

Article XVI

SUPPLEMENTAL USE STANDARDS

Section 1601 - Conversion Apartments (Multi-Family Conversions)

1. Permitted Uses. Conversion of an existing single family detached dwelling to provide one or more additional dwelling units.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
 - a. The minimum lot area for each dwelling unit when served by on-lot sewer (sewage disposal) shall be as indicated in the prevailing zoning district for a single family detached dwelling.
 - b. The minimum lot area for the first dwelling unit on public sewer, or on public water and public sewer, shall be as indicated in the prevailing zoning district for a single family detached dwelling. Each additional dwelling unit shall require additional lot area equivalent to only one-half the required minimum area.
3. Supplemental Regulations
 - a. Each apartment unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
 - b. There shall be no exterior evidence of change in the building.
 - c. Fire escapes where required shall be located at the rear or an interior side of the building.

Section 1602 - Multiple Dwellings

1. Permitted Uses
 - a. Apartment Dwellings
 - b. Row or Attached Dwellings
 - c. Townhouse Dwellings

2. Area and Bulk Regulations

A. Dwellings served by Public Sewer Only

1. In order to ensure sufficient potable water recharge area, the minimum base lot area, prior to calculating the required area per dwelling unit, shall be one (1) acre. In addition to the minimum base lot area, a minimum lot area per dwelling unit shall be provided as follows:

Efficiency Units	2,000 sq. ft.
One Bedroom Units	3,000 sq. ft.
Two Bedroom Units	4,000 sq. ft.
Three or more Bedroom Units	5,000 sq. ft.

2. The total number of units permitted is predicated on the remaining land area remaining after subtracting the one-acre base from the total lot area divided by the minimum lot area required for each type of unit proposed.

Example: 3-acre tract of land

3-acres minus one-acre base lot leaves a total developable lot area of two acres.

43,560 sq. ft. X two acres = 87,120 square feet.

87,120 sq. ft. / 5000 sq. ft. = A total of 17.42 three or more bedroom units would be permitted on a three acre tract of land.

3. The minimum lot width for apartment structures shall be 80 feet.

The minimum lot width for row or attached and townhouse dwellings shall be 18 feet except that end units shall have a lot width of 35 feet.

4. The minimum yard requirements shall be as follows:

	<u>Front</u>	<u>One Side</u>	<u>Total Side</u>	<u>Rear</u>
Apartment Dwelling Row or Attached & Townhouse Dwellings	40	15	30	35
End Units	25	15	15	35
Other Units	25			35

5. The maximum lot coverage permitted shall be 25 percent.

B. Dwellings Served by Public Water and Public Sewer

1. The minimum lot area per dwelling unit shall be provided as follows:

Efficiency Units	2,000 sq. ft.
One Bedroom Units	3,000 sq. ft.
Two Bedroom Units	4,000 sq. ft.
Three or more Bedroom Units	5,000 sq. ft.

2. The total number of units permitted is predicated on the total lot area divided by the minimum lot area required for each type of unit proposed.

Example: 3-acre tract of land

43,560 sq. ft. X three acres = 130,680 square feet.

130,680 sq. ft. / 5000 sq. ft. = A total of 26.13 three or more bedroom units would be permitted on a three acre tract of land.

2. The minimum lot width for apartment structures shall be 80 feet.

a. The minimum lot width for row or attached and townhouse dwellings shall be 18 feet except that end units shall have a lot width of 35 feet.

3. The minimum yard requirements shall be as follows:

	<u>Front</u>	<u>One Side</u>	<u>Total Side</u>	<u>Rear</u>
Apartment Dwelling	40	15	30	35

Row or Attached &
Townhouse Dwellings

End Units	25	15	15	35
Other Units	25	-	-	35

4. The maximum lot coverage permitted shall be 20 percent.

3. Supplemental Regulations

- a. All multiple dwelling units shall be served, at a minimum, by public sewer.
- b. The maximum number of dwelling units per row or attached and townhouse buildings shall be twelve (12).
- c. No building shall have an exterior dimension in excess of 200 feet.
- d. The minimum distance between principal buildings shall be equal to 2 times the height of the highest building and between a principal and an accessory building shall be at least 20 feet.
- e. Any inner court shall have a minimum dimension of 60 feet, any outer court shall have a minimum dimension of 20 feet and its depth shall not exceed its width.
- f. Condominium row, attached, or townhouse dwellings shall be a minimum 18 feet wide, except that end units shall have a minimum building width of 24 feet.

Section 1603 - Seasonal Dwellings

Seasonal dwellings may be approved according to the following requirements:

1. An approved PADEP on-site sewage disposal system shall be required.
2. All area and bulk requirements of the prevailing zoning district for single family dwellings shall apply.

Section 1604 - Mobile Home Parks and Recreational Vehicle Parks (Campgrounds)

Mobile Home Parks and Recreational Vehicle Parks (Campgrounds) may be approved in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance, as amended.

Section 1605 - Bed and Breakfast Inns

Bed and Breakfast Inns may be approved in single family detached dwellings in existence on the effective date of this Ordinance, according to the procedures and requirements specified below:

1. The existing structure shall contain a minimum of 1,500 square feet of gross floor area.
2. All Bed and Breakfast units shall be contained within the existing dwelling structure.
3. There shall be no more than one Bed and Breakfast unit per 700 square feet of gross floor area in the dwelling structure.
4. All area and bulk regulations of the prevailing zoning district for single family dwellings shall apply.
5. In addition to the two (2) spaces required for the principal dwelling, there shall be one off-street parking space per Bed and Breakfast unit.
6. Dining and other facilities shall not be open to the public but shall be exclusively for the residents and registered Bed and Breakfast guests.
7. In residential districts, signs shall conform to the standards for home businesses.

Section 1606 - Membership Clubs and Camps

1. Permitted Uses
 - a. Membership Clubs and Camps
 - b. Outdoor recreational facilities such as:
 - (1) Private playgrounds
 - (2) Swimming pools
 - (3) Tennis courts

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.
3. Supplemental Regulations
 - a. Such club is incorporated pursuant to the provisions of a Membership Corporation or unincorporated associations approved by the Township Supervisors; and catering exclusively to members and their guests.
 - b. The use of outdoor public address systems for any purpose shall be approved by the Board of Supervisors.
 - c. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
 - d. A densely planted buffer strip shall be required as set forth in this ordinance.

Section 1607 - Public Buildings

1. The subject property shall front on and gain access from either an arterial or collector road.
2. Public buildings include:
 - a. Community Activity Buildings
 - b. Public Libraries
3. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1608 - Buildings and Structures, Municipal and/or Public Utility

Municipal and Public Utility buildings and structures with specific locational requirements shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

1. Where feasible, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.

2. Height of building or structure, and impervious coverage shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed with a solid fence six (6) feet in height.
4. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
5. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened as required by the Township's Subdivision and Land Development Ordinance.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Storage of Vehicles and Construction Trucks - In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke, odor, or hazardous effect shall be installed.

Section 1609 - Educational Institutions

1. Permitted Uses
 - a. Public Schools
 - b. Parochial Schools
 - c. Private Schools
 - d. Colleges and Universities
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
 - a. The minimum lot size shall be five (5) acres plus one (1) additional acre of land for each 100 students of building design capacity.
 - b. The minimum front, side and rear yard shall be 100 feet each. (2008-02 - 6/25/2008)
 - c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.

3. Supplemental Regulations

- a. Each site shall be landscaped in accordance with a plan approved by the Board of Supervisors.
- b. A planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.
- c. Vehicular parking shall be provided in accordance with Article XIV.
- d. Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
- e. All play areas contiguous to any developed lot shall be fenced.

Section 1610 - Health and Welfare Institutions

1. Permitted Uses

- a. Philanthropic or charitable institutions
- b. Hospitals
- c. Nursing and convalescent homes
- d. Sanitarium for general medical care
- e. Retirement villages

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- a. The minimum lot area shall be 5 acres or 800 sq. ft. per patient bed whichever is greater. Minimum lot area for retirement villages shall be as required per dwelling unit for Multiple Dwellings (in Section 1602) but in no case shall total lot area be less than 5 acres.
- b. The minimum front, side and rear yard shall be 100 feet each. (2008-02 - 6/25/2008)
- c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.

