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GENERAL PROVISIONS

AN ORDINANCE REGULATING AND RESTRICTING: THE USE OF LAND, WATERCOURSES AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, RAZING, REMOVAL AND USE OF STRUCTURES; AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; DENSITY OF POPULATION AND INTENSITY OF USE; AND FOR THESE PURPOSES, ESTABLISHING DISTRICTS AND BOUNDARIES, PROVIDING FOR THE CORRECTION OF CERTAIN NON-CONFORMING STRUCTURES WITHIN CERTAIN TIME PERIODS AND DESIGNATING AND REGULATING RESIDENTIAL, PUBLIC AND QUASI-PUBLIC, COMMERCIAL, INDUSTRIAL AND FARMING USES WITHIN SUCH DISTRICTS AND BOUNDARIES, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, AND PENALTIES FOR THE VIOLATION THEREOF.

Section 101 - Title

This Ordinance may be known as the "Penn Township Zoning Ordinance of 2003."

Section 102 - Purpose of Ordinance

This Zoning Ordinance has been prepared in consideration of the Penn Township Comprehensive Plan, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

1. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

2. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

3. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all
basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements.

4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 103 - Community Development Objectives

This Zoning Ordinance has been adopted to aid in the carrying out of the community development objectives of the Township, which include but are not limited to:

1. Conservation of the sound and lawful uses of land;
2. Preservation and prudent use of the natural resources;
3. The orderly development of residential, commercial, industrial and public purpose uses, and the continued use and protection of agriculturally viable land;
4. Preventing the overcrowding of the land by encouraging appropriate densities of population;
5. Coordinating the location and arrangement of streets and transportation corridors;
6. Providing essential community facilities and utility services.

In addition to the community development objectives identified above, all provisions of the Penn Township Comprehensive Plan, as may be adopted from time to time by the Board of Supervisors, shall be part of the community development objectives.

Section 104 - Review

All development shall be subject to the provisions and requirements delineated in the Penn Township Subdivision and Land Development Ordinance as amended.

Section 105 - Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or
requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

Section 106 – Agricultural Disclaimer

Penn Township contains a mix of agricultural land, forest and mountain land, low and high density residential uses, and non-residential uses. This zoning ordinance recognizes the delicate balance between these uses, specifically, between agricultural uses and residential uses. New and existing Residential and non-residential development can be located next to agriculturally zoned land which protects and encourages agricultural uses. Owners, residents and other users of property adjacent to farms in all districts in Penn Township may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, use of roads by slow and oversized agricultural equipment, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in where this condition exists should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations. The regulations for these districts are intended to protect and stabilize the prevailing characteristics and promote a safe and healthful environment for family life.
ARTICLE II
DEFINITIONS

Section 201 - Interpretation

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the following rules of interpretation shall apply:

1. Words in the present tense include the future tense.
2. Words in the singular include the plural and words in the plural include the singular.
3. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
4. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
5. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
6. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
7. The word "lot" includes the words "plot" and "parcel".
8. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
9. The word "erect" shall mean to build, construct or relocate any structure or building.
10. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
Section 202 - Specific Words and Phrases

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section. Several definitions are further described by sketches included as Appendix A:

Access Drive: An open space of not less than the width required herein which provides vehicular access from a street or private road to the main building on a lot.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping.

Accessory Farm Occupation: An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

Accessory Structure: A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure. (See Appendix A).

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

Active Play Area: An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

Addition: Any construction that increases the size of a building or adds to a building.

Adult Arcade: Means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore, Adult Novelty Store, or Adult Video Store: Means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by and emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas;”

b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sado-masochistic use or abuse of themselves or others;

c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas,” and still be categorized by and emphasis on as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized by and emphasis on as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials characterized by and emphasis on depicting or description which depict or describe “specified sexual activities” or “specified anatomical areas;”

Adult Cabaret: Means a nightclub, bar, restaurant “bottle club,” or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Motel: Means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant
or occupant to sub-rent the sleeping room for a period of time of less than ten (10) hours. Excluded from this definition are motels, hotels, or other similar commercial establishments that provide access to traditional adult programs that are provided by a local cable or satellite based television provider.

**Adult Motion Picture Theater**: Means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

**Adult Theatre**: Means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by and emphasis on exposure of “specified anatomical areas” or by “specified sexual activities.”

**Agriculture or Agricultural Purposes**: The cultivation of the soil and the raising and harvesting of the products of the soil including but not by way of limitation, nurseries, horticulture, forestry, and the breeding and raising of customary domestic animals, for the purpose of profit.

**Agricultural Operation**: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes enterprises that implement changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Agricultural Production**: The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator.

**Agricultural Society**: An organization for the improvement of agriculture and horticulture and the domestic arts by the exhibition of agricultural, horticultural, mechanical and artistic products.

**Airport**: A place or facility where aircraft can land and take off, which may be equipped with storage hangars, facilities for refueling and repair, and various accommodations for passengers.

**Alley (or Service Drive)**: A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.
**Alluvial Soil:** A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material. (2007-05 – 9/26/2007)

**Alluvium:** A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated. (2007-05 – 9/26/2007)

**Alterations:** As applied to a building or structure, any change or rearrangements in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Alterations, Structural:** Any change in the supporting members bearing walls, columns, beams or girders.

**Amendment:** A change in use in a district which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Penn Township Board of Supervisors.

**Amusement Arcade:** A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

**Animal Hospital:** A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl.

**Antique Business:** A business for purchase and sale at retail of antiques. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent nature, except as are authorized by the Township for charitable institutions or civic organizations for nonprofit fund raising purposes as otherwise may be provided by laws of the Township.

**Apartment, Conversion:** A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

**Apartment House (or Apartment Building):** A detached building consisting of three (3) or more dwelling units. (See Appendix A).

**Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

**Application for Development:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for the approval
of a subdivision, plat or plan, or for the approval of a development plan.

**Appointing Authority:** The Penn Township Board of Supervisors.

**Area, Building (Building Coverage):** See Building Coverage.

**Area, Habitable Floor:** The sum of the gross horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, basements, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**Area, Lot:** See Lot Area.

**Authority:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No.164), known as the "Municipality Authorities Act of 1945".

**Automobile:** A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

**Automobile Service Station:** See Vehicle Service Station.

**Automobile Parking Lot or Garage:** See Vehicle Parking Lot or Garage.

**Automobile Wrecking:** The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**Axis of a Lot:** A line joining the midpoints of the front and rear lot lines. A corner lot shall have two axes, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite side lot line. In the event that a front or rear lot line is not a straight line, the midpoint of such lot line shall be determined as the midpoint of a straight line drawn between each terminus of the front or rear lot line. (See Appendix A).

**Babysitting:** See Child or Adult Day Care Facility.

**Basement:** A story partly underground and having one-half or more of its height below the average level of the adjoining ground.

**Bed and Breakfast Inn:** An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided.
Bed and Breakfast Unit: A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Berm: An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

Billboard: See Off-Premise Sign.

Board: The Penn Township Zoning Hearing Board.

Boarding House: A dwelling or part thereof where meals and lodgings are provided for compensation for at least two (2) but not more than six (6) persons not transients and no public restaurant is maintained.

Brightness: A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

Buffer Area: A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses. (See Appendix A).

Building: A combination of materials having walls and a roof. Included shall be all mobile homes and trailers.

Building, Attached: A building that has two or more party walls in common.

Building, Detached: A building that has no party wall.

Building, Semi-detached: A building that has only one party wall in common.

Building Area: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

Building Coverage: That portion of a lot covered or occupied by structures. For the purpose of computation, building coverage excludes fences, free-standing walls, retaining walls, decks and unenclosed porches extending no more than eight feet from the building wall, playground equipment, wading pools no more than 30 inches above grade, cornices, eaves, gutters, stoops, terraces, balconies, fire escapes, and unenclosed steps. (See Appendix A).

Building Height: The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. (See
Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.

**Building Line:** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface.

**Building Set-back Line:** The line within a property usually parallel to the right-of-way or property line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or property line. (See Appendix A).

- **Front Setback Line:** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

- **Side Setback Line:** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

- **Rear Setback Line:** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

**Bulk Regulations:** Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height and yard requirements.

**Business:** Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

**Business Conversion:** The conversion of all or a portion of an existing residential or nonresidential building for business use.

**Business Office Building:** A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

**Business Services:** Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

**Caliper:** The diameter of a tree think, measured in inches, six
inches above ground level for trees up to four (4) inches in
diameter and twelve (12) inches above ground level for trees over

**Campground:** A tract, or tracts of land, or any portions thereof,
used for the purpose of providing sites for the temporary use of
trailers, recreational vehicles, campers or tents, for camping
purposes with or without a fee being charged for the leasing,
renting or occupancy of such space.

**Car Wash:** See Vehicle Wash.

**Caretaker Dwelling:** A dwelling accessory and incidental to the
principal use only for occupancy of bona fide caretaker or watchman
and their families.

**Cartway (or Roadway):** That portion of a street or alley that is
Improved designated or intended for vehicular use.

**Cellar:** See Basement.

**Center Line of Street or Road Cartway:** A line midway between and
parallel to the outer edges of the street or road cartway.

**Center Line of Street or Road Right-of-Way:** A line midway between
and parallel to the two streets or road property or right-of-way
lines, or as otherwise defined by the Board of Supervisors.

**Certificate of Use:** A certificate issued and enforced by the Zoning
Officer upon completion of the construction of a new building or
upon a change or conversion of the structure or use of a building,
which certifies that all requirements and regulations as provided
herein, and within all other applicable requirements, have been
complied with.

**Change of Use:** An alteration of a building or a change of existing
use within a building or on a lot to a new use which imposes other
provisions of the Zoning Ordinance.

**Child or Adult Day Care Facility:** Any dwelling, building, or
portion thereof, including any on-site outdoor play area, where
regular child or adult day care services other than the following
are provided:

1. The temporary or occasional care of any number of children or
   adults not related to the person giving care which takes place
   at the home of the person giving care.

2. The temporary or occasional care of any number of children or
   adults at a dwelling unit customarily and regularly occupied
   by the children or adults as their residence.

Child and adult day care facilities shall be further differentiated
by the following two classifications:
**Day Care Home**: Any dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

**Day Care Center**: A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

**Clear Sight Triangle**: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**Clinic/Medical Center**: The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

**Club**: An organization catering exclusively to members and their guests or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

**Club, Non-profit**: Buildings or facilities owned and/or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. A non-profit club shall not include churches, synagogues, or other places of worship.

**Commercial Greenhouse**: A structure in which plants, vegetables, flowers, and/or similar materials are grown for sale, including retails sales of said materials on the premises.

**Commercial Kennel**: See Kennel, Commercial.

**Commercial Recreation**: A business such as a theater, arcade, bowling alley, pool hall, golf course, golf driving range, miniature golf courses, swimming pool or skating rink which offers recreational activities to the general public and which are operated for a profit.

**Commercial Use**: A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

**Commission**: The Penn Township Planning Commission
Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A Structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

Community Activity Building: A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

Comprehensive Plan: The Comprehensive Plan adopted by the Board of Supervisors pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Conditional Use: A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional Uses are reviewed and approved by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Conservation Areas: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high
water tables, forest areas, endangered species habitat, or areas of
significant biological productivity or uniqueness that have been
designated for protection from any activity that would
significantly alter their ecological integrity, balance, or
character.

**Construction:** The erection, reconstruction, extension, expansion, relocation or demolition of a building or structure, including the placement or removal of a pre-manufactured building or mobile home.

**Convalescent Home:** See Life Care Facility.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**Conventional Residential Development:** A residential subdivision or land development which does not comply with the open space development criteria established in Section 491 of this Zoning Ordinance, unless otherwise provided by this Ordinance.

**Conversion, Multi-family:** Single family dwellings converted for occupancy by two or more families.

**Corner Lot:** A lot fronting on two streets at their intersection, containing two front yards, one side yard, and one rear yard. (See Appendix A).

**County:** The County of Perry, Commonwealth of Pennsylvania.

**County Planning Commission:** The Perry County Planning Commission and its professional staff.

**Courtyard:** Any open space, unobstructed from the ground to the sky, that is bounded on two or more sides by the walls of a building that is on the same lot.

- **Courtyard, Inner:** An open area, unobstructed from the ground to the sky, that is bounded on more than three sides by the exterior walls of one or more buildings.
- **Courtyard, Outer:** An open area, unobstructed from the ground to the sky, that is bounded on not more than three sides by the exterior walls of one or more buildings.

**Dedication:** The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**Deed:** A written instrument whereby an estate in real property is conveyed.
Deed Restriction: A restriction upon the use of a property placed in a deed.

