areas and Parking Lots	0.5 - 1.0

8. Where possible, short post lighting should be incorporated to reduce glare. Any divergence from the above quantities shall still remain within the limits of the Standards of the (I.E.S.).

**Section 1313 - Drainage**

Drainage facilities shall be located and constructed in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance and the Penn Township Stormwater Management Ordinance.

**Section 1314 - Outdoor Storage** (2008-02 - 6/25/2008)

1. No storage shall be permitted within the front yard of any lot.
2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residentially-zoned property shall be screened in accordance with Section 1310 of this Ordinance during

all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

- 3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.
  
- 4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

**Section 1315 - Noise**

- 1. For all preliminary subdivision plans, and land development plans, and all uses and activities, unless elsewhere regulated, the sound-pressure level for shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards:

Permitted decibel levels. At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the table below:

<b>Maximum Permitted Sound Level in</b>		
Decibels along the Property Line		
Octave Band Cycles Per Second	Residence Districts	Nonresidential Districts
0 to 75	67	73

75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

2. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises that cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
  
- 3 Exemptions. The following activities or sources are exempt from these noise standards:
  - a. Aircraft operations
  - b. Construction or routine maintenance of public service utilities
  - c. Church bells or chimes
  - d. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work
  - e. Occasionally used safety signals, warning devices and emergency pressure relief valves
  
4. Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, operating motor vehicles, and refuse collection vehicles.
  
5. The un-amplified human voice.
  
6. The lowing of cattle, the clucking of fowl, the neighing of horses or other normal sounds of reasonable cared for agricultural animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.

**Section 1316 - Air Pollution (2008-02 - 6/25/2008)**

1. Odor

For all non-agricultural uses, no continuous frequent and repetitive emission of odor or odor-causing substance which would be offensive at or beyond any property line shall be permitted. The existence of an odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the property line of the source exceeds the lowest concentration listed as the odor threshold for such substance or substances set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

2. Smoke

Regarding density of smoke, it is prohibited to emit visible air contaminants into the outdoor atmosphere in such a manner that the opacity of the emission from any chimney, stack, vent, opening or combustion process is equal to, or greater than 20% for a period aggregating more than 3 minutes in any 1 hour. Emissions that have an opacity equal to or greater than, 60% are prohibited at all times. Opacity shall be measured using observers, trained and certified, to measure plume opacity with the naked eye, as per EPA Method 9, or with the aid of devices approved by Pennsylvania Department of Environmental Protection.

3. Particulate Matter

a. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factors set forth in the following table:

Allowance for Height of Emission*	
Height of Emission Above Grade (feet)	Correction (Pounds Per Hour Per Acre)
50 - 99.99	0.01
100 - 149.99	0.06
150 - 199.99	0.10
200 - 299.99	0.16
300 - 399.99	0.30
400+	0.05

NOTE:

\*Interpolation for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
  - (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
  - (2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - (3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

**Section 1317 - Electromagnetic Interference** (2008-02 - 6/25/2008)

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

**Section 1318 - Fire and Explosive Hazards** (2008-02 - 6/25/2008)

The Uniform Construction Code shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.

**Section 1319 - Glare and Heat** (2008-02 - 6/25/2008)

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) foot candles measured at the property line.

**Section 1320 - Toxic and Hazardous Substance Storage** (2008-02 - 6/25/2008)

Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Labor and Industry, and/or the United States Environmental Protection Agency.

**Section 1321 - Ground Vibration** (2008-02 - 6/25/2008)

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from

temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

**Section 1322 - Required Traffic Study Standards** (2008-02 - 6/25/2008)

For all uses requiring a traffic study, the applicant's professional traffic engineer conducting the required study shall meet with the Township Engineer and Road Master or Road Foreman prior to conducting the traffic study, in order to mutually agree upon the extent of the traffic study, including intersections to be studied. At a minimum, the following shall be considered:

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.
2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.

6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.
7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.