- d. The maximum building height shall be 3 1/2 stories, not to exceed 45 feet, unless increased by conditional use.

3. Supplemental Regulations

- a. Each site shall be landscaped in accordance with a plan approved by the Board of Supervisors.
- b. No parking area shall be located within the required minimum front yard.
- c. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.
- d. All buildings shall be of fire-proof construction.
- e. All permitted uses shall be served by adequate water and sewer systems.

Section 1611 - Places of Worship

1. Permitted Uses

- a. Places of worship including churches, synagogues, temples, chapels, halls and the like.
- b. Religious education building but not parochial schools.
- c. Recreation buildings when accessory to worship activity.
- d. Residences when related to worship activity, such as parish house, manor, convent and the like.
- e. Cemeteries associated with a Place of Worship when located on the same lot or a contiguous lot.

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- a. The minimum lot size shall be one and one half (1.5) acres for structures with on-lot sewage disposal systems. For structures with public sewer, minimum lot size shall be one (1) acre. (2005-03 - 12/28/05)

- (1) If the sanctuary shall have space for more than 500 persons one additional acre shall be required for each additional 100 persons or portion thereof.
 - (2). When a cemetery is associated with a Place of Worship and is located on the same lot as the principal building, the minimum lot area shall be three acres.
- b. When a cemetery is associated with a Place of Worship and is located on a contiguous lot, the minimum lot area of the cemetery shall be two acres.
 - c. The minimum front, side and rear yard shall be 50 feet each. (2008-02 - 6/25/2008)
 - d. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.
 - e. The minimum open area shall be 30 percent.
 - f. The maximum building height shall be 3 stories, not to exceed 45 feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one foot in height for each two feet the building is set back from the street or front property line.

Section 1612 - Cemeteries not affiliated with a Place of Worship

1. Permitted Uses

- a. Cemeteries
- b. Mausoleums
- c. Crematories
- d. Caretaker Residence
- e. Chapels

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- a. The minimum size of a cemetery shall be 5 acres.
- b. The minimum front, side and rear yard shall be 25 feet each. (2008-02 - 6/25/2008)

- c. The maximum lot coverage (building, driveways, parking areas and other paved surfaces) shall be 10 percent.

3. Supplemental Regulations

- a. Landscaping shall be required and set in place according to a plan approved by the Board of Supervisors.
- b. An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residential use or a residential zoning district. Said requirement may be eliminated where a written agreement to waive the requirement has been executed by all adjoining property owners.

Section 1613 - Home Occupations and Home Businesses

- 1. Purpose. It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- 2. General Regulations. All dwellings containing a home occupation or home business shall comply with the following:
 - a. The person primarily responsible for the home occupation/business shall be a full-time resident of the premises.
 - b. No more than thirty-three (33%) percent of the gross floor area of the dwelling unit and existing accessory buildings may be used for the practice of a home occupation/business. This 33% limitation may be increased only through the approval as a Conditional Use by the Board of Supervisors. In considering a Conditional Use for an increase beyond the 33% limitation, the Board of Supervisors shall consider the minimum required to lessen the impact on neighboring properties.
 - c. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.

- d. Storage of materials, products, or machinery used for the home occupation or home business shall be wholly enclosed by the dwelling or accessory building(s), within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
 - e. A home occupation or home business shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, or smoke detectable to normal sensory perception on any adjacent lots or streets or electrical interference.
 - f. The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of Penn Township and all other applicable government codes.
 - g. Home occupations/businesses utilizing, or proposing to utilize, explosive or highly flammable materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.
3. Additional Requirements for Home Occupations. Home occupations shall be subject to the following additional restrictive requirements in addition to the requirements of 1613.2:
- a. There shall be no visitations by non-residents for business purposes.
 - b. There shall be no retail sales of goods on the premises.
 - c. All persons involved in the home occupation shall be full-time residents.
 - d. There shall be no evidence from the exterior that the dwelling is being used for purposes other than a dwelling.
 - e. No signs shall be utilized.
 - f. Traffic generated by the home occupation shall not exceed volumes that would normally be expected in a residential neighborhood. (2008-02 -6/25/2008)

4. Additional Requirements for Home Businesses. Home businesses shall be subject to the following additional restrictive requirements in addition to the requirements of 1613.2:
 - a. A home business shall limit any external evidence of said business to one (1) sign, not exceeding four (4) square foot in sign area, subject to the sign regulations of this Ordinance.
 - b. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
 - c. The requirement for additional parking facilities shall be determined by the Board of Supervisors.
 - d. Deliveries shall not restrict traffic circulation.
 - e. The Board of Supervisors shall approve the permitted hours of operation to avoid land use conflicts.

Section 1614 - Child or Adult Day Care Facilities

1. Recognizing the growing need for child and adult day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations or home businesses contained elsewhere in This Ordinance.
2. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This Section does not apply to activities excluded by the definition of "child or adult day care" in this Ordinance or child day care service furnished in places of worship during religious services.
3. The following general provisions apply to all child or adult day care facilities.

- a. All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
- b. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
- c. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
- d. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
- e. Adequate water and sewer service shall be provided to the site.
- f. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
- g. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.
- h. The expansion of a day care home to a day care center shall require a conditional use.
- i. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed by the DPW to provide such services.
- j. When applying for a conditional use, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses,

on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

4. Day Care Homes: In addition to the provisions of 3. above, day care homes shall comply with the following:
 - a. If care is provided to more than six (6) adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Township every year.
 - b. Signs in accordance with Section 1501 of this Ordinance.
 - c. Day care homes shall only be permitted in single-family dwellings and shall not be permitted in accessory buildings.
 - d. The person primarily responsible for the day care home shall be a full-time resident.
 - e. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.
5. Day Care Centers: In addition to the provisions of 3. above, day care centers shall comply with the following:
 - a. The facility must have an approved and currently valid DPW license. Proof of DPW annual license renewal must be supplied to the Township every year.
 - b. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.
 - c. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
 - d. Play equipment shall be located at least ten (10) feet from an abutting property line.

- e. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
- f. Day care centers may be permitted as an accessory use to churches, schools, recreation centers, and similar uses by conditional use. Accessory day care centers must comply with all other requirements for day care centers. In addition, evidence must be submitted to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.

6. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1615 - Commercial Kennels

1. Kennels shall be permitted by conditional use in indicated zoning districts, subject to the following:

A. All area and bulk requirements of the prevailing zoning district shall apply with the following exceptions:

- 1. The minimum lot size shall be three (3) acres.
- 2. Adequate parking shall be required.
- 3. All areas used for exercise shall be securely fenced.
- 4. All animals shall be kept within a completely enclosed building that shall be a minimum of one hundred (100) feet from any property line.
- 5. Animals shall be permitted to exercise daily between the hours of 8 A.M. and 8 P.M. (prevailing time). All outdoor exercise areas shall be located at least two hundred (200) feet from any property line.
- 6. Exterior lighting, other than that essential for the safety and convenience of the users of the

premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

7. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

Section 1616 - Animal Hospitals and Veterinary Clinics

1. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. Boarding areas shall be within wholly-enclosed buildings, and any outdoor animal pens, stalls, or runways shall be located within the rear yard area.
3. Animals shall be permitted to exercise daily between the hours of 8 A.M. and 8 P.M. (prevailing time). All outdoor exercise areas shall be located at least two hundred (200) feet from any property line.
4. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.
5. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1617 - Commercial Riding Academies and Stables

1. Commercial riding academies and stables shall be permitted by conditional use, subject to the following:
 - a. Adequate off-street parking shall be provided in accordance with the requirements of Article XIV.
 - b. All areas used for exercise and pasturing shall be securely fenced.
 - c. All animals except while exercising or pasturing shall be kept within a completely enclosed building erected or

maintained for that purpose which shall be a minimum of two hundred (200) feet from any property line.