Demolition: An organized and planned act of wrecking and removal of a building or structure from its present location.

Density: A measure of the number of dwelling units that occupy, or may occupy, an area of land.

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

Density, Net Residential: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

DEP: The Pennsylvania Department of Environmental Protection.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development: See Land Development.

Development Plan: The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, greenways, bikeways, walkways, trails, driveways, and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Distance Between Buildings: The required distance between facings and building walls measured at the narrowest point.

Distributed Electric Generation Facility: A facility that is able to produce less than 1 MW of electricity from any fuel source or through any technology and is used primarily at the site where the electricity is produced.

District (Zone): See Zoning District.

DPW: The Pennsylvania Department of Public Welfare.
Drainage Easement: A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

Drive-in Business: An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers that do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

Drive-Thru Service Facility: Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Driveway: A minor private vehicular cartway or roadway providing access between a street and a parking area or garage within a lot or property.

Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, but not including group quarters, hotels, motels, or other structures used for transient residence. (See Appendix A).

Dwelling, Apartment: A building designed and built to contain three (3) or more dwelling units, arranged above and/or adjacent to one another.

Dwelling, Multi-family (Multiple Family): A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by three (3) or more families.

Dwelling, One Family: See Dwelling, Single Family.

Dwelling, Semi-detached: One of two buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

Dwelling, Single Family, Attached (Townhouse or Row): A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

Dwelling, Single Family, Detached: A building designed and built to contain one (1) dwelling unit and having no party
walls in common with any other unit, including an individual mobile home not located in a mobile home park.

**Dwelling, Seasonal**: See Seasonal Dwelling Unit.

**Dwelling, Single Family, Semi-detached**: A portion of a building containing one (1) dwelling unit that is attached side-by-side to another dwelling unit by the use of a common wall.

**Dwelling, Townhouse**: See Dwelling, Single Family, Attached (Townhouse or Row).

**Dwelling, Two Family**: A building located on one lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

**Dwelling, Two Family, Attached**: A building used by two families and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

**Dwelling, Two Family, Detached**: A dwelling containing two (2) dwelling units, one of which is located above the other.

**Dwelling, Two Family, Semi-detached**: A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

**Dwelling Unit**: A building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) family.

**Easement**: A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in any manner that violates the right of the grantee.

**Eating Establishment**: See Restaurant.

**Eating Establishment, (Drive-in)**: See Restaurant, Drive-in and Restaurant, Fast Food.

**Eave Line**: The point at which the roof converges with the side of the building.

**Electric Power Generation Facility**: A facility that is able to produce more than 1 MW of electricity from any fuel source or through any technology.

**Engineer, Professional**: A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.
**Engineer, Township:** The Penn Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer in behalf of the Township.

**EPA:** The United States Environmental Protection Agency.

**Escort:** Means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency:** Means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities after PUC approval, municipal authorities, municipal or other governmental agencies, or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, municipal authorities, municipal or other agencies, or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare. Essential services **shall not** include Communications Towers and Communications Antennas, or Electric Power Generation Facilities as defined herein.

**Family:** A single individual living alone as a separate housekeeping unit and doing his/her own cooking, or a collective body of people living together in a domestic relationship which may or may not be based upon birth, marriage, custodianship, adoption, or other domestic bond as a single housekeeping unit based on an intentionally structured relationship providing organization and stability and doing their own cooking with or without assistance from others. This definition does not include persons occupying a hotel, dormitory, lodge, or boarding house.

**Farm:** A parcel of land ten (10) acres or more in size which is used in the raising of crops, livestock, and livestock products, including necessary dwellings, farm structures and the storage of equipment customarily incidental to the principal use.

**Farm Equipment Sales and Service:** The distribution, sale and/or servicing of new and used equipment and machinery, including construction equipment, commonly used for agricultural purposes.
**Fence**: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Floor Area of a Building**: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**Floor Area, Habitable**: See Area, Habitable Floor.

**Floor Area, Total**: See Floor Area of a Building.

**Forestry**: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which do not involve any land development.

**Foot-Candle (fc)**: A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one foot. One lumen per square foot.

**Funeral Home**: A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

**Garage, Private**: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**Garage, Public**: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

**Gardening**: The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

**Glare**: The interference with proper vision, or eye discomfort, which comes directly from a light source or is reflected from a light source or is reflected from a glossy surface.

**Governing Body**: The Board of Supervisors of the Township of Penn, Perry County, Pennsylvania.

**Grade**: The slope expressed in a percent that indicates the rate of change of elevation in feet per hundred feet.
**Grade, Finished:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Green Area:** The portion of a lot that may not be occupied or covered by buildings or paved areas.

**Group Home:** A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

1. a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. a record of having such an impairment; or
3. being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include alcoholism or drug treatment centers, work release facilities for convicts or exconvicts, or other housing facilities serving as an alternative to incarceration.

**Heavy Commercial Use:** A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing or storing of goods such as contractor's yards or storage tanks.

**Height of a Communications Tower:** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

**Heliport (Helipad):** An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters, and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

**Home Business:** An occupation, profession, activity or use conducted within a single-family dwelling unit by the residents thereof and no more than two non-resident employees. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character.
**Home Occupation:** An occupation, profession, activity or use conducted within a single-family dwelling unit solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character.

**Horticulture:** See Gardening.

**Hospital:** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

**Hotel:** A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

**Illumination:** The density of luminous flux on a surface.

**Impervious Area:** Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. (See Appendix A).

**Impervious Surface:** Those surfaces that do not absorb water. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

**Industrial Park:** An industrial park is an industrial area –

1. organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries, and

2. designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

**Industrial Uses:**

**General Industrial Use:** A use:

a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;

and/or
b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;

and/or

c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;

and

due to the nature of the processes, should not be located adjacent to residential areas.

**Limited Industrial Uses:**

a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;

and

due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

but

b. excluding the processing of extracted and/or raw materials. (2008-02 – 6/25/2008)

**Intensive Agricultural Operation:** See Section 1641.1 for definition.

**Junk Yard:** A lot, land or structure, or part thereof, properly licensed, which is used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or for collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of parts thereof.

**Kennel, Commercial:** Any lot on which four or more adult animals (except relating to a farm) are for a fee kept, boarded, raised, bred, treated, or trained, including but not limited to dog or cat kennels.

**Land Development:** Any of the following activities:
1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
   a. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
   b. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

3. Excluded from this definition of land development are the following:
   a. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
   b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
   c. the addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

**Landscaping:** The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

**Land Use Ordinance:** Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.
Laundry, Self-service: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Lawn and Garden Sales and Service: The distribution, sale and/or servicing of new and used lawn and garden equipment and machinery and the sale of lawn and garden supplies.

Life Care Facility: A planned development designed for the elderly and/or disabled persons, which may include independent living in single-family units, congregate apartment living where residents share common meals, and/or full health and continuing care nursing home facilities. A Life Care Facility may also include accessory uses such as a community center, personal service shops, recreation areas and common open areas.

Livestock: Any living creature maintained for commercial use or profit, but not maintained as a pet.

Loading Space: An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Locational Requirements: When applied in this ordinance Locational Requirements are as follows:

With Locational Requirements: Is applied to essential service buildings and structures that are tied to a specific location; such as, a water filtration plant is generally located next to a water source or holding tanks.

Without Locational Requirements: Is applied to essential service buildings and structures that are not tied to a specific location; such as, a municipal maintenance garage is not required to be attached to a municipal administrative building. The garage could be located anywhere in the township.

Lodging House (Rooming House): A building or a portion thereof, other than an apartment hotel or a hotel, containing not more than one dwelling unit; where lodging is provided without meals for three or more persons in addition to the family unit.

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

Corner Lot: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Flag (Panhandle) Lot: A lot or parcel which is designed in such a manner that it is connected to a public street by a
minimum twenty (20) foot wide strip of land (the panhandle) when no further subdivision is possible, and a fifty (50) foot wide strip of land when there is potential for further subdivision. The panhandle is an integral part of the lot but which is not used in determining the applicable minimum lot area. The minimum lot area shall be determined by using that portion of the lot where the minimum lot width dimension is achieved. The area of the panhandle shall, however, be included in the determination of maximum building coverage.

**Interior Lot**: Any lot other than a corner lot.

**Reverse Frontage Lot**: A through lot that does not have access to one of the streets on which it fronts.

**Through Lot**: A lot extending between and having frontage on two minor streets.

**Lot Area**: The total horizontal area contained within the property lines of a lot excluding space within any public or private street right-of-way, but including the area of any easement.

**Lot Coverage**: See Building Coverage.

**Lot Depth**: The average distance measured between the front and rear lot lines.

**Lot Frontage**: The lot dimension measured along the street line of any street abutting a lot.

**Lot Line**: A line dividing one lot from another lot or from a street or alley.

**Lot Line, Front**: On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Rear**: A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long drawn within the lot between the two side lot lines, which is parallel to, or in the event of a curved front lot line, equidistant to, to the front lot line.

**Lot Line, Side**: Any lot line that is not a front or rear lot line.

**Lot Width**: In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum front building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each
front lot line and its opposite side lot line. Such distance shall be measured along a straight line that is at right angles to the axis of a lot. The mean lot width shall not be less than the required lot width.

**Luminaire**: A complete lighting unit, lighting unit assembly (including reflectors, bulb, glassware, socket, etc.) and accessories for mounting.

**Maintenance Guarantee**: Financial security filed by the developer with the Township to secure structural integrity of all required improvements as well as the functioning of said improvements for an initial period of time.

**Manufacturing**: The processing and/or converting of raw, unfinished, or finished materials or products or any or either of them into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**Massage Parlor**: Means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with “specified sexual activities,” or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.”

The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

**Mediation**: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**Medical Clinics and Facilities**: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

**Microwave Antenna or Satellite Communication**: A ground-based reflector, together with its pedestal and any other attachments and parts thereof, used or intended to receive or transmit radio or electromagnetic waves from an overhead satellite or other sources.
**Minerals:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**Mixed Occupancy:** Occupancy of a building for more than one use.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobilehome Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobilehome Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**Mobilehome Subdivision:** An area designed exclusively for mobile homes and mobile dwelling units where lots are sold and not rented.

**Modular Housing Unit:** A structure designed primarily for family dwelling, eating, sleeping and with complete year-round facilities. It is constructed at a location other than the building lot and transported to the building lot in one or more segments where it is permanently set upon a foundation. The means of transporting a modular housing unit is not an integral part of the structure.

**Motel:** A building or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient vehicle travelers, and provided with accessory off-street parking facilities. The term includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile home parks.

**Motor Home:** A self-contained and self-propelled vehicle constructed atop a bus or truck chassis, having sleeping, cooking and toilet facilities or combinations thereof.

**Municipality:** The Township of Penn, Perry County, Pennsylvania.

**Nature Preserve and Wildlife Sanctuaries:** An area maintained in a natural state for the preservation of both animal and plant life. (2007-05 – 9/26/2007)

**Nightclub:** A bar, restaurant, coffeehouse, or similar establishment where a dance floor or entertainment is provided.
**Nonconforming Lot:** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent-of-use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Use:** A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**Nonconformity:** A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance.

**Nonconformity, Dimensional:** A lot or structure that is non-conforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

**No-Impact Home-Based Business:** See Home Occupation

**Nude Model Studio:** Means any place where a person, who regularly appears in a state of nudity or displays “specified anatomical areas” is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

**Nursery, Greenhouse:** Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

**Nursing Home:** See Life Care Facility.

**Office Park:** A tract of land designed and developed from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

**One Hundred Year Flood:** A flood that, on the average, is likely to occur every one hundred (100) years (i.e., that has one (1%) percent chance of occurring each year, although the flood may occur in any year).
**On-Farm Occupation**: Any occupation in addition to the primary agricultural use of a property whereby the farmer in residence engages in an occupation that is secondary to the primary agricultural use. On-Farm occupations may involve the following uses:

1. Facilities for the service and repair of farm machinery and equipment, and small engines.

2. Facilities contributing to the agrarian lifestyle characteristic of the residents of Penn Township. Such facilities include, but are not limited to:
   a. Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet.
   b. Hat shops.
   c. Blacksmith and tool sharpening shops.
   d. Carriage, buggy, wagon and related appurtenances manufacturing, sales and service.
   e. Carpenters.
   f. Woodworking, furniture, and cabinet making shops.
   g. Metalworking shops.
   h. Country housewares, hardware and dry goods stores with retail display area not exceeding 1000 square feet.
   i. Butcher shops.
   j. Tailor and shoe shops.
   k. Grain mills
   l. Processing and/or sale of locally produced agricultural products
   m. Veterinary offices which primarily treat farm animals; stables; kennels
   n. Feed supply, feed and fertilizer distribution.