- d. No storage of manure or other odor or dust-producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.
- e. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1618 - Golf Courses

- 1. No golf hole shall be designed which requires any shot to cross a street, driveway, building, or parking lot.
- 2. At any point where the golf course crosses a public or private road or a private drive, the road or drive shall be signed to identify a golfer's crossing and the golfer's crossing shall be signed to identify the road or drive crossing.
- 3. All buildings and accessory uses of the golf course, including but not limited to the club house, parking facilities, driving range, storage sheds, pro shop, snack bar, restaurant, and swimming pool, shall be setback at least one-hundred (100) feet from all property lines and seventy-five (75) feet from all street right-of-way lines.
- 4. Outdoor storage of maintenance equipment or golf carts is not permitted.
- 5. All lighting facilities for night play on a par 3 course or driving range shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- 6. There shall be a minimum setback of one hundred (100) feet from the field of play to any adjacent residential structure.
- 7. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1619 - Commercial Resorts

- 1. Permitted Uses. A site to be used for a commercial resort establishment may include such accessory uses as restaurants, coffee shops, cafeteria dining halls providing food and

drink, amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing Zoning District shall apply with the following exceptions:

- a. The minimum lot area shall be ten (10) acres not less than 500 feet deep with at least 500 feet fronting on a State or Federal highway.
- b. The minimum front, side and rear yards shall be 200 feet.
- c. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site. There shall be no more than one (1) dormitory, resort or dwelling unit for every 2,000 square feet of lot area, or one second story unit for every 1,750 square feet of first story units.

3. Supplemental Regulations

A densely planted buffer strip shall be required where the site abuts an existing residential use or residential zoning district.

Section 1620 - Indoor or Outdoor Commercial Recreation Facilities

Commercial recreation facilities are subject to the following criteria:

1. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road.
2. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structure shall not be used for occupancy.

4. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
5. Required off-street parking will be determined upon the types of activities proposed. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Zoning Officer determines that traffic backups are occurring on adjoining road, and such backups are directly related to the means of access to the subject property, the Zoning Officer can require the applicant to revise means of access to relieve the undue congestion.
7. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1621 - Business Conversions

Business Conversions shall be subject to the procedures and requirements specified below:

1. Permitted Uses. Conversion of an existing residential structure to a non-residential use. The conversion can be total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.) (2008-02 -6/25/2008)
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.

3. Parking Requirements. Off-street parking spaces shall be provided on said lot for each distinct use located on it, in accordance with Article XIV.
4. Supplemental Regulations
 - a. If apartment units are proposed, each unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
 - b. Fire escapes where required shall be located on the rear and/or the interior side of the building. A sketch of the proposed fire escape location shall be supplied as part of the application for zoning approval.

Section 1622 - Auction House for Household and Other Goods

Auction Houses for Household and Other Goods shall be subject to the procedures and requirements specified below:

1. An Auction House for Household and Other Goods shall be permitted as either a principal use or an accessory use to the principal use of the lot.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
 - a. The minimum lot area (principal and accessory uses) shall be 5 acres.
 - b. The building setback shall be at least 50 feet from any lot or street line.
 - c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.
3. Supplemental Regulations
 - a. Vehicular parking shall be provided in accordance with Article XIV.
 - b. The auction house site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.

- c. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

Section 1623 - Farm or Construction Equipment or Lawn and Garden Equipment Sales and Service

1. Farm equipment or lawn and garden sales and service shall be permitted as a principal use or as an accessory use to the principal agricultural use of the lot.
2. Permitted Uses
 - a. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
 - b. Distribution, sales and/or servicing of lawn and garden equipment and supplies.
3. Area and Bulk Regulations. All area and bulk requirements of the appropriate zoning district shall apply with the following exceptions:
 - a. The minimum lot area and building setbacks shall be in accordance with the Use Schedule.
 - b. No building utilized in connection with the farm equipment or lawn and garden sales and service shall be located within any required minimum front or side yard building setbacks.
 - c. No accessory building shall project nearer to the street on which the principal building fronts than such principal building.
4. Supplemental Regulations
 - a. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
 - b. Exterior lighting shall comply with the requirements of Section 1312.

- c. Signs shall comply with the requirements of Section 1501.
- d. No outdoor displays of goods for sale or rental shall be located within any required minimum front or side yard building setbacks.
- e. Except as provided above, all other pertinent provisions of Article XVI, Supplementary Regulations, shall apply.

Section 1624 - Vehicle Sales and Services

1. Permitted Uses

- a. Service stations
- b. Repair garages
- c. Automotive supply shops
- d. New and Used Vehicle Dealers

2. Supplemental Regulations

- a. All area and bulk requirements of the prevailing zoning district shall apply.
- b. All driveways shall comply with the requirements of Section 1307.
- c. Vehicle lifts or pits shall be located within completely enclosed buildings. Dismantled and disabled automobiles in the process of repair and all parts or supplies shall be stored in a neat and orderly manner. Dismantled and disabled automobiles and all parts and supplies stored on the lot for more than three (3) months shall be in a screened-in area, and not visible to the public.
- d. All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in completely enclosed building. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- e. The storage of gasoline or flammable products in bulk for retail sale shall be located not nearer than fifty (50) feet from any property line other than the street line. Such storage shall also comply with all applicable state and federal regulations.

- f. No gasoline pumps shall be located nearer than 25 feet to any street line.
- g. A motor vehicle service station shall not be permitted within a distance of 300 feet of any school, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons: the said distance to be measured in a straight line between the nearest points of each of the buildings, regardless of the District where either of the buildings are located.

Section 1625 - Vehicle Washes

- 1. Private on-lot recycled wash water systems are required.
- 2. Each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane.
- 3. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.
- 4. The subject property shall front on an arterial or collector road.
- 5. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1626 - Hotels and Motels

- 1. A site to be used for a hotel or motel establishment shall include an office and lobby and may include such accessory uses as restaurants, coffee shops, cafeteria-dining halls providing food and drink; amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.
- 2. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site.
- 3. Distance between buildings shall not be less than 25 feet except that this distance may be reduced to 15 feet where no driveway passes between buildings.

4. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1627 - Drive-Thru Service Facility

1. The subject property shall front on and gain access from either an arterial or collector road.
2. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.
3. All drive-thru lanes shall be at least 180 feet in length to accommodate vehicles waiting to transact business.
4. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impacts on adjoining properties.
5. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1628 - Mortuaries and Funeral Homes

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.
2. Off-street parking and loading shall comply with the requirements of Article XIV.
3. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1629 - Warehousing, Distribution and Wholesaling (2008-02 - 6/25/2008)

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

Section 1630 - Self-Service Storage Facility (Mini-Warehouse)

Self-service storage facilities are subject to the following criteria:

1. Minimum lot size shall be one and one half (1.5) acres with a minimum width of one hundred fifty (150) feet for facilities with on-lot sewage disposal. For facilities with public sewer, minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet. (2005-03 - 12/28/08)

2. Minimum yard size shall be as follows:

Front Yard - 50 feet
One Side - 15 feet
Total of both Side Yards - 30 feet
Rear Yard - 35 feet

Yard size shall remain the same for lots served with on-lot sewer, public sewer, or public water and sewer.

3. Off-street parking shall be provided in accordance with the requirements of this Ordinance.
4. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide where cubicles open onto both sides of the lane.
5. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of operable and properly licensed/registered privately-owned vehicles, travel trailers and/or boats, so long as such external storage area is screened from adjoining residential properties 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.
6. Self-service storage facilities shall be used solely for the dead storage of property, including properly licensed/registered privately-owned vehicles. The following lists examples of uses expressly prohibited on the site:
 - a. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - b. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - c. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self-service storage facilities' rental and/or use contracts shall specially prohibit these uses.

Section 1631 - General Industrial Uses (2008-02 - 6/25/08)

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site processing activities and operations, the types of materials used in the process products produced, and the generation and methods for any disposal of any wastes and/or by-products, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.

4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

Section 1632 - Dry Cleaners, Laundries, and Laundromats

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. Public sewer shall be utilized.
 1. All activities shall be within completely enclosed buildings.
 4. All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.
 5. Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.
 6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations shall be expressly prohibited.
 7. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1633 - Trucking Terminals (2008-02 - 6/25/08)

Truck or motor freight terminals are subject to the following criteria:

1. Access shall be via an arterial road.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish

evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

Section 1634 - Caretaker Dwelling

Caretaker dwellings are subject to the following criteria:

1. Caretaker dwelling shall be accessory and incidental to the principal use of the lot on which they are located.
2. One caretaker dwelling unit per lot shall be permitted.
3. Occupancy of a caretaker dwelling shall be limited to bonafide caretakers or watchmen and their families. In no instance shall the caretaker dwelling be offered for rent to the general public.
4. The caretaker dwelling shall be served with approved water and sewage disposal facilities.
5. In the Industrial District a caretaker dwelling shall be attached to the principal use.

Section 1635 - Nurseries and Greenhouses

1. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

2. In the FC and AR Districts, the display and sale of items not grown on the property shall be incidental to the nursery/greenhouse operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
3. All area and bulk requirements of the prevailing zoning district shall apply.

Section 1636 - On-farm Occupations

1. The primary economic activity of the subject tract shall be agricultural and shall be at least ten (10) acres in area.
2. The land area of the proposed on-farm occupations shall not utilize more than ten (10) percent of the total land area inclusive of buildings and parking facilities.
3. The occupation shall be owned and operated by the property owner.
4. The applicant shall acknowledge as part of the conditional use application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.
5. In the case where the proposed on-farm occupation requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
6. The land area of the on-farm occupation shall not, at any time, be permitted to be subdivided from the farm.
7. The applicant shall demonstrate that the proposed on-farm occupation and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.

8. When the on-farm occupation is located adjacent to a residential structure, suitable buffering shall be provided if deemed necessary by the Board of Supervisors.
9. The owner and/or occupant of the on-farm occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the on-farm occupation shall be conducted in a manner that does not allow the accumulation of trash and debris.

Section 1637 - Commercial Communication Tower

1. General Requirements for Communications Antennas and Communications Buildings
 - a. Building-mounted Communications Antennas shall not be located on any residential structure.
 - b. Building-mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
 - c. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - d. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
 - e. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - f. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.

- g. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
- h. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- i. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Penn Township.
- j. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
- k. The owner and operator of Communications Antennas shall be licensed by the Communications Commission to operate such antennas, and shall provide a copy of such license to the Township.

2. General Requirements for Communications Towers

- a. The applicant shall be required to submit to the Township evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower. No Communications Tower shall be permitted in the R1 and R2 Districts. Applicants are required to prove need by:
 - (1) Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
 - (a) Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications

Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or

(b) Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or

(c) Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or

(d) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.

- b. No Communications Tower shall be permitted within Penn Township that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
- c. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
- d. Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.
- e. The applicant for a Communications Tower must execute an agreement with Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the Communications Tower within six (6) months after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.

(1) Responsibility of Owner and Occupant of Premises for Removal: No person, firm, or corporation owning or occupying any property within Penn Township shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.

(2) Notice to Conform: Penn Township is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.

(3) Violations and Penalties: In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Penn Township may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Penn Township, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.

f. A security fence and gate, of approved design, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.

- g. The applicant shall submit a landscaping plan. Landscaping requirements shall be in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance.
 - (1) Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Penn Township Subdivision and Land Development Ordinance.
- h. A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.
- i. Access shall be provided to the Communications Tower and Communications equipment Building by means of a public street, or a private right-of-way twenty (20) feet in width and which shall be improved to a width of at least twelve (12) feet. (2008-02 - 6/25/08)
- j. Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with a durable and dustless gravel.
- k. Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
- l. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
- m. Guy wires, if utilized, may not be anchored in any minimum building setback area of the zoning district in which the tower is located. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

- n. Tower height shall be measured from the top of the foundation to the top of the tower
 - o. A security gate shall be installed a minimum of twenty (20) feet from the ultimate required right-of-way of the public or private roadway.
 - p. The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
 - q. The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
 - r. No Communications Tower shall be located closer than five hundred (500) feet from any existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.
3. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Forest/Conservation, Agriculture/Rural, Commercial, Industrial Districts, and Mixed Use Commerce District.

In addition to the conditions stated in Subsection 2, the following conditions shall also apply:

- a. Setbacks shall be no less than one hundred fifty (150) feet from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line.
4. General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Zoning and Building Permit application for approval.

Section 1638 - Convenience Store

Convenience stores are subject to the following criteria:

1. Access shall be via an arterial or collector road.
2. Vehicle fuel dispensing facilities are permitted in conjunction with convenience stores, but only with a Conditional Use from the Board of Supervisors. Such dispensing facilities shall conform to the relevant requirements of this Ordinance and State Codes.

Section 1639 - Outdoor Sales and Service

The outdoor display and retail sale of merchandise shall be permitted in the C and I Districts provided that such display does not extend into any required setbacks and does not interfere with the safe and efficient flow of pedestrian or vehicular traffic.

1. All exterior retail sales areas shall include a dust-free surface and completely enclosed six (6) feet high fence and gate.
2. All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties. (2008-02 - 6/25/08)
3. All exterior lighting and/or exterior amplified public address systems shall be designed and arranged so as to prevent objectionable impact off the site.

Section 1640 - Intensive Agricultural Operations

Within the FC and AR Districts, intensive agricultural operations are permitted by conditional use, subject to the following criteria:

1. Intensive agricultural operations shall include the following:
 - a. Any farm building, mushroom house, structure and/or facility specially designed, constructed and/or operated for the intensive and accelerated raising of poultry,

animal or agricultural produce and/or byproducts of the same for commercial sale including, but not limited to, an environmentally controlled house or other confined housing for poultry, animals, mushrooms and/or byproducts which structure is five thousand (5,000) square feet or larger, or

- b. The keeping of more than two (2) animal equivalent units (AEU) per acre of land. The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land on the lot.

For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. The number of AEUs on the agricultural operation shall be calculated according to the steps detailed in Appendix B as may be revised or amended by the Commonwealth.

2. Special setback requirements. Any new structure in which animals comprising an intensive animal operation are kept shall be located a minimum distance of:

- a. Seventy-five (75) feet from any street right-of-way line, or
- b. One hundred fifty (150) feet of any deeded lot line;

Except that the minimum distance shall be five hundred (500) feet from (1) any off-lot residential building, school, or other building in which people are employed or work, or (2) the boundary of any R-1 or R-2 zoning district.

3. A minimum lot area of ten (10) acres is required.
4. Where applicable, evidence of an approved Nutrient Management Plan in compliance with the requirements of PADEP and the Soil Conservation Service shall be required.

Section 1641 - Open Space Development (2007-01 - 1/31/07)

1. Purpose

It is the intent of this Section to implement the Penn Township Comprehensive Plan and promote desirable community development by:

- a. Maintaining a healthy residential environment with adequate open space and recreational amenities;
- b. Encouraging land use and development patterns which complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, scenic views and other natural and manmade features important to the Township's rural nature;
- c. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- d. Providing for a more varied, innovative, and efficient development pattern; and
- e. Accommodating new development that is compatible with existing uses, architecture, landscapes and community character.

2. Applicability

a. Zoning Districts Permitted

Open space developments shall be permitted only by conditional use in the FC, AR and R1 Zoning Districts. The applicant shall comply with all design standards, requirements and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

b. Ownership

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

c. Site Suitability As evidenced by the Existing Resources and Site Analysis Plan, Yield Plan and Open Space Development Concept Plan, the tract incorporating this Open Space Development design option shall be suitable for supporting the development in terms of environmental conditions,

its size, configuration and appropriate methods of water supply and sewage disposal.

d. Sensitive Area Disturbance

The proposed open space development design shall minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the one hundred (100) year floodplain, wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.

e. Water Supply and Sewage Disposal

Open space developments shall be served by water supply and sewage disposal systems in accordance with the provisions of the Penn Township Subdivision and Land Development Ordinance, Penn Township Sewage Facilities (Act 537) Plan and any state or federal regulations. The applicant shall provide an adequate water supply and adequate method for sewage disposal for the intended residential and open space uses within open space developments. The Board of Supervisors shall also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water supply and sewage disposal systems as part of the subdivision and land development approval.

f. Plan Processing

Prior to submitting a Conditional Use application for an open space development, the applicant is strongly encouraged to submit the Existing Resources and Site Analysis and the Yield Plan in to the Penn Township Planning Commission to discuss community development objectives and open space resource conservation objectives.