**On-lot Utilities**:

- **Sewage Disposal System**: Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot.

- **Water Distribution System**: A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

**Open Area**: A percentage which when multiplied by the lot area will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

**Open Space**: An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.
Open Space, Common: See Common Open Space.

Open Space, Restricted: See Restricted Open Space.

Ordinary Waterline: The point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. (2007-05 – 9/26/2007)

PADEP: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Park: A rise of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or permit uses considered commercial recreational rises. (2007-05 – 9/26/2007)

Park, Playground or Recreation Area: An open air recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

Park, Playground, or Recreation Area, Commercial: Recreational facilities operated as a business and open to the general public for a fee.

Park, Playground or Recreation Area, Restricted: Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.

Park, Playground or Recreation Area, Public: Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

Parking Area: An area on a lot utilized for the parking of vehicles for a single unit of occupancy.

Parking Compound: An area on a lot containing any use other than agricultural or one (1) single-family detached dwelling for the
parking of three (3) or more vehicles. Also known as a "parking lot".

Parking Garage: A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking Space: An all-weather surface designed and constructed according to all applicable regulations for the storage of one vehicle.

Party Wall: A common shared wall between two separate structures, buildings, or dwelling units.

Permanent Foundation: The term permanent foundation as it relates specifically to mobile homes shall include a "skirt" around the perimeter of the mobile home which shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobile home so as to provide a weather-tight joint on all four sides.

Personal Services: Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.


Place of Worship: A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

Plan: See Plat.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.


Planning Commission: The Penn Township Planning Commission.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.
**Premises:** The area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

**Preservation or Protection:** When uses in connection with natural and historic resources, shall include means to conserve or safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**Prime Agricultural Land:** Land used for agricultural purposes that contain soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

**Principal Building:** A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

**Principal Use:** See Use, Principal.

**Public:** Owned, operated or controlled by a governmental agency (Federal, State or Local including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

**Public Building:** A building owned, operated or controlled by a governmental agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education.

**Public Grounds:** includes the following:

1. parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. publicly owned or operated scenic and historic sites.

**Public Hearing:** A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

**Public Notice:** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and
the second publication shall not be less than seven (7) days from the date of the hearing.

**Public Sewer**: A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

**Public Utility**: Any business activity regulated by a government agency in which the business is required by law to: 1) serve all members of the public upon reasonable request; 2) charge just and reasonable rates subject to review by a regulatory body; 3) file tariffs specifying all of its charges; and 4) modify or discontinue its service only with the approval of the regulatory agency.

**Public Utility Facilities**: Facilities of a public utility that are used to provide public utility service.

**Public Water**: A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection or regulated by the Pennsylvania Public Utilities Commission.


**Reconstruction**: The act of rebuilding or replacing a building or structure that was damaged, demolished or removed.

**Recreation, Active**: Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields. (2007-05 – 9/26/2007)

**Recreation Areas**: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee. (2007-05 – 9/26/2007)

**Recreation, Passive**: Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar tale games. (2007-05 – 9/26/2007)

**Recreation, Passive**: Leisure time activities, usually of an informal nature and which can be carried out with no alteration or disruption to the area in which they occur, such as hiking and picnicking.
**Recycling Center/Yard:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, metal cans, and construction debris, are collected, stored, flattened, crushed, and/or bundled.

**Recycling Collection Point:** An accessory use which serves as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glassware, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Reflector:** A surface or element of a luminaire designed to direct light in a desired direction.

**Renewable Energy Source:** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**Repair:** The replacement or renewing of any interior or exterior part of a building or structure such as windows, doors and roofing, and siding.

**Repair Services:** Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

**Required Open Space** - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance. (2007-01 - 1/31/2007)

**Research and Development:** Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products. (2008-02 - 6/25/2008)

**Research Laboratory:** A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. (2008-02 - 6/25/2008)
**Restaurant**: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**Restaurant, Drive-in**: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Restaurant, Fast Food**: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not served at the same table or counter where the items are consumed.

**Restricted Open Space**: Open space operated for restricted use in conjunction (1) with a particular non-profit organization and open only to its members and guests or (2) with a particular housing development and open only to the residents and guests of said development.

**Retail Business**: Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

**Riding Academy**: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, school, ranch or similar establishment.

**Right-of-way, Private**: A private thoroughfare for vehicular traffic and/or pedestrian traffic.

**Right-of-way, Street**: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

**Sawmill, Commercial**: A plant, with portable or fixed machines, where lumber is machine-cut into boards. Timber is typically hauled to the plant via trucks from off-property locations.

**Sawmill, Private**: A portable machine used for sawing timber into boards, from the property on which the machine is located on.

**School, Commercial**: A school conducted for profit for such Instruction as business, art, music, trades, handicraft, dancing.

**School, Elementary**: Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.
**School, Non-public:** A private place of instruction other than a commercial school.

**School, Nursery:** Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.

**School, Secondary:** Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

**Screening:** The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

**Seasonal Dwelling Unit:** A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.

**Self-service Storage Facility:** A building or group of buildings that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

**Sexual Encounter Establishment:** Means a business or commercial establishment, that as one of its primary purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas’ or activities when one or more of the persons is in a state of nudity or seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually Oriented Business:** Means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escorts, escort agency or nude model studio.

**Shopping Center:** A group of retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. A shopping center shall consist of an "anchor" store and five (5) or more other businesses.

**Shopping Mall:** A shopping center with stores, offices, and/or service businesses on both sides of an enclosed or open pedestrian walkway.

**Sketch Plan:** An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal.
Sign: A device for visual communication that is used to bring to the attention of the public, a product, service, business or cause. Signs do include lettering, logos, trademarks, or other symbols which are an integral part of the architectural design of a building, which are applied to a building, or which are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features which may be identified with a particular business; signs within a building which are obviously intended to be seen primarily within the building; flags of governments or government agencies; governmental signs; corporate flags and displays of merchandise behind store windows or outside. Specific sign types are defined as follows:

Agricultural Products Sign: A sign which identifies agricultural products used on the farm and/or agricultural services provided to the farm, such as seed suppliers, dairies, or similar products or services.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a visual effect or scene.

Banner: Any sign of lightweight fabric or similar material that is usually mounted to a pole or building at one or more edges, and containing no commercial message. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboard: An off-premise, permanent advertising sign which contains a message unrelated to a business or profession, commodity, service, or entertainment conducted, sold, or offered upon the lot where such sign is located.

Building Marker: Any sign indicating the name of a building and data and Incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.

Building Sign: A sign attached to or painted on a building which has a use in addition to supporting the sign, including wall signs and roof signs, and which directs attention to any
business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign.

**Business Sign:** A sign which directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see Center Sign.)

**Business Special Event Sign:** A temporary sign that carries information about a special event, such as, grand openings, sales, or seasonal events, associated with a business, or a group of two or more businesses located under a single roof. A temporary business special event sign shall not count towards the overall amount of signage permitted for a single business or multi-tenant facility.

**Canopy Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

**Center Sign:** A business sign that provides identification at the entrance to a center such as a shopping center, office complex, or industrial park.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance.

**Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Contractor Sign:** A temporary sign which carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.

**Development Sign:** An identification sign at the entrance to a residential development. (Also see Identification Sign.)

**Election Sign:** A temporary sign that directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Farm Identification Sign: See Identification Sign.

Freestanding Sign: A sign that is either attached to one or more uprights placed in the ground or is completely detached from any structures.

Garage/Yard Sale Sign: A temporary sign that directs attention to the personal goods on the premises on which the sign is located.

Government Sign: An off-premises sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign, or an historical marker.

Home Occupation Home Business Sign: A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.

Identification Sign: A sign located at the entrance of a non-residential development used to identify the name of the complex and display information about the individual businesses, organizations, agencies, or institutions located in the complex, but not including a business sign. Identification signs have been broken into two classifications, major and minor, based on their size and location. (Also see Development Sign and/or Public Use Sign).

Incidental Sign: An informational sign which displays a message such as "enter", "open", "telephone", "restrooms", "no hunting", "no parking", "no trespassing", "warning", a listing of hours when open, an onsite direction, or anything similar.

Luminous Sign: Any sign which contains a light shining from any source within the body of the sign.

Marquee Sign: Any sign attached to, in any manner, or made part of a marquee.

Nonconforming Sign: Any sign lawfully existing on the effective date of this ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulation of the adopted or amended ordinance.
**Nonprofit Organization Sign**: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.

**Off-Premise Sign**: A permanent sign, which directs attention to a product, service, business, or cause which does not apply to the location at which it is displayed.

**Open House Sign**: A temporary sign which provides information about a real estate open house, including the words "Open House", the day and time of the open house, and the name of the Realtor.

**Pennant**: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

**Permanent Sign**: A sign intended to be displayed for an unlimited period of time.

**Pole Sign**: A freestanding sign that is supported by one or more poles, uprights, or braces.

**Portable Sign**: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Projecting Sign**: Any sign affixed to a building or wall in such a manner that its leading edge extends more that twelve (12) inches beyond the surface of such building or wall.

**Public Use Sign**: An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.

**Public Utility Sign**: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g., an electric company, sewer authority, or telephone company).

**Real Estate Sign**: A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental, or property available for
or in the process of development, but not including an open house sign.

**Residential Sign**: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this ordinance.

**Roadside Stand Sign**: A temporary sign that directs attention to a Temporary Roadside Stand as permitted by the ordinance.

**Roof Sign**: A sign attached to or painted on a roof.

**Special Event Sign**: A temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a "sale" sign at a store.

**Suspended Sign**: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary sign**: A sign intended to be displayed for a defined period of time.

**Wall Sign**: A sign attached to or painted on the wall of a building.

**Window Display**: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

**Window Sign**: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Sign Setback**: The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

**Site Plan**: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Supervisors, Planning Commission or Zoning Hearing Board in unusual or special cases.

**Slope**: In administering the Steep Slope Conservation District, the percent slope is calculated from the number of units of
vertical rise for every 100 equal units of horizontal distance. For example, if it rises 20 feet in every 100 feet, it is a 20% slope.

**Special Exception Use:** A use in one or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to the provisions of this Ordinance.

**Specified Anatomical Areas:** As used in this Ordinance, means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** As used in this Ordinance, means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Human genitals in a state of sexual stimulation, arousal or tumescence;

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

**Story:** A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has more than one-half of its height above the average level of the adjoining ground.
**Story, Half:** A story under a gable, hip of gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

**Stream:** A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water. (2007-05 - 9/26/2007)

**Stream, Intermittent:** A natural stream carrying water during the wet seasons and having at least one critical area feature. (2007-05 - 9/26/2007)

**Stream, Perennial:** A stream that is present at all seasons of the year. (2007-05 - 9/26/2007)

**Street:** A strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**Street, Cul-de-sac:** A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**Street, Major:**

1. **Arterial Street:** A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for inter-communications among large areas.

2. **Collector Street:** A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance street of a residential development and streets for circulation within such development.

3. **Limited Access Highway:** A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

**Street, Minor:** A street used primarily for access to the abutting properties.

**Street Grade:** The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the
existing grade of the street at such midpoint shall be taken as the street grade.

**Street Line:** The dividing line between the street and lot, also known as right-of-way line.

**Strip Shopping Center:** A group of two or more retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

**Structure:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Structure, Accessory:** See Accessory Structure.

**Structure, Principal:** A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

**Subdivider:** The Applicant and Developer.

**Subdivision:** The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Substantially Completed:** Where, in the judgement of the municipal engineer, at least 90% (based on cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**Supervisors:** The Penn Township Board of Supervisors (Governing Body)

**Tavern, (Cocktail Lounge):** An establishment whose primary function is to dispense alcoholic beverages incidental to the fact that food is available for sale. This definition shall include those establishments which do not meet the criteria set forth by the Pennsylvania Liquor Control Board regarding eligibility for a
Sunday sales permit (that is, where alcoholic beverage sales exceed 40 percent of the establishment's income).

**Theater:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**Trucking Terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

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

**Use, Principal:** The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

**Use, Temporary:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

**Variance:** Relief from any provisions of this Ordinance which is granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code.