As part of the review and consideration for action on the Conditional Use application, the applicant shall develop and submit the following data and information:

(1) Yield Plan

(a) Maximum Number of Dwelling Units Permitted Calculation

1. To determine the maximum number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual Yield Plan depicting a realistic conventional development of the parent tract according to not only the required dimensional and design standards of the applicable base zoning district, but also street and right-of-way standards and other design requirements of the Penn Township Subdivision and Land Development Ordinance.

a. The Yield Plan must be prepared in compliance with the ordinance including the location and siting of proposed building lots for dwelling units specifically meeting the minimum required lot area and minimum lot width requirements of the applicable base zoning district, as well as the streets, right-of-way, and other pertinent features, in accordance with the minimum requirements for Sketch Plans as stated in Article 3 of the Penn Township Subdivision and Land Development Ordinance, and any other applicable Township ordinances. These minimum required building lot area dimensions shall be exclusive of all wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive

slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of an individual building lot's minimum required building lot area may consist of land within the one hundred (100) year floodplain, and only then if it is free of wetlands.

b. Although it must be drawn to scale, the Yield Plan need not be based on a field survey. However, the yield plan must be in compliance with the ordinance reflecting a conventional development pattern that could reasonably be expected to be developed, taking into account the presence of wetlands, floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal. The maximum number of dwelling units for any proposed open space development shall not exceed the final maximum number of dwelling units in the approved Yield Plan.

2. On those sites not served by central/public sewage disposal, the number of lots shall be determined by the calculation hereinafter set forth; evaluating the number of dwelling units that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the

presence of important natural features and resources proposed to be preserved as part of the minimum required open space, identified as part of the existing recourses and Site Analysis Plan the Township shall select a ten (10) percent sample or at least two (2) of the lots, whichever is greater, considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual onlot sewage disposal system in the form of probe and perc test complying with all applicable Pennsylvania Department of Environmental Protection (DEP) and Township requirements. If all lots identified for the sample meet such individual on-lot sewage disposal system standards, then the applicant shall be granted the full number of lots determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual on-lot sewage disposal systems, those lots shall be deducted from the final Yield Plan total, and a second ten (10) percent sample or at least two (2) of the lots, whichever is greater shall be selected by the Township and tested for compliance. In determining the number of lots required to be tested in the second and subsequent ten (10) percent samples, only ten (10) percent of the total number of lots which have not been previously tested shall be used. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system. For purposes of determining the number of lots to be tested, any fractional remainder shall be rounded up to the next highest whole number. See example below:

EXAMPLE

Determining the maximum number of dwelling units permitted for open space developments using individual on-lot sewage disposal systems in accordance with the requirements listed in Subsection 1641.2.f.(1)(a) above.

a. Initial Yield Plan Total:

100 Lots.

b. Calculate First 10% Required Sample of 100 Lots to be tested (probed and perked):

100 Lots x 10% Required Sample = 10 Lots to be tested.

c. Determine Results of First 10% Required Test Sample 10% Sample:

Of the 10 Lots = (4 pass, 6 fail).

d. Calculate Second 10% Required Sample of the remaining number of lots to be tested:

100 Lots - 10 Lots = 90 Lots x 10% Required Sample = 9 Lots to be tested.

e. Determine Results of Second 10% Required Test Sample:

Of the 9 lots = (5 pass, 4 fail).

f. Calculate Third 10% Required Sample of the remaining number of lots to be tested:

90 Lots - 9 Lots = 81 Lots x 10% Required Sample = 9 Lots to be tested.

g. Determine Results of Third 10% Required Test Sample:

Of the 9 Lots (7 pass, 2 fail).

h. Calculate Fourth 10% Required Sample of the remaining number of lots to be tested:

81 Lots - 9 Lots = 72 Lots x 10% Required Sample = 8 Lots to be tested.

i. Determine Results of Fourth 10% Required Test Sample:

Of the 8 Lots (8 pass).

j. Final Yield Plan Total:

100 Lots from Initial Yield Plan total - 12 failed tests = 88 Lots.

3. The Planning Commission shall also review the Yield Plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the Yield Plan to the Planning Commission as early as possible to obtain input regarding the calculation of the maximum number of dwelling units permitted in the open space development.

(2) Existing Resources and Site Analysis Plan

(a) For all open space development applications an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and Penn Township officials with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

(b) The following information shall be included in this Plan:

1. A vertical aerial photograph, taken within the last five (5) years and updated to show current features and conditions, enlarged to a scale not less detailed than 1 inch = four hundred (400) feet, with the site boundaries clearly marked.
2. Topography, the contour lines of which shall generally be at two (2) foot intervals, determined by photogrammetry (although ten [10] foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Board of Supervisors, which may specify greater or lesser intervals on exceptionally steep or flat sites. Steep slopes between sixteen and twenty-five (16 - 25) percent and prohibitive steep slopes those being twenty-five (25) percent shall be clearly indicated. Topography for Open Space Developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
3. The location and delineation of surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well as the one hundred (100) year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover

type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.

5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of Cumberland and Perry Counties, Pennsylvania, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for individual on-lot sewage disposal suitability).
6. Ridge lines and watershed boundaries shall be identified.
7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
9. All existing manmade features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, disposal areas, utilities, fire hydrants, and storm and sanitary sewers.
10. Locations of all historical sites or

cellar holes, stone walls, earthworks, public and private cemeteries or burial areas.

11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
12. All easements and other encumbrances of property which are or have been filed and recorded with the Recorder of Deeds of Perry County shall be shown on the plan.
13. Total acreage of the tract, the maximum number of permitted dwelling units identified in the Yield Plan and the acreage open space land area with detailed supporting calculations for both acreages.
14. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory, as well as those important natural features identified in the Penn Township Comprehensive Plan and/or Perry County Comprehensive Plan.
15. Other significant features that may affect land use and development of the property.

(3) Open Space Development Concept Plan

(a) Permitted Uses

The following uses are permitted within an open space development:

1. Within the FC and AR Districts:
 - a. Single family detached dwelling units.

- b. Seasonal dwellings.
- c. Home occupations.
- d. Day care homes.
- e. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- f. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

2. Within the R1 District:

- a. Single family detached dwelling units.
- b. Home occupations.
- c. Day care homes.
- d. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- e. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

(b) Minimum Required Open Space

The minimum required open space shall not be less than the following percentage of the net acreage of the parent tract, as stipulated for the appropriate zoning district. For purposes of determining net acreage of the parent tract, the net acreage shall be exclusive of all land traversed or within existing right-of-way, easements and land under high-tension electrical transmission lines (69kV or greater). Required open space shall comply with all standards and criteria for required open space established in this Section.

<u>Zoning District</u>	<u>Minimum Required Open Space</u>
<u>FC</u>	<u>60%</u>
<u>AR</u>	<u>45%</u>
<u>R-1</u>	<u>35%</u>

(c) Residential and Building Area Design Standards

When designing the open space development, the following lot and yard area regulations shall apply to all principal dwellings or other principal buildings or structures proposed as part of the open space development. Proposed building lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses and structures, the limits of the building envelope within which compliance with these provisions is feasible:

1. The minimum required lot frontage abutting a street right-of-way shall be twenty (20) feet.
2. The minimum required lot width measured at the front building line, shall be no less than eighty (80) feet.
3. The minimum separation distance between principal buildings shall be thirty (30) feet, except that the minimum separation measured perpendicularly from the rear wall of any principal dwelling to any point on any other principal building not accessory to such residential structure, shall be fifty (50) feet.
4. The builder or developer shall consider variations in the principal building position and orientation, but shall observe the following minimum yard

regulations:

- a. Front: Twenty (20) feet;
 - b. Rear: Forty (40) feet; and
 - c. Side: Five (5) feet.
5. Accessory structures and buildings shall be setback at least five (5) feet from any property line and shall be permitted only in rear yards.
 6. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
 7. The maximum building lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the proposed use. The maximum lot coverage for all required open space parcels shall be ten (10) percent, of which buildings and structures shall not occupy more than two (2) percent of total lot coverage area.
 8. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to comply with all the provisions of this section; regarding the appropriate size and shape relative to the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
 9. Panhandle lots subject to provisions of Subsections 1649.2, 1649.3 and 1649.5 of this Ordinance may be utilized where

appropriate. When two (2) or more panhandle lots are abutting one another, a joint use driveway must be utilized and subject to the following:

- a. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways; such easement agreements shall be subject to review and approval by the Township. This agreement shall be recorded with the office of the Perry County Recorder of Deeds on the same date as the recording of the Final Plan, and depicted on the recorded subdivision plan.
10. No new dwelling units within the open space development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street systems as designed for the project.
11. On street parking within the open space development may be permitted provided that such streets and parking spaces are designed in accordance with the Penn Township Subdivision and Land Development Ordinance and applicable standards of Article XIV of this Ordinance.
12. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
13. The placement of buildings and design of internal circulation systems shall minimize the number of intersections on Township and State roads.
14. The applicant shall comply with

applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit application or mitigation plan to the Pennsylvania Department of Environmental Protection (DEP) and/or US Army Corps of Engineers or successor agencies, a copy of all such documentation shall be submitted to Penn Township by the applicant.