**Vehicle Body Shop:** A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

**Vehicle Parking Lot or Garage:** Commercial: A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

**Vehicle Repair Garage:** A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

**Vehicle Service Station:** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.
**Vehicle Wash**: A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

**Warehouse**: A building used primarily for the indoor storage of products, supplies and equipment. (2008-02 - 6/25/2008)

**Warehousing, Distribution and Wholesaling**: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation. (2008-02 – 6/25/2008)

**Watercourse**: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or manmade. (2007-05 – 9/26/2007)

**Water Survey**: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

**Wetlands**: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)


**Wildlife Propagation**: Rising of non-domestic wildlife.

**Wind Energy Conversion System**: A device that converts wind energy to electrical or mechanical energy.
**Wind Rotor:** A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and, along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

**Woodland, Mature:** Woodlands consisting of thirty (30) percent or more canopy trees having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper. (2007-05 - 9/26/2007)

**Woodland, Young:** Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater. (2007-05 - 9/26/2007)

**Woodlands:** Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens. (2007-05 - 9/26/2007)

**Yard:** A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Ordinance. Distances that represent minimum yards throughout this Ordinance shall include all portions of a lot that are within such distances as measured at right angles from the respective lot line. (See Appendix A).

**Yard, Front:** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front of the principal building.

**Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line to the rear of the principal building.

**Yard, Side:** A yard lying between the side lot line and the nearest side of the principal building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

**Zoning District:** A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).
**Zoning Hearing Board:** The Zoning Hearing Board of and for the Township of Penn.

**Zoning Map:** The Zoning Map of Penn Township adopted hereunder, together with all amendments thereto subsequently adopted.

**Zoning Officer:** The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of the Township.

**Zoning Permit:** A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.
ARTICLE III

DISTRICT REGULATIONS

Section 301 - Establishment of Districts

For the purpose of this Ordinance, the territory of Penn Township is hereby divided into the following districts: (2007-05 - 9/26/2007)

Base Districts

FC - Forest/Conservation District
AR - Agriculture/Rural District
R-1 - Low Density Residential District
R-2 - High Density Residential District
C - Commercial District
I - Industrial District
MUC - Mixed Use Commerce District

Overlay Districts

FP - Flood Plain District
SS - Steep Slope Conservation District
NF - Natural Features District

Section 302 - Zoning Map

The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance that shall be designated "Penn Township Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. A copy of said map, indicating the latest amendments, shall be kept up to date and displayed for the use and benefit of the public at the Penn Township Municipal Building.

Section 303 - Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits:

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;

6. Boundaries indicated as parallel to or extensions of features indicated in sub-sections 1. through 5. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by sub-sections 1. through 6. above, the Zoning Hearing Board shall interpret the district boundaries.

Section 304 - Use Adjustment on District Boundaries

In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

1. The use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district boundary line providing such extension does not extend the frontage of the use along a street in the more restricted district.

2. The frontage of the use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district line, providing a variance is granted by the Zoning Hearing Board.

3. Where a district boundary divides a lot, the permitted use of either district may extend not more than 50 feet into the other district.

Section 305 - Application of District Regulations
The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:
   a. To exceed the height,
   b. To accommodate or house a greater number of families,
   c. To occupy a greater percentage of lot area,
   d. To have narrower or smaller rear yards, front yards, side yards or other open spaces;

   herein required, except in conformance with the provisions of this Ordinance.

3. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except in conformance with the provisions of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 306 - Uses Not Provided For

In any district established by this ordinance, when a specific use is neither permitted nor denied, the Zoning Hearing Board shall make a determination in accordance with Section 1804, Jurisdiction of the Zoning Hearing Board as to the similarity or compatibility of the use in question to the permitted uses in the district. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this determination has been made.

Section 307 - Performance Standards

No land or building in any District in the Township shall be used or occupied in such a manner so as to create any dangerous or
objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State agencies.

Section 308 - Use Schedule

The uses permitted in the districts established by this Ordinance, and the permitted extent of these uses, are as shown in the USE SCHEDULE (Appendix B). The uses shown as permitted in each district are the only uses permitted in that district and all other uses are subject to Section 306. Unless otherwise noted, the extent-of-use or dimensional standards are the requirements for each use. However,

1. Additional requirements for the Flood Plain, Steep Slope and Natural Features (Overlay) Districts are set forth in Parts Section 1101, 1201 and 1901 respectively; (2007-05 - 9/26/2007)

2. Additional or special extent-of-use requirements for certain uses are set forth in Article XVI.
ARTICLE IV

FC - FOREST/CONSERVATION DISTRICT

Section 401 - Intended Purpose

The regulations of this zoning district are designed to protect areas in the Township for the preservation and conservation of the natural environment and to permit and encourage the retention of open space, floodplain areas of streams, creeks and drainageways, and open land uses located to constitute a harmonious and appropriate part of the physical development of the Township.

All uses within the FC District shall be subject to the following regulations:

Section 402 - Permitted Uses

Within the FC District shown on the Zoning Map, the following uses shall be permitted as a matter of right:

1. Single family detached dwelling units as regulated in Article XII, Steep Slope Conservation Overlay District. (2005-03 - 12/28/05)

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

3. Public and private recreation areas, forest reserves, historical preservation areas, game refuges and similar non-intensive public uses.

4. Game and wildlife hunting camps and gun clubs.

5. Public and private parks, playgrounds and open space.

6. Essential services buildings and structures with locational requirements.

7. Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.

8. Raising and keeping of poultry, rabbits, goats and similar animals.
9. General and specialized farms, including the raising, keeping and breeding of livestock for gain (including cattle, hogs, horses, ponies, cows, sheep and similar livestock), subject to the following regulations:

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

   b. 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.

10. General gardening.

11. Nurseries and greenhouses. (see Section 1635)

12. 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 highway.

13. Home occupations. (see Section 1613)

14. Day care homes. (see Section 1614)

15. Panhandle lot. (see Section 1649)

16. Sawmill - Private

Section 403 - **Accessory Uses and Structures**

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the residential use of the premises and not operated for gain.

3. Private garages.

4. The keeping of household pets and/or domestic animals in a safe, healthy, and humane manner, but excluding the commercial breeding or keeping of same. All such household
pets or domestic animals shall not be penned or housed within the applicable minimum yard requirements of any lot.

5. Signs, as provided in Article XV of this Ordinance.

**Section 404 - Conditional Uses**

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in This Ordinance.

1. Seasonal dwellings. (see Section 1603)

2. Buildings and structures, municipal and/or public utility. (see Section 1608)

3. Essential services buildings and structures **without** locational requirements. (see Section 1645)

4. State, county or Federal buildings. (see Section 1646)

5. Home businesses. (see Section 1613)

6. Home occupations exceeding 33% of gross floor area. (see Section 1613)

7. Commercial kennels. (see Section 1615)

8. Commercial riding academies and stables. (see Section 1617)

9. Country clubs and golf courses. (see Section 1618)

10. Winter sports areas and ski lodges. (see Section 1647)

11. Commercial sawmills and other establishments associated with forestry.

12. On-farm occupations. (see Section 1636)

13. Open space development. (see Section 1641)

14. Commercial Communication Towers. (see Section 1637)

15. Intensive agricultural operations. (see Section 1640)
16. Commercial Resorts (see Section 1619)

17. Mining and Quarrying (see Section 1650)

18. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

Section 405 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>Lot Requirements **</th>
<th>Minimum Building Setback (FT) **</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width (FT)</td>
<td>Max. Impervious Coverage (%)</td>
</tr>
<tr>
<td>All Uses</td>
<td>4 acres *</td>
<td>300</td>
</tr>
</tbody>
</table>

* Lot size subject to PaDEP approval for on-lot sewage disposal systems
** Minimum requirement unless specified elsewhere herein
*** Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

SF - square feet; FT - feet

Section 406 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.
ARTICLE V

AR - AGRICULTURE/RURAL DISTRICT

Section 501 - Intended Purpose

This district is composed of those areas in the Township whose predominant land use is agriculture and scattered low density residential. These regulations are designed to protect and stabilize the areas' essential agricultural characteristics, and limit development that requires highways and other public services and facilities in excess of those required by agricultural and low density residential uses. All lands within the Agriculture/Rural District are located within an area where land is used for agricultural production. Owners, residents and other users of property in this district may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, use of roads by slow and oversized agricultural equipment, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations.

All uses within the AR District shall be subject to the following regulations:

Section 502 - Permitted Uses

Within the AR District shown on the Zoning Map, the following uses shall be permitted as a matter of right:

1. Single family detached dwellings.

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

3. Public and private recreation areas, forest reserves, historical preservation areas, game refuges and similar non-intensive public uses.
4. Public and private parks, playgrounds and open space.

5. Buildings and structures, municipal and/or public utility. (See Section 1608)

6. Essential services buildings and structures with locational requirements. (See Section 1645)

7. Places of worship. (See Section 1611)

8. Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.

9. Raising and keeping of poultry, rabbits, goats and similar animals.

10. General and specialized farms, including the raising, keeping and breeding of livestock for gain (including cattle, hogs, horses, ponies, cows, sheep and similar livestock), subject to the following regulations:

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

   b. 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.

11. Nurseries and greenhouses. (See Section 1635)

12. Self-service storage facility (Mini Warehouse). (See Section 1630)


14. 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 highway.

15. Home occupations. (See Section 1613)

16. Day care homes. (See Section 1614)

17. Cemeteries. (See Section 1612)
18. Pan handle lots. (see Section 1649)

19. Sawmills - Private

Section 503 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the residential use of the premises and not operated for gain.

3. Private garages.

4. The keeping of a reasonable number of customary household pets and/or domestic animals in a safe, healthy, and humane manner, but excluding the commercial breeding or keeping of same. All such household pets or domestic animals shall not be penned or housed within the applicable minimum yard requirements of any lot.

5. Signs, as provided in Article XV of this Ordinance.

Section 504 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in This Ordinance.

1. Seasonal dwellings. (see Section 1603)

2. Bed and Breakfast Inn. (see Section 1605)

3. Game and wildlife hunting camps and gun clubs.

4. Community activity building. (see Section 1607)

5. Public and private schools, colleges and other educational institutions. (see Section 1609)
6. Essential services buildings and structures without locational requirements. (see Section 1645)

7. State, county or Federal buildings. (see Section 1646)

8. Public libraries. (see Section 1607)

9. Health and welfare institutions. (see Section 1610)

10. Country clubs and golf courses. (see Section 1618)

11. Home Businesses. (see Section 1613)

12. Commercial kennels. (see Section 1615)

13. Animal hospitals and veterinarian clinics. (see Section 1616)

14. Commercial riding academies and stables. (see Section 1617)

15. Day care centers. (see Section 1614)

16. Commercial amusement or recreation establishments such as outdoor theaters, race tracks, and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than fifty (50) feet from the right-of-way of any highway.

17. Auction house for household and other goods. (see Section 1622)

18. Farm or construction equipment and supplies sales and service. (see Section 1623)

19. Lawn and garden equipment and supplies sales and service. (see Section 1623)

20. Commercial saw mills and other establishments associated with forestry.

21. On-farm occupations. (see Section 1636)

23. Open space development. (see Section 1641)

23. Intensive Agricultural Operation. (see Section 1640)

24. Off premise signs.
25. Home occupations exceeding 33% of gross floor area. (see Section 1613)

26. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.


Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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<th>Height</th>
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<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width (FT)</td>
<td>Max. Impervious Coverage (%)</td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150'</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150'</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
** Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height Shall comply with the Uniform Construction Code, as amended.
SF- square feet; FT - feet

Section 506 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.
ARTICLE VI

R-1 - LOW DENSITY RESIDENTIAL DISTRICT

Section 601 - Intended Purpose

The R-1 Low Density Residential District is designed to accommodate low density development and is composed of areas in the Township where such development already exists or is desired to be located. The regulations for these districts are intended to protect and stabilize the prevailing characteristics and promote a safe and healthful environment for family life. To these ends, development is limited to low density.

All uses within the R-1 District shall be subject to the following regulations:

Section 602 - Permitted Uses

Within the R-1 District shown on the Zoning Map, the following uses shall be permitted as a matter of right:

1. Single family detached dwelling units.

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

3. Public park and recreation areas, game refuges and similar non-intensive public uses.

4. Public and private recreation areas, forest reserves, historical preservation areas, game refuges and similar non-intensive public uses.

5. Essential services buildings and structures with locational requirements. (see Section 1645)

6. Places of worship. (see Section 1611)

7. General gardening.

8. Crop and tree farming.

9. Home occupations. (see Section 1613)

10. Day care homes. (see Section 1614)
11. Cemeteries. (see Section 1612)

12. Pan handle lots. (See Section 1649)

Section 603 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the residential use of the premises and not operated for gain.

3. Private garages.

4. The keeping of a reasonable number of customary household pets and/or domestic animals in a healthy, safe, and humane manner, but excluding the commercial breeding or keeping of same. All such household pets or domestic animals shall not be penned or housed within the applicable minimum yard requirements of any lot. Commercial kennels shall not be permitted.

5. Signs, as provided in Article XV of this Ordinance.

Section 604 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in This Ordinance.

1. Conversion apartments. (see Section 1601)

2. Bed and breakfast inns. (see Section 1605)

3. Membership clubs and camps. (see Section 1606)

4. Community activity building. (see Section 1607)
5. Public and private schools, colleges and other educational institutions. (see Section 1609)

6. Buildings and structures, municipal and/or public utility. (see Section 1608)

7. State, county or Federal buildings. (see Section 1646)

8. Public libraries. (see Section 1607)

9. Country clubs and golf courses. (see Section 1618)

10. Home Businesses. (see Section 1613)

11. Home occupations exceeding 33% of gross floor area. (see Section 1613)

12. Mortuaries and funeral homes. (see Section 1628)

13. Open space development. (see Section 1641)

14. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

Section 605 - Lot area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements: (2005-03 - 12/28/2005)

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.
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<tr>
<td><strong>Minimum Lot Area</strong></td>
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<td><strong>Max. Imervious Coverage (%)</strong></td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150'</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>20,000 SF</td>
<td>100'</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>15,000 SF</td>
<td>100'</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
SF - square feet; FT - feet

Section 606 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.
Article VII

R-2 - HIGH DENSITY RESIDENTIAL DISTRICT

Section 701 - Intended Purpose

The High Density Residential District is designed to encourage the upkeep of existing development and the development of new properties; foster conversion of larger dwellings, where applicable, for use into smaller household units; and allow flexibility in planning and induce creative and economic methods of residential development to provide housing opportunities for existing and future Township residents.

All uses within the R-2 District shall comply with the following regulations:

Section 702 - Permitted Uses

Within the R-2 District shown on the Zoning Map, the following uses shall be permitted as a matter of right:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two-family dwellings.
4. Multiple dwelling structures including apartment, row or attached, and town house dwellings. (see Section 1602)
5. Public and private recreation areas, forest reserves, historical preservation areas, game refuges and similar non-intensive public uses.
6. Essential services buildings and structures with locational requirements. (see Section 1645)
7. Public libraries. (see Section 1607)
8. General gardening.
9. Home occupations. (see Section 1613)
10. Day care homes. (see Section 1614)
Section 703 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the residential use of the premises and not operated for gain.

3. Private garages.

4. The keeping of a reasonable number of customary household pets and/or domestic animals in a healthy, safe, and humane manner, but excluding the commercial breeding or keeping of same. All such household pets or domestic animals shall not be penned or housed within the applicable minimum yard requirements of any lot. Commercial kennels shall not be permitted.

5. All storage accessory to any permitted principal use, other than off-street parking and loading, or trailer, boat, mobile home and agricultural storage shall be carried on in completely enclosed buildings.

6. Signs, as provided in Article XV of this Ordinance.

Section 704 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in This Ordinance.

1. Conversion apartments. (see Section 1601)

2. Mobile home parks and recreation vehicle parks. (see Section 1604)

3. Bed and Breakfast Inns. (see Section 1605)
4. Membership clubs and camps. (see Section 1606)

5. Community activity building. (see Section 1607)

6. Public and private schools, colleges and other educational institutions. (see Section 1609)

7. Buildings and structures, municipal and/or public utility. (see Section 1608)

8. Health and welfare institutions. (see Section 1610)

9. Places of worship. (see Section 1611)

10. Home Businesses. (see Section 1613)

11. Day care centers. (see Section 1614)

12. Mortuaries and funeral homes. (see Section 1628)

13. Home occupations exceeding 33% of gross floor area. (see Section 1613)

14. Cemeteries. (see Section 1612)

15. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements: (2005-03 - 12/28/2005)

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.
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<td><strong>Lot Requirements</strong></td>
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<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150'</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>20,000 SF</td>
<td>100'</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>10,000 SF</td>
<td>80'</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

SF - square feet; FT - feet

**Section 706 - Minimum Off-Street Parking Requirements**

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.
Article VIII

C - COMMERCIAL DISTRICT

Section 801 - Intended Purpose

The C - Commercial District is designed to provide areas for commercial uses with special location and site requirements and which are not always compatible with residential areas. Permitted in this district are:

1. Commercial uses that accommodate the needs of transient highway travelers who may require automotive service, food and lodging. Other similar uses serving community needs pertaining to automotive sales and servicing are also provided for in these districts.

2. Commercial uses which have an industrial character due to their operations (e.g. laundries and auto repair shops), but do not have the same location and site requirements as industrial uses (e.g. they may need to be close to an urbanized area and the lot need not be as deep as for industrial uses).

All uses in the C District shall comply with the following regulations:

Section 802 - Use Standards

Uses permitted in the (C) Commercial District shall be subject to the following conditions:

1. Parking, loading, or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.

2. All access roads or driveways shall be located not less than one hundred (100) feet from the intersection of any street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.

3. Illumination. All illumination shall comply with the requirements of Section 1312. When lot lines lie within 35 feet of a Residential District boundary or any lot in residential use, any illumination or floodlighting shall be arranged so there will be no glare of lights on such lot or District boundary line.
4. Landscaping. The entire lot shall be landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping shall be properly maintained throughout the life of any use on any lot.

5. Along each property line which is adjacent to a Residential District or lot in residential use, the owner shall be required to maintain a buffer strip ten (10) feet wide which shall be planted with a hedge, evergreen shrubbery or suitable vegetation to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects. Said buffer strip shall be consistent with any existing vegetation and the permitted use of the adjacent residential property.

Section 803 - Permitted Uses

In a (C) Commercial District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in This Ordinance.

1. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments, liquor stores, single proprietor antique businesses, auction houses, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.

2. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices, and veterinary clinics.

3. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, millinery and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere.

4. Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe-repair shops.

5. Vehicle sales and services, such as service stations, repair garages, new and used car dealers, and automotive supplies. (see Section 1624)

6. Hotels and motels. (see Section 1626)
7. Mobile home, trailer, camping, boat, construction or farm equipment sales and services. (see Section 1623)

8. Indoor commercial recreation facilities. (see Section 1620)

9. Animal hospitals and veterinarian clinics. (see Section 1616)

10. Commercial schools. (see Section 1609)

11. Auction houses for household and other goods. (see Section 1622)

12. Mortuary and funeral homes. (see Section 1628)

13. Monument sales.

14. Bed and Breakfast Inns. (see Section 1605)

15. Buildings and structures, municipal and/or public utility. (see Section 1608)

16. Essential services buildings and structures with locational requirements. (see Section 1645)

17. Essential services buildings and structures without locational requirements. (see Section 1645)

18. State, county or Federal buildings. (see Section 1646)

19. Public libraries. (see Section 1607)

20. Health and welfare institutions. (see Section 1610)


22. Self-Service Storage Facility (Mini Warehouse). (see Section 1630)

23. Home occupations. (see Section 1613)

24. Home Businesses. (see Section 1613)

25. Vehicle Washes. (see Section 1625)

26. Convenience stores. (see Section 1638)

Section 804 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:
1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the principal use of the premises and not operated for gain.

3. Private garages.

4. All storage accessory to any permitted principal use, other than off-street parking and loading, or trailer, boat, mobile home and agricultural storage shall be carried on in completely enclosed buildings.

5. Caretaker dwelling. (see Section 1634)

6. Signs, as provided in Article XV of this Ordinance.

**Section 805 - Conditional Uses**

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

1. Membership clubs and camps. (see Section 1606)

2. Public and private parks, playgrounds and open space.

3. Community activity buildings. (see Section 1607)

4. Places of worship. (see Section 1611)

5. Day care homes and centers. (see Section 1614)

6. Commercial kennels. (see Section 1615)

7. Commercial indoor/outdoor recreation and entertainment facilities. (see Section 1620)

8. Business conversions. (see Section 1621)

9. Farm or construction equipment and supplies sales and service. (see Section 1623)

10. Lawn and garden equipment and supplies sales and service. (see Section 1623)
11. Drive-in Business establishments, including but not limited to, restaurants, beverage distributors, theaters, and other similar establishments designed to provide drive-in facilities.

12. Drive-thru Service Facilities, including but not limited to, car and truck washes, restaurants, and other similar establishments designed to provide drive-thru services. (see Section 1627)

13. Wholesaling, storing and warehousing, including lumber yards, building contractors, and farm supply and building material yards. (see Section 1629)


15. Dry cleaners, laundries, and laundromats. (see Section 1632)

16. Nurseries and greenhouses. (see Section 1635)

17. On-farm occupations. (see Section 1636)

18. Roadside stands for sale of agricultural products.

19. Outdoor/Indoor flea markets. (see Section 1644)

20. Multiple antique dealers venture (Co-ops).

21. Off premise signs.

22. Limited Manufacturing, Fabricating, Processing, Packaging, Compounding or Assembling Activities.

23. Home occupations exceeding 33% of gross floor area. (see Section 1613)

24. Commercial communication towers. (see Section 1637)

25. Sexually Oriented Business. (see Section 1648)

26. Cemeteries. (see Section 1612)


28. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purposes of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance. (2005-03- 12/28/2005)

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>Lot Requirements**</th>
<th>Minimum Building Setback (FT)**</th>
<th>Height</th>
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</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150'</td>
</tr>
<tr>
<td>Public Sewer</td>
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<td>150'</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100'</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.

SF- square feet; FT - feet

Section 807 – Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

Section 808 – Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.
Article IX

I - INDUSTRIAL DISTRICT

Section 901 - Intended Purpose

The I - Industrial District is designed to preserve and utilize the land most suitable for industrial uses that will or can be made compatible with the use of the surrounding land. The regulations of this district are intended to ensure compatibility with the surrounding districts and to encourage the harmonious and appropriate physical development of the Township. To these ends, the Industrial District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the environment. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

Section 902 - Use Standards

Uses permitted in the (I) Industrial District shall be subject to the following conditions:

1. Parking, loading, or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.

2. All access roads or driveways shall be located not less than one hundred (100) feet from the intersection of any street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.

3. Illumination. All illumination shall comply with the requirements of Section 1312.

4. Landscaping. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping shall be properly maintained throughout the life of any use on any lot.

5. Along each property line which is adjacent to a Residential District or lot in residential use, the owner shall be
required to maintain a buffer strip ten (10) feet wide which shall be planted with a hedge, evergreen shrubbery or suitable vegetation to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects. Said buffer strip shall be consistent with any existing vegetation and the permitted use of the adjacent residential property.

Section 903 - Permitted Uses

In a (I) Industrial District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in This Ordinance.

1. Industrial activities involving processing, production, repair, or testing of materials, goods, and/or products, involving those Industries primarily performing conversion, assembly, or non-toxic chemical operations. (See Section 1631)

2. Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe-repair shops.

3. Farm or construction equipment and supplies sales and service. (see Section 1623)

4. Lawn and garden equipment and supplies sales and service. (see Section 1623)

5. Vehicle sales and services, such as service stations, repair garages, new and used car dealers, and automotive supplies. (see Section 1624)

6. Mobile home, trailer, camping, boat, construction or farm equipment sales and services. (see Section 1604)

7. Sawmills and other establishments associated with forestry.

8. Wholesaling, storing and warehousing, including lumber yards, building contractors, and farm supply and building material yards. (see Section 1629)

10. Dry cleaners, laundries, and laundromats. (see Section 1632)

11. Limited manufacturing, fabricating, processing, packaging, compounding or assembling activities.

12. Trucking terminals. (see Section 1633)

13. Buildings and structures, municipal and/or public utility. (see Section 1608)

14. Essential services buildings and structures with locational requirements. (see Section 1645)

15. Essential services buildings and structures without locational requirements. (see Section 1645)


17. Nurseries and greenhouses. (see Section 1635)

18. Self-service storage facility (Mini Warehouse). (see Section 1630)

19. Animal hospitals and veterinarian clinics. (see Section 1616)

20. Monument sales.

21. Vehicle Washes. (see Section 1625)

22. All permitted uses in the Commercial District.

Section 904 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses such as storage buildings, outdoor storage areas, yards, gardens, play areas and parking areas.

2. Garden house, tool house, playhouse, wading pool, or swimming pool incidental to the principal use of the premises and not operated for gain.

3. Private garages.
4. All storage accessory to any permitted principal use, other than off-street parking and loading, or trailer, boat, mobile home and agricultural storage shall be carried on in completely enclosed buildings.