15. At least three quarters (3/4) of the lots shall directly abut or face required open space land across a street.
16. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the following:
 - a. All external road ultimate right-of-way: One Hundred (100) feet.
 - b. All other tract boundaries: Fifty (50) feet.
 - c. Cropland or pasture land: One hundred (100) feet.
 - d. Buildings or barnyards housing livestock: Three hundred (300) feet.
 - e. Active recreation areas such as courts or playing fields (not including tot lots): One Hundred Fifty (150) feet.
17. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from these requirements except that additions to such existing structures shall not further reduce

required setbacks in Subsection 1641.2.f.(3)(c).

18. New residential lots shall not encroach upon Primary Conservation Areas, which include wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and their layout shall respect Secondary Conservation Areas as described in this Section.
19. Views of residential lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or any additional landscaping which meets the landscaping requirements of this or any applicable Township ordinance.

(d) Special Provisions for Conservation of Historic Resources

Historic resources, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable, through incorporation into development plans and design. Applicants are encouraged to contact the Perry County Historians and/or the Pennsylvania Historical and Museum Commission for information regarding historic resources.

(e) Open Space Designation and Management Standards

1. General Standards for Open Space Designation

- a. Areas designated as required open space shall be consistent with the goals and strategies of the Penn

Township Comprehensive Plan. The location and layout of required open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the resources listed herein below. The required open space land shall consist of a mixture of Primary Conservation Areas (PCAs) and Secondary Conservation Areas (SCAs). All of the land identified as PCA must be included as part of the required open space.

PCAs comprise wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts.

SCAs shall include special features of the property and include the following features:

- (1) Any area designated for "Conservation/Open Space" on the Future Land Use Map in the Penn Township Comprehensive Plan;
- (2) Surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well as the one hundred (100) year floodplains, wetlands, wet soils, and other lowland areas, including adjacent buffer areas which may be required elsewhere in the Ordinance and/or the Penn Township

Subdivision and Land Development Ordinance, to insure their protection.

- (3) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania State Natural Diversity Inventory.
- (4) Slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and particularly those adjoining water courses including streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales and surface water bodies where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats and trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground.
- (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high

rates of infiltration and percolation.

- (7) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural nature.
 - (8) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
 - (9) Historic structures and sites, as well as public and private cemeteries or burial areas.
 - (10) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view sheds particularly those with historic features) as seen from public roads and trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail.
 - (11) Existing trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail connecting the tract to other locations in the Township.
- b. No portion of the designated required open space shall be measured as contributing to the minimum required open space area:
- (1) Within twenty-five (25) feet of any structure except

structures devoted to permitted open space uses;

(2) Extending less than one hundred (100) feet in the narrowest dimension at any point;

(3) Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to stormwater management facilities may be included within the minimum required open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:

(i) Promote recharge of the groundwater system;

(ii) Be available and appropriate for active or passive recreational use or scenic enjoyment; and

(iii) Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to:

1) blend into the scenic landscape;

2) permit passive recreational use over the top of it; while

3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

c. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within required open space areas. Where such facilities are so located maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.

d. Areas designated for open space purposes may be used for any of the following, subject to any additional provisions set forth herein below, Articles XIII and XVI, or elsewhere in this Ordinance:

(1) Conservation areas and structures for the conservation of open space, water, soil and wildlife resources.

(2) Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.

(3) Raising and keeping of poultry, rabbits, goats and similar animals.

(4) General and specialized farms, which includes the raising, keeping and breeding of livestock for gain (such as cattle, hogs, horses, ponies, cows, sheep and similar livestock), but excluding Intensive Agricultural Operations and associated residential dwellings for all types of farming operations. General and specialized farms shall be subject to the following regulations:

(i) No building in which farm animals are kept shall be closer than one hundred (100) feet to any adjoining lot line.

(ii) No storage of manure or of odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.

(5) Nurseries and greenhouses. (see Section 1635).

(6) General gardening.

(7) Roadside stands for the sale of edible produce grown on the premises when located not less than twenty (20) feet from the right-of-way of any roadway.

(8) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such

areas do not consume more than half of the minimum required open space land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces for each field use.

- (9) Golf courses, including their parking areas and associated structures, may comprise up to one half (1/2) of the minimum required open space land, but shall not include driving ranges or miniature golf.
- (10) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the minimum required open space.
- (11) Easements for drainage, access, sewer or water lines, or other public purposes.
- (12) Underground utility right-of-way. Above-ground utility and street right-of-way may traverse required open space areas but shall not count toward the minimum required open space.

- e. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
- f. Open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
- g. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated required open space and required parking shall be permanently recorded as part of an approved final plan with each phase.

(2) Standards for Ownership of Required Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Perry County. Subject to such permanent restrictions, required open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in

private ownership.

a. Offer of Dedication

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of required open space land provided:

- (1) Such land is accessible to the residents of the Township;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- (3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of required open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

b. Homeowners' Association

The required open space land and associated facilities may be held

in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- (1) The developer shall provide a description of the Association including its bylaw and methods for maintaining the open space.
- (2) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- (4) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area

where the development is located may place liens on the owners of the open space to collect unpaid taxes.

- (5) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (6) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- (7) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
- (8) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such

lands, but such a lease agreement shall provide:

- (i) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - (ii) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - (iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- (9) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Perry County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.

(10) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

c. Condominiums

The required open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection 1641.2.f. (3) (e) 2.b, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

d. Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of required open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- (1) Such land is accessible to Township residents;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- (3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

e. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- (1) The organization is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity which itself has such a clause in the event

that organization becomes unwilling or unable to continue carrying out its functions;

- (3) A maintenance agreement shall be entered into by the developer, the organization and the Board of Supervisors.

f. Private Ownership of Required Open Space

- (1) Required open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for required open space herein.

- (2) All or portions of the designated required open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of required open space be conferred upon and/or divided among the owners of one or more individual lots.

(3) Required Open Space Management Plan

- a. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the required open space that is to be created as part of the development. Such plan shall include a discussion of (1)

the manner in which the required open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Perry County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the required open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.

- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Perry County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a

provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

(4) Open Space Performance Bond

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.
- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

Section 1642 - Electric Power Generation

Electric power generation facilities and distributed electric generation facilities, where permitted, shall meet the following requirements:

- 1. Solar Collectors and Solar-related Equipment

- a. Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
 - b. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12') foot obstruction located on the lot line; and has an area of not greater than one-half of the largest floor area of the structure served.
 - c. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Article, whichever is later. This subsection controls any accessory structure erected on or vegetation planted in, abutting lots after the installation of the solar energy collection system.
 - d. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.
1. Wind Energy Conversion Systems: Windmills, windwheels, or wind energy conversion systems (WECS) shall not be permitted in the R-1 and R-2 Districts but shall be permitted in all other districts, subject to the following conditions:
 - a. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten feet from any occupied dwelling, and shall not be more than one hundred ten (110') feet in height.

- b. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
- c. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20') feet.
- d. All electric lines/utility wires shall be buried underground.
- e. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6') foot fence. The supporting structure shall also be enclosed by a six (6') foot fence, unless the base of the tower is not climbable for a distance of twelve (12') feet.
- f. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight (8') feet in height and must be located at the base of the supporting structure.
- g. In permitted districts, only one windmill, windwheel or WECS shall be permitted per lot.
- h. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless installed and operated in conformity with all applicable distributed generation or system interconnection requirements.
- i. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within six (6) months.
- j. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA measured at the property line.
 - (1) A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 (ten) times the common logarithm of this ratio.

(2) "A" Weighted Sound Level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.