5. Signs, as provided in Article XV of this Ordinance.

Section 905 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

1. General manufacturing, fabricating, processing, packaging, compounding or assembling activities.

2. Electrical power generation. (see Section 1642)

3. Business conversions. (see Section 1621)

4. Home occupations. (see Section 1613)

5. Home occupations exceeding 33% of gross floor area. (see Section 1613)

6. Home businesses. (see Section 1613)

7. Day care homes and centers. (see Section 1614)

8. Day care centers. (see Section 1614)

9. Caretaker dwelling. (see Section 1634)

10. Public and private parks, playgrounds and open space.

11. State, county or Federal buildings. (see Section 1646)

12. On-farm occupations. (see Section 1636)

13. Off premise signs.

14. Commercial communication towers. (see Section 1637)
15. Junkyards, recycling yards, and automobile wrecking yards. (see Section 1643)

16. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

Section 906 - Prohibited Uses

The following uses are expressly prohibited in the (I) Industrial District:

1. Residences, except caretaker dwellings as set forth above.

2. All uses that do not meet the requirements of the Performance Standards in Article XIII.


Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
****Front Building Setback can be reduced to 25’ if parking is located in the rear yard.
SF - square feet; FT - feet
Section 908 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

Section 909 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.
Article X

MUC - MIXED USE COMMERCE DISTRICT

Section 1001 - Intended Purpose

The MUC - Mixed Use Commerce District is designed to promote a compatible combination of light industrial, professional, and commercial uses in an aesthetically pleasing, and planned environment where such uses can complement or support each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings and inoffensive processes characterize such uses. To these ends, the Mixed Use Commerce District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

Section 1002 - Use Standards

Permitted and Conditional Uses in the Mixed Use Commerce District shall be subject to the following conditions:

1. Parking, loading or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.

2. Illumination. All illumination shall comply with the requirements of Section 1312.

3. Landscaping and Screening. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping and screening shall be properly maintained throughout the life of any use on any lot.

4. All uses within the Mixed Use Commerce District shall be served by a public sewerage system.

Section 1003 - Permitted Uses

In a Mixed Use Commerce District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any
purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

1. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, offices for utilities; government; medical clinics and facilities; business and professional uses, and veterinary clinics.

2. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.

3. Newspaper and printing, photocopying, bookbinding, and publishing establishments.

4. Essential services buildings and structures with locational requirements. (see Section 1645)

5. Essential services buildings and structures without locational requirements. (See Section 1645)

6. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments with or without the sale of alcohol, liquor stores, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.

7. Day care centers. (see Section 1614)

8. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, and millinery.

9. Dry cleaners, laundries, and laundromats. (see Section 1632)

10. Indoor commercial recreation facilities. (see Section 1620)

11. Hotels and motels. (see Section 1626)

12. Animal hospitals and veterinarian clinics. (see Section 1616)

13. State, county or federal buildings. (see Section 1646)

14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished
materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:

a. Clocks or watches.

b. Toys or novelties.

c. Electrical appliances.

d. Electronic components.

e. Office equipment.

f. Sheet metal products.

g. Machine tools.

h. Food Products.

i. Cosmetics, toiletries and pharmaceuticals.

j. Optical, dental and medical supplies and equipment.

k. Jewelry and other precious metals.

l. Hand tools.

m. Ceramics.

n. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments.

o. Textiles/apparel products.

p. Wood products.

q. Paper products.

r. Metal fabrication and forging.

s. Manufacture of metal dies and taps.

t. Scientific, specialized and technical instruments and equipment.

u. Hardware, software for audio-video components, computers, vending machines and video games.
v. Photographic, lighting and timekeeping equipment.
w. Household appliances.
x. Musical instruments and sporting equipment.
y. Monument production and sales.

15. Warehousing, distribution and wholesaling of products, supplies and equipment, including lumber yards, building and construction materials, nursery and garden materials, and farm supply. (see Section 1629)

Section 1004 – Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses:
   a. Storage buildings.
   b. Parking and loading areas.

2. Uses and structures limited to servicing employees of the any permitted or conditional use allowed in this district and adjacent properties within the district:
   a. Business services.
   b. Retail businesses.
   c. Personal services.
   d. Day care centers.
   e. Dry cleaners, laundries, and laundromats.

3. Signs, as provided in Article XV of this Ordinance.

Section 1005 – Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:
1. Self-service Storage Facility (Mini Warehouse). (see Section 1630)

2. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

3. Research and development, excluding animal research and testing.

Section 1006 – Use Limitations

1. All uses shall be provided for in accordance with standards as contained within Article XVI.

2. Outdoor storage and display, when accessory to a permitted or conditional use, shall be regulated as follows:

   (1) Outdoor storage or display shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required off-street parking areas, or required front yard, and shall be screened from view from adjoining public streets and residential properties. Screening shall be pursuant to Section 1310 of this Ordinance.

Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, lot coverage, and yard and building setback of not less than the dimensions shown below shall be provided for every principal non-residential building or structure hereafter erected or altered for any use permitted in this district.
Lot Requirements ** Minimum Building Setback Height

<table>
<thead>
<tr>
<th>Use</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width (FT)</th>
<th>Max. Impervious Coverage (%)</th>
<th>Min. (FT) **</th>
<th>Building Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rear</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front</td>
<td>One Side</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150’</td>
<td>60</td>
<td>50’</td>
<td>15’</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100’</td>
<td>75</td>
<td>50’</td>
<td>15’</td>
</tr>
</tbody>
</table>

** Minimum requirement unless specified elsewhere herein
*** Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front building setback can be reduced to 25’ if parking is located in the rear yard.
SF - square feet; FT - feet
*****There shall be a minimum side and rear building setback of 50’ from any such property line that is adjoining any residential property and/or residentially-zoned property

Section 1008 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

Section 1009 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.

Section 1010 - Structural Siting and Design

In applying the provisions of this Section, particular emphasis shall be given to the siting and design of all structures.

1. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry stone, brick, finished wood, stucco, metal and glass, preferably a combination thereof. The façade facing a street shall have at least two (2) or more materials named above.

2. The design and siting of the building shall compliment the natural terrain and vegetation of the site.
Article XI

FLOOD PLAIN OVERLAY DISTRICT

Section 1101 - General Provisions

The Flood Plain District shall encompass all lands and land developments within the Township of Penn which are located within the boundary of a flood plain area as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated July 1978, (or the most recent revision thereof), which map is incorporated herein by reference.

Section 1102 - Conformance with Other Regulations

Uses permitted and procedures to follow for development in the Flood Plain District are presented in Township Ordinance No. 89, as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that Ordinance No. 89 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of Said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of the Zoning Ordinance and Township Subdivision and Land Development Ordinance.

Section 1103 - Overlay Concept

The Flood Plain District described above shall be an overlay to the existing underlying districts, as shown on the Official Township of Penn Zoning Map, and, as such, the provisions of Ordinance No. 89, Flood Plain development, shall serve as a supplement to the underlying district provisions.

1. In the event of any conflict between the provisions or requirements of the Flood Plain District and those of any underlying zoning district, the more restrictive provisions shall apply.

2. In the event any provision concerning a Flood Plain District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.
Article XII

STEEP SLOPE CONSERVATION OVERLAY DISTRICT

Section 1201 - Purpose and General Provisions

1. The purposes of the establishment and control of the Steep Slope Conservation District are as follows:

   a. To promote the public health, safety and welfare by the protection of steep slope areas, which are subject to erosion when disturbed and which exacerbate storm water run-off problems during and following construction.

   b. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by (a) minimizing disturbances to vegetative ground covers; and (b) restricting the regrading of steep slope areas.

   c. To limit soil erosion, siltation of streams, and damage to private and public property.

   d. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover, or the erection of structures.

   e. To maintain the ecological integrity of steeply sloped areas that could be adversely affected by disturbances.

   f. To foster the continuing replenishment of groundwater resources and the maintenance of springs.

2. General provisions relating to the Steep Slope Conservation District are as follows:

   a. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article and other applicable regulations.

   b. The Steep Slope Conservation District established hereby shall be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in Penn Township:
(1) The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses in the Steep Slope Conservation District.

(2) In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, if more restrictive, shall supersede the requirements of the underlying zoning district(s).

(3) Should the Steep Slope Conservation District boundaries be changed or eliminated as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of the provisions relating to the Steep Slope Conservation District.

(4) For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

c. The provisions hereof relating to the Steep Slope Conservation District shall not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions relating to the Steep Slope Conservation District impose greater restrictions, such provisions shall prevail.

d. Any determination that a proposed use complies with the provisions of the Steep Slope Conservation District, or any approval of a subdivision or land development plan, or any issuance of a building permit within or near the Steep Slope Conservation District shall not constitute a
representation, guarantee, or warranty of any kind by
the Township, or by any official or employee thereof, of
the practicability or safety of the proposed use and
shall create no liability upon the Township, its
officials or employees. The provisions relating to the
Steep Slope Conservation District do not imply that
areas outside the Steep Slope Conservation District
boundaries or land uses permitted within said District
will be free from the adverse effects of erosion.

Section 1202 – Designation and Interpretation of District Boundary

1. The Steep Slope Conservation District consists of two areas
that are delineated and defined as follows:

   a. Prohibitive Slope – Prohibitive slopes are those of
greater than twenty-five (25%) percent slope.

   b. Precautionary Slope – Precautionary slopes are those of
sixteen (16%) percent to twenty-five (25%) percent
slope.

   c. Slopes less than 16% are not regulated by the Steep
Slope Conservation District; therefore, this Section
does not apply.

Whenever there is a difference between any Zoning Map and the
applicable United States Geological Survey Topographic Map,
the Topographic Map shall determine the boundaries of the
Steep Slope Conservation District.

2. Boundary Interpretation and Appeals Procedure.

   a. Each application for construction, land disturbance or
subdivision containing land within the Steep Slope
Conservation District shall be submitted in accordance
with such other provisions of the Ordinances of Penn
Township as are applicable thereto. Any area of the
Steep Slope Conservation District that falls within the
subject lot or lots shall be shown on the site plan
through shading of such area or areas.

   b. Any party seeking land development and/or subdivision
approval in what
might be a Steep Slope Conservation District shall have
the burden to present evidence of the boundaries of the
District in the area in question. This presentation
must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.

**Section 1203-Permitted Uses in the Steep Slope Conservation District**

1. Standards Applicable to All Uses within Steep Slope Conservation Districts.
   
   a. All grading shall be minimized.
   
   b. Finished slopes of all cuts and fills shall not exceed 33%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

2. Uses Permitted in Areas of Prohibitive Slope. The following are the only uses permitted as of right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.
   
   a. Parks and outdoor recreational uses, consistent with the goals of watershed protection.
   
   b. Logging, where such activity is limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.
   
   c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC - Forest/Conservation. (2005-03 - 12/28/05)
   
   d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building is within the Prohibitive Slope area.

3. Uses Permitted in Areas of Precautionary Slope. The following are the only uses permitted as of right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance:
a. Any use permitted in the area of Prohibitive Slope.

b. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Natural Resource Conservation Service (NRCS) or the Perry County Conservation District.

c. Single-family detached dwellings in all zoning districts except the FC - Forest/Conservation. (2005-03 - 12/28/05)

d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 1203 is permitted within the Precautionary Slope area. (2007-05 - 9/26/07)

Section 1204 - Uses by Conditional Use

1. Any of the following uses shall be permitted in areas of Precautionary Slope as a Conditional Use when approved by the Board of Supervisors, subject to requirements of this Section. Consideration for granting of a Conditional Use shall include the extent to which the requested uses will disrupt the stability of soils and natural vegetation and contribute to erosion during and after construction.

a. Sealed public water supply wells, where approved by all regulatory agencies.

b. Access roads that shall be suitable for the passage of emergency vehicles in the event of fire or accident. Such roads shall be constructed only when no viable alternative for emergency access exists.

Section 1205 - Administration of the Steep Slope Conservation District

1. Application Procedures. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Township:
a. An engineered site plan of the property, consistent with the applicable requirements of the Penn Township Subdivision and Land Development Ordinance, indicating existing grades and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope as defined above shall be shaded accordingly.

b. Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.

c. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by any slope conditions.

d. Location and slopes of sides of all proposed cuts and fills.

e. Plan, profile, and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.

f. Plan for on-site sewage disposal facilities if use of a public sanitary sewer system is not feasible according to the Township.

No approval or building permit shall be authorized by the Township, and no Special Exception shall be granted by the Zoning Hearing Board, without the Township Engineer's review of this submitted material and his recommendation thereon. If a prohibitive steep slope area extends to the boundary of a proposed site, the slopes on adjacent sites for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

2. Additional Criteria for Review of Conditional Uses. In evaluating any application for Conditional Use, the Board of Supervisors shall consider the following factors:

a. The percent of steep slope on the total site.

b. The extent and proposed disturbance of the existing vegetative cover on the site.
c. The soil types and underlying geology of the site.

d. The length of extent of the slope both on the site in question and on adjacent lands within 200 feet of the site.

e. Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause an increase in the rate of runoff and/or related environmental problems on or off the site.

Section 1206 - Uses and/or Structures Rendered Non-conforming to the Steep Slope Conservation District

Following the effective date of the Ordinance adopting the Steep Slope Conservation District, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in Section 1204 shall become a nonconforming use or structure, regardless of its conformance to the District in which it is located without consideration of the Steep Slope Conservation District. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article V of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in this Article are applied to the expansion or continuance of said nonconforming use or structure.
Article XIII

PERFORMANCE STANDARDS

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

Section 1301 - Accessory Buildings and Structures

1. No accessory building or structure shall project nearer to the street on which the principal building fronts than such principal building.

2. Any accessory building or structure shall conform to the height regulations for principal buildings.

3. An accessory building or structure shall comply in all respects with the yard requirements of this Ordinance for the principal building, with the following exceptions:

   a. Accessory buildings or utility sheds which are single story, less than two hundred eighty-eight (288) square feet in floor area and are not permanently anchored on a footer, foundation or permanent floor, may be located not less than five (5) feet from any side or rear property line.

   b. Any commercial or industrial building or structure must be setback a distance sufficient to assure that no noise level exceeds 78 dBA at the property line, but in no case less than the building setback lines of the district in which it is located.

Section 1302 - Temporary Structures for Dwelling Purposes

No tent, cabin, mobile home, garage, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time exceeding 14 days unless approval for temporary use is granted by the Board of Supervisors.
Section 1303 - Water Supply and Sewerage Facilities Required
(2008-02 - 6/25/08)

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

Section 1304 - Exceptions

1. Height Exceptions.

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

2. Front-yard Exception

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

Section 1305 - Corner Lots

1. At all street intersections in all Districts, no obstructions to vision exceeding 30 inches in height above the edge of the street shall be erected or maintained on any lot within the triangle formed by the centerline of the roadways and a line drawn between points along such centerlines lines 75 feet distant from their point of intersection.
2. On a corner lot, front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards.

Section 1306 - Through Lots

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

Section 1307 - Driveways

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

Section 1308 - Prohibited Uses in All Districts

1. No use may be permitted, unless otherwise permitted by this ordinance, which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in a manner or amount as to cause permanent damage to the soil and stream or to adversely affect the surrounding area, or by reason of the creation of noise, vibration, electro-magnetic or other disturbance, or by reason of illumination by artificial light or light reflection beyond the limits of the lot on or from which such light or light reflection emanates, or which involves any dangerous fire, explosive, radioactive or other hazard, or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants, any other process or use which is unwholesome and noisy and may be dangerous or prejudicial to health, safety or general welfare.

2. Amusement parks and circuses and similar activities, except for a temporary period not to exceed ten (10) days.

3. Dump or waste disposal site, except a waste disposal site duly licensed as a refuse site by the Pennsylvania Department of Environmental Protection.
Section 1309 - Fences and Walls

1. Fences and walls (including retaining walls) may be erected, altered, and maintained within yards.

2. No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic or a street or public road by obscuring the minimum required sight distance.

3. No fence, wall or other structure shall be erected or maintained within the right-of-way of any street or drainage easement. If a fence is erected in such a right-of-way or easement and needs to be removed for maintenance or repair by the Township, the owner shall have sole responsibility for the replacement of the fence.

4. Maximum permitted heights of fences and walls within required yards shall be as follows:
   a. All zoning districts except C, I, and MUC:
      (1) Front Yard - 6 feet
      (2) Side or Rear Yard - 8 feet
   b. C, I, and MUC zoning districts - maximum 10 feet in any required yard.


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

2. Planting Strip

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

a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.

b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.

c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.

d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits.

3. Screening

a. Screening requirements shall be applicable under the following circumstances:

(1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.

(2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-
family detached or two-family semi-detached dwelling.

(3) Any other instances where screening is required by This Ordinance or by the Township.

b. Screening shall be provided in accordance with the following requirements:

(1) All required screening shall be located within the required planting strip.

(2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.

(3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip.

(4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residentially-zoned district or other applicable use, to form an ornamental screen.

(5) Said screening shall be maintained by property owner(s).

Section 1311 - Private Outdoor Swimming Pools

Every private outdoor swimming pool must conform to all applicable requirements of state law and in addition, the installation or construction of a private outdoor swimming pool with a surface area of one hundred fifty (150) square feet or more or a depth in
excess of two (2) feet must comply with the following requirements:

1. The pool shall be completely surrounded by a fence or wall not less than four (4) feet nor greater than eight (8) feet in height and be constructed as not to have openings, holes or gaps that a sphere with a diameter of four inches cannot pass through, except for doors and gates. All gates or doors opening through said fence or wall shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool and to prevent accidents. However, if the top of the pool wall is more than three and one-half feet (3'-6") above the finish grade level, then a fence is not required, provided that all points of access to said pool are adequately protected, and any access ladder shall be fold-up type or removable.

2. Pools and pumps can be installed in the rear yard building setback, but not in the front yard, or the side yard building setback.

3. Except as provided for in 4. below, pools and pumps may encroach on the required rear yard setback to a point not less than ten (10) feet from the property line. This shall apply to both in-ground and above-ground pools.

4. Appurtenances, if at or below ground level, may extend to the rear property line or right-of-way line. Diving boards may encroach into the required rear yard setback to a point of not less than five (5) feet from the property line.

5. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulations and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.

6. No overhead utility lines shall be carried across any swimming pool or wading area.

7. Compliance with other regulations as required by the Penn Township Building Permit Ordinance.

Section 1312 - Illumination

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic
devices provided by a public utility or governmental entity within a public right-of-way.

1. The light from any luminary shall be directed downward and shaded, shielded or directed to prevent direct light from being cast beyond an angle of 35 degrees from a downward vertical axis, and to prevent glare or other objectionable problems to surrounding areas. Unshielded lamps, bulbs and tubes are not permitted, except for residential base-mounted lamps and driveway post lamps utilizing 60 watt or lesser wattage light bulbs (specifically not including spotlight or floodlights).

2. Lighting shall be designed so that the illumination does not exceed one-tenth (0.10) foot-candles beyond the property line from which the lighting originates.

3. Except for public street lights and traffic lights, freestanding lighting fixtures shall not exceed thirty (30) feet in height. Security or floodlighting may exceed this height requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties.

4. No luminaries shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness or color, nor will any beacon lights be permitted, except for temporary holiday lighting.

5. Neither the direct or reflected light from any luminary shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.

6. Parking areas shall be lighted using support poles; lighting standards and luminaries, or building mounted lights. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators, adjacent landscape areas, or on the exterior side and rear walls of buildings. Poles, standards or luminaries shall be located so as not to be damaged by automobiles being parked (front overhang - minimum 39 inches; rear overhang - minimum 60 inches).
7. Levels of lighting in pedestrian and vehicular use areas should adhere to the following standards:

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

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

Section 1313 - Drainage

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

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

1. No storage shall be permitted within the front yard of any lot.

2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residentially-zoned property shall be screened in accordance with Section 1310 of this Ordinance during
all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

Section 1315 - Noise

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

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

<table>
<thead>
<tr>
<th>Maximum Permitted Sound Level in Decibels along the Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Octave Band</td>
</tr>
<tr>
<td>Cycles Per Second</td>
</tr>
<tr>
<td>0 to 75</td>
</tr>
</tbody>
</table>
2. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises that cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

3. Exemptions. The following activities or sources are exempt from these noise standards:

   a. Aircraft operations
   b. Construction or routine maintenance of public service utilities
   c. Church bells or chimes
   d. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work
   e. Occasionally used safety signals, warning devices and emergency pressure relief values

4. Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, operating motor vehicles, and refuse collection vehicles.

5. The un-amplified human voice.

6. The lowing of cattle, the clucking of fowl, the neighing of horses or other normal sounds of reasonable cared for agricultural animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.
Section 1316 - Air Pollution (2008-02 - 6/25/2008)

1. Odor

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

2. Smoke

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

3. Particulate Matter

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

(1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.

(2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

(3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

NOTE:
*Interpolation for intermediate values not shown in table.

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

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

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


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


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


Every use shall be so operated that the ground vibration inherently and recurrantly generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from
temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.


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

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.

2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.

3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.

4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.

5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
Article XIV

OFF-STREET PARKING REGULATIONS

Section 1401 - Off-Street Parking Requirements

Accessory off-street parking spaces, open or enclosed, shall be provided for any use where specified in the District Regulations, in this Section, or in any other regulations found in This Ordinance, subject to the following provisions:

1. Location of Parking Areas.
   a. Enclosed off-street parking spaces, including public and private garages, shall conform to the applicable building setback requirements of This Ordinance.
   b. Open parking spaces and/or parking lots shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this ordinance. (2005-03 - 12/28/2005)

2. Areas Computed as Parking Spaces. Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a single-family or two-family residence may count as one parking space.

3. Size of Spaces. Minimum recommended parking stall width shall be ten (10) feet and minimum length shall be twenty (20) feet.

4. Large Parking Areas. Parking areas of one-half (1/2) acre or more shall have at least five (5) percent of the total area devoted to landscaping within the interior of the parking area.

5. Location and Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one lane for parking areas with less than twenty (20) spaces, and at least two (2) lanes for parking areas with twenty (20) spaces or more. No entrance or exit for any off-street parking shall be located within 50 feet of any street intersection.
6. **Drainage and Surfacing.** All open parking areas shall be properly drained and shall be provided with a mud-free surface.

7. **Joint Facilities.** Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.

8. **Minimum Number of Spaces Required.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space.

   a. **Parking Requirements for Residential Uses**

      (1) **Apartment houses:** The total number of parking or garage spaces shall be not less than two (2) times the number of dwelling units in the building. A garage accessory to an apartment house shall provide only for the storage of vehicles of the owner, tenants, and employees.

      (2) **Apartment structures in combination with permitted commercial uses** shall provide parking spaces as required if both uses were established separately.

      (3) **Dwellings:** Two (2) parking spaces for each dwelling unit.

      (4) **Retirement Communities:** At least one (1) parking space for each dwelling unit, plus an additional parking space for each three (3) beds for patient use.

   b. **Parking Requirements for Commercial Uses**

      (1) **Beauty shops and barbershops:** Three (3) parking spaces for each chair to be utilized in the business. If, however, the beauty shop or
barbershop is legally part of a residence, two (2) spaces for each chair provided there are two (2) parking spaces for the residents.

(2) Boarding and Rooming Houses, Hotels, Motels, Bed and Breakfast Inns and Tourist Homes: At least one (1) parking space for each guest room, plus one additional space for every two (2) full-time employees. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.

(3) Bowling Alleys: At least five (5) spaces per bowling lane.

(4) Commercial Kennels: One (1) space per employee plus three (3) spaces for customer parking.

(5) Commercial Recreation: One (1) space per five (5) seats or similar accommodation; or one (1) space per two (2) lockers or similar accommodation, whichever yields the larger parking requirement.

(6) Commercial Vehicles: In addition to otherwise required customer and employee parking, space shall be provided at the rear of each commercial or business building for the parking of commercial vehicles.

(7) Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places: At least one (1) parking space for each one hundred (100) square feet of floor area.

(8) Department/Variety Stores: Not less than one (1) parking space per every two hundred (200) square feet of Gross Leasable Area, or fraction thereof.

(9) Flea Markets (Indoor/Outdoor):

Indoor - One (1) space for each two hundred (200) square feet of gross floor area, exclusive of areas not used for sale or display merchandise.
Outdoor – One (1) space for each two hundred (200) square feet of gross land area used for sale and display of merchandise.

(10) Food Stores and Pharmacies: At least one (1) space for every one hundred (100) square feet of sales area.

(11) Home Business: One (1) space per non-resident employee plus three (3) spaces for customer parking.

(12) Medical, Dental and Veterinary Offices and Clinics: At least four (4) parking spaces per practitioner.

(13) Mortuaries, Funeral Homes and Undertaking Establishments: At least one (1) parking space for each three (3) seats for public use. Such space shall be in addition to employee parking needs, and service area for mobile equipment such as hearses and ambulances.

(14) Office Buildings: At least one (1) parking space for each two hundred (200) square feet of Gross Floor Area, or fraction thereof.

(15) Open Areas Used for Commercial Purpose: At least one (1) parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.