3. Other Distributed Electric Generation Facilities. Distributed generation facilities that are consistent with those described in Subsections 1. or 2. above and accessory to residential uses may be permitted by the Zoning Officer upon a determination that the use is consistent with the intent of Subsections 1. or 2. to support the use of renewable distributed generation that is clean and safe and does not unduly limit the use of adjoining parcels.
4. Electric Power Generation Facilities. Electric Power Generation Facilities shall be permitted as a Conditional Use in an Industrial District upon application to the Zoning Officer and a determination by the Board of Supervisors that approval of the application is consistent with the requirements and intent of this Ordinance. A Conditional Use for an Electric Power Generation Facility shall be approved upon demonstration that the impact of the use, including proposed mitigation measures, will not be detrimental to public health and safety, the environment, the general welfare or the use and enjoyment of other land uses in the area.

The application shall be in compliance with the planning policies of the Township as contained in the Penn Township Comprehensive Plan and all requirements of this Ordinance.

An application for an Electric Power Generation Facility shall demonstrate that the proposed facility is located, designed, constructed, maintained and operated in accordance with the following standards:

- a. The total rated capacity of an Electric Power Generation Facility shall not exceed 250 MW.
- b. The proposed facility will comply with all applicable federal, state, county or river basin permits and requirements concerning air, water, waste, and environmental impact(s) of the proposed development. Receipt and the continued compliance with the terms of

all such permits and regulations shall be a condition of zoning approval.

- c. The proposed facility and use will avoid, or, if not avoidable, minimize any negative impact of the proposed facility on the air, water, land, or land use beyond the boundary of the site on which the facility is located.

- d. The application shall include a description, discussion and documentation of potential impacts such as noise, vibration, light, glare, odor, heat, emissions, dust, toxic materials, electrical interference, radiation, groundwater or surface water quality or quantity, wildlife and habitat or other impacts. In the event that any such impacts may exist, the application shall include:
 - (1) A site plan, map(s) and a detailed description of the surrounding area in which any such impact may be experienced;
 - (2) The name and address, as shown on the most recent tax assessment record, of such possibly impacted property owners;
 - (3) A description of the design, construction or operating plans intended to consider, avoid, mitigate or remediate such impacts.
 - (4) A description of any design, construction or operating plans that could eliminate any such impact but is not proposed in the application and a statement explaining the reason(s) that such a plan is not part of the application.
 - (5) An affidavit attesting that notice of the Zoning Hearing Board proceeding on the application will be served upon each property owner identified in subsection ii.

- e. The Board of Supervisors may adopt reasonable conditions to the grant of a Conditional Use in addition to those expressly considered or authorized in this Ordinance, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this Ordinance and the Municipalities Planning Code.

Section 1643 - Junkyards, Recycling Centers/Yards, and Automobile Wrecking

Junkyards, recycling yards, and automobile wrecking yards are subject to the following criteria:

1. Minimum lot area - Ten (10) acres
2. No material may be stored or stacked so that it is visible from adjoining properties and roads.
3. Recycling of paper, glass, plastic, rubber, construction debris, and metal products is subject to the following criteria:
 - a. All operations shall be conducted within a wholly enclosed building.
 - b. There shall be no outdoor storage of paper materials used, or generated by the operation.
 - c. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust and litter.
 - d. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.
4. All federal and state laws shall be satisfied.
5. All salvage or recycled materials shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
6. No oil, grease, tires, or other similar material shall be burned at any time.
7. Any junkyard, recycling yard, or automobile wrecking yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.

8. No junkyard, recycling yard, or automobile wrecking yard shall be located on land with a slope in excess of five (5%) percent.
9. No junkyard, recycling yard, or automobile wrecking yard shall be operate without a license, which shall be issued for a period of one (1) year, and shall be subject to annual renewal with the cost of such permit to be determined by resolution of the Board of Supervisors.
10. It shall be illegal to burn any junk, junk vehicles or equipment associated with a junk yard, recycling yard, or automobile wrecking yard.
11. There shall be planted and maintained a row of evergreen trees along any highway or street which shall be four feet in height when planted and be planted no greater than eight feet from center to center.
12. A buffer yard of 100 feet shall be established around the entire perimeter of the junk yard, recycling yard, or automobile wrecking yard.

Section 1644 - Flea Markets (Indoor/Outdoor) (2008-02 - 6/25/08)

Indoor and Outdoor Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:

1. Minimum lot size for an outdoor market shall be two (2) acres.
2. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
4. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use

periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

Section 1645 - Essential Services Buildings and Structures

Essential services buildings and structures with specific locational requirements shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected shall be subject to the following regulations. Buildings without specific locational requirements are subject to the dimensional requirements in the district in which they are located.

1. Where feasible, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
2. Height of building or structure shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height.
4. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
5. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened as required by Section 1310.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Storage of Vehicles - In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke odor, or hazardous effect shall be installed.

Section 1646 - State/County/Federal Buildings

State/County/Federal Buildings must have access via an arterial or collector street as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

Section 1647 - Winter Sports Areas and Ski Lodges (Resorts)

1. Permitted Uses. A site to be used for a resort establishment shall include an office and lobby and may include such accessory uses as: restaurants, coffee shops, cafeteria dining halls providing food and drink, amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
 - a. The minimum lot area shall be ten (10) acres.
 - b. The minimum lot width shall be 500 feet.
 - c. The minimum front, side and rear yards shall be 200 feet.
 - d. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site. There shall be no more than one (1) dormitory, resort or dwelling unit for every 2,000 square feet of lot area, or one second story unit for every 1,750 square feet of first story units.
 - e. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector street as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
3. Supplemental Regulations

- a. A densely planted buffer area shall be required where the site abuts an existing residential use or residential zoning district.

Section 1648 - Sexually Oriented Businesses

1. Purpose and Legislative Findings

a. Purpose

Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, cleanliness, comfort and safety of the citizens of Penn Township, to regulate and inspect the use and occupancy of public buildings, to regulate places of public entertainment, amusement and recreation, and to prevent and prohibit public nuisances due to adverse secondary effects, Penn Township has developed the following provisions to minimize and control the adverse secondary effects of sexually oriented businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens' property values and character of surrounding neighborhoods; and deter the spread of blight.

The Board of Supervisors has determined that the following provisions and associated licensing requirements are a legitimate and reasonable means of accountability to insure that operators of sexually oriented businesses comply with reasonable regulations and to insure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

The Board of Supervisors does not intend the following provisions to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. It is not the intent of the Board in enacting this legislation to deny any person rights of speech protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intent of the Board to impose, by this legislation, any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and other materials. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented

materials or conduct protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually oriented may have to sell, distribute, or exhibit these materials.

b. Legislative Findings: The Board of Supervisors finds:

1. Law enforcement personnel have determined, and statistics and studies performed in a substantial number of communities in this Commonwealth, and in the United States indicate that sexually oriented businesses have adverse secondary effects, including those specified and recognized at 68 Pa. C.S.A. § 5501(a), which secondary effects should be regulated to protect the public health, safety and welfare. These secondary effects include, but are not limited to, the spread of communicable diseases, performance of sexual acts in public places, presence of discarded sexually oriented materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crime, decreased property values and neighborhood deterioration.
2. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in depositions and hearings conducted by the United States District Court for the Middle District of Pennsylvania, Case No. 3:CV99-1801 (Judge Munley), and by the United States District Court for the Western District of Pennsylvania, Case No. 98-1140 (Judge Lancaster); and in reports made available to the Township and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Biloxi, Mississippi; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township finds:

- (a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (b) Certain employees of sexually oriented businesses defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. Furthermore, adult bookstores tend to attract homosexual men who engage in unprotected, high-risk sexual activities.
- (d) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (e) Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (g) The surgeon general of the United States in his report of October 22, 1986, has advised

the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

- (h) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
 - (i) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
 - (j) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
 - (k) Numerous studies have indicated that sexually oriented businesses have a substantial negative impact on property values and cause neighborhood blight.
 - (l) The findings noted in paragraph (a) through (k) raise substantial governmental concerns.
3. Sexually oriented businesses have adverse secondary effects in the nature of a public nuisance, which secondary effects should be regulated to protect the public health, safety and welfare.
 4. Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.
 5. As an integrated part of this legislation, a reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the

sexually oriented business. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

6. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters and bookstores.
7. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
8. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
9. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent or who are likely to be witnesses to such activity.
10. The fact that an applicant for an adult or sexually oriented use license has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this Ordinance.

11. The barring of such individuals from the management of sexually oriented uses for a period of years serves as a deterrent to and prevents conduct, which leads to the transmission of sexually transmitted diseases.
 12. The general welfare, health and safety of the citizens of the Township will be promoted by the enactment of this Ordinance.
 13. The reasonable regulation and supervision of sexually oriented businesses tends to discourage sexual acts and prostitution and thereby promote the health, safety and welfare of patrons, clients and customers of these businesses.
 14. The continued unregulated operation of such sexually oriented businesses would be detrimental to the general health, safety and welfare of citizens of Penn Township.
2. Sexually-Oriented Businesses may be established in the C - Commercial District as a Conditional Use subject to the following conditions:
- A. Persons or owners who intend to open a sexually oriented business must obtain from the Township a license, upon effective date of adoption of a licensing ordinance, to operate such an enterprise and must pay a license fee as set by the resolution of the Supervisors of the Township. In addition such persons or owners must supply to the Township detailed information as to ownership operation and as required on the licensing application form. The licensing form can be obtained from the Township.
 - B. No sexually oriented business can be located within the following separation distances:

No sexually oriented business shall operate or be established within one thousand five hundred (1,500) feet of any religious institution, school, public park, daycares, youth club or organization.

The separation distance between a sexually oriented business and the above-referenced uses shall be measured in a straight line, without regard for intervening structures, from the property line associated with the identified use.

- C. Sexually Oriented Businesses shall be fully screened from adjoining properties with suitable evergreen trees as to provide a complete visual barrier between the Sexually Oriented Use and adjoining property. Penn Township Board of Supervisors shall approve the screening plan.
 - D. Illumination shall be in accordance with Section 1312.
3. License - Prior to establishing a Sexually Oriented Business in accordance with the provisions of this ordinance, the applicant shall first obtain a licenses from the Penn Township Board of Supervisors in accordance with Ordinance # 2001-03.

Section 1649 - Panhandle Lots - Where permitted, Panhandle lots shall be developed pursuant to the following criteria:

- 1. Lot Area - As required by the zoning district in which the panhandle lot is located. The area of the panhandle as required in 2.A shall not be used in determining the applicable minimum lot area requirement.
- 2. Requirements of the Panhandle.
 - A. The minimum width of the panhandle shall be:
 - 1. Twenty (20) feet when there is no opportunity that the panhandle will be utilized in the future as a private right-of-way or street right-of-way.
 - 2. Fifty (50) feet when the panhandle will be utilized in the future as a private right-of-way or street right-of-way.
- 3. No part of the panhandle shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections, mailboxes and signs.
- 4. No panhandle, existing or proposed, shall be located within two hundred (200) feet of another panhandle, private right-of-way, or a street right-of-way on the same side of the street.

5. When the applicant is proposing a twenty (20) foot panhandle in accordance with 2.A.1, the following note shall be included on the plan:

The twenty (20) foot panhandle is for exclusive access to Lot # __. The panhandle cannot be utilized as a private right-of-way or street right right-of-way to access new lots unless the panhandle is constructed to minimum standards as required by the Penn Township Subdivision and Land Development Ordinance.

Section 1650 - Mining and Quarrying

1. Applicant shall submit a scaled site plan that depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed permit site of the mining and quarrying use being sought. In the event the 1,500' radius does not extend off of the property used for mining and quarrying, identification of uses of all buildings on lots that abut the property shall be provided. In addition, all public roads that will be used throughout the Township during the mining and quarrying operation shall be identified on the scaled plan. The cartway width of each street, school bus routes, bridges, and intersections, with sight distance, shall be identified on the site plan. Substandard cartway widths and intersections, school bus route conflicts, and bridge restrictions shall be clearly identified on the site plan.
2. Required Mining and Quarrying Plan - All activities shall be subject to approval of a Mining and Quarrying Plan which shall consist of a topographic map with a contour interval of not greater than five (5) feet showing all natural and man-made features, rights-of-way, easements, property lines, and a plan and cross-sections of the proposed mining and quarrying areas, including groundwater information. Groundwater information shall include existing groundwater levels, flow rates, and clarity for all wells located within the 1,500' radius as required in Section 1. In addition, the underlying geologic formations of those properties shall be identified along with their groundwater carrying values. This information shall serve as a base line for comparison should groundwater resources be adversely affected by the mining and quarrying operation.

3. Required Reclamation Plan - All mining and quarrying activity shall be required to prepare and submit a reclamation plan. A reclamation plan which shall consist of a plan for re-use of the land after completion of the operations and the carrying out of the restoration, reclamation, reforestation or other corrective work so as to leave the land in a condition that will enable it to be used for ecologically and economically productive purposes consistent with the Comprehensive Plan of the Township upon completion of the mining and quarrying operation. At a minimum, said plan shall provide for temporary and permanent cover, water control measures, and management of vegetation in accordance with the Critical Areas Practices of the Erosion and Sedimentation Control Handbook published by the County Conservation District (most recent edition). Such plan shall be prepared by a registered engineer or landscape architect and shall bear the authorized signature of the owner of the land. A detailed timetable for restoration shall be provided to be completed within three (3) years or such earlier time as shall be required by a regulatory agency or body having jurisdiction after completion of the mining operation, together with an estimate of cost of each major step in the plan and the total cost of the program. The applicant shall post security as permitted in the Surface Mining Conservation and Reclamation Act, as amended from time to time, in the amount of one thousand dollars (\$1,000) per acre. If such security has been posted with another regulatory agency or body having jurisdiction, naming the Township as additional obligee, additional bonding may be waived by the Board of Supervisors, if satisfied that the Township's interests are adequately protected.

4. Required Operational Statement - All mining and quarry uses shall be required to prepare and submit an operational statement for approval by the Township Board of Supervisors. Such operational statement shall include a detailed description of methods for handling operations with respect to the emission of noise, dust, smoke, refuse, water, odor, gas, fumes, or similar substances or conditions which may endanger the health, safety or general welfare management, air pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including production, transportation, processing, stockpiling, storage, and disposal of products, by-products and wastes.

5. For the mining and quarrying related use to be approved, the operational statement must demonstrate, by credible evidence, each of the following:
 - a. Mining and quarrying shall comply with all applicable State and Federal laws, rules and regulations, including, but not limited to, regulations concerning dust, vibration, noise, heat, glare, vapors, and gases.
 - b. No emission of dust, dirt, fly ash, fumes, vapors or gases which could cause any damage to human health, animals or vegetation or to other forms of property or which could cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, will occur.
 - c. No mining, quarrying or other activity shall produce heat or glare beyond the property boundary line of the land on which the operation is located.
 - d. No machines or operations shall cause vibrations that are perceptible along the boundary line of the Quarry Zone. The foregoing language and provisions shall not be construed to limit or prevent blasting conducted in accordance with all applicable laws and regulations of the Commonwealth of Pennsylvania.
 - e. No activities shall be permitted which emit dangerous radioactivity at any point nor shall there be any electrical or radio disturbances which adversely affect the operation of any equipment at any location other than that of the creator of such disturbances.
6. Water Restoration - Any operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source, acceptable to the lot owner or well owner, of water with adequate quantity and quality for the purposes served by the affected supply.
7. After reviewing the required submission requirements, should the Board of Supervisors, after a period of operation for one (1) year, determine that the conditional use is detrimental to the health, safety and general welfare of the Township, the Board shall give the operator of the use written notification of the specific detrimental

effects, and the operator must correct the specified detrimental effects within ninety (90) days from such date of notice. Failure to correct the detrimental effects within ninety (90) days will result in a notice of termination being sent to the operator by said Board. The operator must cease said use within one (1) year after receipt of said termination.

Section 1651 - Research and Development (2008-02 - 6/25/2008)

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials used and stored, the products produced, and the generation and methods of disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale and location of any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

Section 1652 - Limited Industrial Uses (2008-02 - 6/25/2008)

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed commercial or industrial subdivision and/or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use(s) in each of the following topics:
 - a. The nature of the on-site processing activities and operations, the types of materials used in the process, products to be sold, and the generation and methods for any disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale and location of the industrial operations and any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift, and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.