(16) Personal service establishments (not otherwise provided for): One (1) space for each one hundred (100) square feet of floor space or fraction thereof devoted to such use plus one (1) space per employee.

(17) Restaurants and Bars: At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) full-time employees.

(18) Retail Stores: At least one (1) parking space for each two hundred (200) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
(19) **Self-Service Laundries**: One (1) space per every 1.5 washing machines.

(20) **Shopping Centers**: Not less than 5.5 parking spaces per every one thousand (1000) square feet of Gross Leasable Area, or fraction thereof.

(21) **Vehicle Sales and Service or Vehicle Body Shops and Repair Garages**: At least two (2) parking spaces for each two hundred (200) square feet of floor area devoted to sales, repairs, or service facilities, in addition to display and storage spaces.

(22) **Vehicle Service Stations**: At least one (1) parking space for every three (3) service bays plus every two (2) fuel pumps, or fraction thereof. In no case shall the spaces for permitted motor vehicles be less than five (5).

(23) **Vehicle Washes**: No less than four (4) spaces per wash lane.

(24) **All other commercial uses**: One (1) space per employee plus such space as may be determined by the Planning Commission on a case by case basis.

(25) In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

c. **Parking Requirements for Industrial Uses**

(1) **Bus and Trucking Terminals**: Sufficient parking to accommodate employees, visitors, etc., subject to the approval of the Planning Commission.

(2) **Manufacturing, Printing or Publishing, and other Industrial Establishments**: At least one (1) parking space for each two (2) employees on the largest shift, or each five hundred (500) square feet of floor area, whichever is greater.

(3) **Wholesale Sales, Storage or Distribution**: At least one (1) space for each one thousand (1,000) square
feet of sales and storage area or each two (2) employees working on the largest shift.

(4) In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

d. Parking Requirements for Public and Quasi-Public Uses

(1) Day Care Centers and Nursery schools: One (1) space per employee plus three (3) spaces.

(2) Golf Course: At least six (6) parking spaces for each tee.

(3) Golf Driving Range: At least one (1) parking space per tee.

(4) Hospitals, Nursing or Convalescent Homes: Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee on largest shift.

(5) Miniature Golf Courses: At least two (2) parking spaces per hole.

(6) Public Park or Recreation Area; Private Club for Hunting, Horseback Riding, Tennis or other Racquet Sports; or Other Outdoor Recreational Use: Variable, depending upon proposed intensity of use, and subject to the approval of the Planning Commission.

(7) Schools and Similar Educational Establishments:

(a) Schools below grade ten including kindergarten: One space for each six (6) students' capacity

(b) Schools, tenth grade and above, including colleges: One space for each three (3) students' capacity
(c) **Vocational training and adult education facilities:** One space for each one and one-half (1.5) students' capacity.

(8) **Swimming pools:** Where a swimming pool is the principal use, at least one (1) parking space for each four (4) persons based upon the designed capacity of the pool.

(9) **Theaters, Auditoriums (excluding schools), Places of Worship, Stadiums, or any other place of public or private assembly:** At least one (1) parking space for each four (4) seats or two hundred (200) square feet of floor space provided for public or private assembly, whichever is greater.

e. **All Other Uses**

For other uses that do not fit into one of the above categories, determination of the required number of off-street parking spaces shall be made by the Zoning Officer. It is the intent of these regulations that adequate off-street parking and loading facilities are provided for each land use.

9. **Combined Spaces.** When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Commission may reduce the total parking spaces required for that use with the least requirement.

10. **Multiple Uses in Single Structure.** When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.

11. **Location and Ownership.** Required parking spaces, open or enclosed, shall be provided upon the same lot as the use. All parking spaces shall be located within six hundred (600) feet of a public access point to such use. In all cases such parking spaces shall conform to all the regulations of the District in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential...
District unless the use to which the spaces are accessory is permitted in such Residential Districts or upon approval by the Board of Supervisors. Evidence of adequate arrangements shall be provided to the Board of Supervisors to ensure that the required number of spaces will be available either (a) throughout the existence of such use to which they are accessory, or (b) until such spaces are provided elsewhere.

12. On Lots Divided by District Boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless the use to which they are accessory is permitted in such district, or upon approval of the Planning Commission.

13. Parking Regulations in Apartment Dwelling or Attached Dwelling Developments. Wherever space is provided for the parking of five (5) or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. No parking space shall be located within ten (10) feet of any lot line in side or rear yards. The parking of motor vehicles is prohibited within fifteen (15) feet of any wall or portion thereof of a two or more family dwelling, which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than eight (8) feet above the level of the said parking space. No service of any kind shall be permitted to be extended to users of the lots including vehicle service, repair or fueling, and no gasoline, oil, grease, or other supplies shall be stored or sold in any such lot or in any garage on such lot. Parking areas shall be screened in accordance with the requirements of the Township Subdivision Land Development Ordinance.

14. Regulations for Parking Spaces Adjacent to Lots in Any Residential District.

Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a lot in any Residential District, or is located across the street or railroad right-of-way from other land in any Residential District, it shall be screened from the view of such land in accordance with the requirements of the this ordinance and the Township Subdivision Land Development Ordinance.
15. **Handicapped Parking.**

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, the Uniform Construction Code, or this Ordinance whichever is more restrictive as may be amended from time to time.

a. Said spaces shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.

b. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.

c. Each space shall be one hundred twenty (120) inches wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.

d. Parking spaces shall be provided in accordance with the following Table:

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2 percent of total</td>
</tr>
<tr>
<td>1001 and over</td>
<td>20 plus 1 for each 100 over 1000</td>
</tr>
</tbody>
</table>
e. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

f. Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

Section 1402 - Off-Street Loading Requirements

Off-street loading spaces, open or enclosed, are permitted accessory to any use (except one-or two-family residences) subject to the following minimum provisions:

1. Uses for Which Required. Accessory off-street loading spaces shall be provided for any use specified below. Any land that is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.

   a. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor area of 10,000 square feet, 1 space; for each additional 25,000 square feet or fraction thereof, 1 additional space.

   b. For buildings with professional, governmental, or business offices, or laboratory establishments, with floor area of 10,000 to 25,000 square feet, 1 space; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, 1 additional space; for each additional 50,000 square feet or fraction thereof, 1 additional space.

   c. For buildings with offices and retail sales and service establishments, 1 space for 8,000 to 25,000 square feet of floor area, and 1 additional space for each additional 25,000 square feet of floor area or fraction thereof so used.

   d. For undertakers and funeral homes, 1 space for each chapel. (Such spaces shall be at least 10 feet wide, 20 feet long, and 14 feet high).
e. For hotels, motels and resorts, 1 space for each 25,000 square feet of floor area.

f. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, 1 space for 5,000 to 10,000 square feet of floor area in such use, and 1 additional space for each additional 20,000 square feet of floor area or fraction thereof so used.

g. Off-Street loading requirements for uses not specifically cited above will be determined by the Zoning Officer on a case-by-case basis.

2. Size of Spaces. Each required loading space shall conform to a dimension of not less than twelve (12) feet by sixty (60) feet, or six hundred (600) square feet in area, with a minimum overhead clearance of not less than sixteen (16) feet in height.

3. Location and Access. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading spaces shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading space shall be located within 50 feet of any street intersection. No off-street loading space shall be located in any front yard.

4. Joint Facilities. Permitted or required loading space, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such requirements, unless the provisions of Section 1401.9 apply.

5. On Lots Divided by District Boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading spaces shall apply to all of the lot. Loading spaces on such a lot may not be located in any Residential District, unless the use to which they are accessory is permitted in such district or upon approval by the Board of Supervisors.
Article XV

SIGN REGULATIONS

Signs may be erected and maintained only when in compliance with the provisions of this Article. A sign permit will be required for the erection, alteration or modification of signs as indicated in Appendix B, Table 1.

Section 1501 – General Standards

1. Sign Area and Height: The following guidelines shall apply when interpreting area and height regulations in this Section:

a. Area.

   (1) The area of a sign shall be the area of the smallest geometric shape, such as a rectangle, triangle, or circle, that will encompass all elements of the sign, such as letters, figures, symbols, designs, logos or other displays.

   (2) When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.

   (3) When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.

   (4) When a single sign structure has more than one face and no two sign faces are more than 3' apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.

b. Height: The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower
of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

1. Height Limitations:

(1) No sign shall be higher than the height limitation of the district in which it is located.

(2) The height of freestanding signs shall be controlled by the standards in Table 2.

(3) Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.

(4) Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof, except when a sign is located on a flat roof, the total height of the sign shall not extend higher than five (5) feet above the roof.

2. General Regulations: The following regulations shall apply to all signs, in addition to the specific regulations and supplemental regulations contained in the following provisions of this article. Where the general regulations are contradicted by the specific or supplementary regulations, the specific or supplementary regulations shall control.

a. All signs shall reflect the general character of the neighborhood.

b. All signs shall be constructed of durable materials and maintained in good condition.

c. When a sign becomes unsafe, the zoning officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
d. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

e. All signs shall be removed within 90 days if the purpose for which they were erected no longer exists.

f. Each property which displays one or more permanent freestanding signs and which is in an area where street addresses have been assigned must prominently display the address on one permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design which is easily identifiable and legible from moving traffic in a street at a distance of 100' (3" high lettering/numerals with a ¾" stroke). The area taken up by the address does not count as part of the sign area. Center signs are exempt from this requirement if multiple addresses apply.

g. No temporary signs shall be permitted except as authorized elsewhere in this Section.

h. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a non-profit organization sign, or another sign approved by the governing body or the Pennsylvania Department of Transportation. Non-profit organizational signs shall not be in conflict with existing or proposed traffic regulatory signs.

i. No sign more than 30" high, other than a government sign or temporary traffic/pedestrian controls for construction operations, shall be located within the 75' clear sight triangle of any street intersection or in any other position where it could endanger vehicular or pedestrian traffic by obstructing vision.

j. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles. Nor shall any signs be painted, pasted, nailed, stapled, or otherwise attached to trees, fences, fire hydrants, or in any unauthorized manner to walls or other signs, except for “warning”, “no hunting”, “no trespassing” or similar signs.

k. Any freestanding sign within a floodplain must receive approval as a special exception.
1. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.

m. No sign shall be placed so as to obstruct ventilation or light from a building.

n. No overhead sign shall have a clearance of less than 8' between any pedestrian walk and the lowest part of the sign.

o. No sign that is parallel to and attached to the face of a building shall project more than 18" over a public sidewalk.

p. No sign that is perpendicular to and attached to the face of a building shall project over a public sidewalk nor extend beyond any property line.

q. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.

r. No sign other than authorized governmental signs shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as (1) by containing the words "Stop" or "Danger" or (2) by including red, green, or yellow lights.

s. No sign or window display shall include revolving beam or beacon of light resembling an emergency vehicle or facility.

t. No sign shall advertise activities or products that are illegal under federal, state, or local municipal laws or regulations.

u. No signs shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic.

v. No streamers, banners, pennants, spinners, reflectors, ribbons, tinsel, or similar materials shall be displayed outside a building in all residential zoning districts, or residential uses in the commercial and industrial districts when used to advertise or bring attention to a commercial intent.
w. Streamers, banners, pennants, spinners, reflectors, ribbons, tinsel, or similar materials are permitted in the forest conservation, agricultural/rural, commercial, and industrial zoning districts when used in conjunction with a commercial or industrial use.

x. No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs.

y. No sign shall emit smoke, visible vapors, particles, sound or odor.

z. No permanent inflatable sign shall be permitted. Inflatable signs are permitted as a temporary sign in accordance with the applicable regulations governing temporary signs.

aa. No open flames shall be permitted as part of a sign display.

bb. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Part.

cc. Any sign which has been authenticated as historically significant by the Pennsylvania Historical Museum Commission, whether original or replica, shall be exempt from the regulations of this Section.

dd. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights which are directed downward and shall be shielded so there is no direct light transmitted to other properties or public rights-of-way.

e. The light from any illuminated sign shall not adversely affect (1) safe vision of operators of vehicles moving on public or private streets or parking areas, (2) any residential district, or (3) any part of a building or property used for residential purposes.

ff. No exposed neon tubing or strings of lights shall be permitted to outline buildings, structures, or parts thereof used for commercial, home occupations home businesses or industrial use. Customary holiday
decorations may be installed 45 days prior to and 
removed not later than 30 days after the holiday.

gg. All electrically illuminated signs shall be constructed 
to the standards/listing of the Underwriters 
Laboratories, Inc. and the latest edition of the 
National Electric Code.

hh. The display of property address numbers only is not 
considered a sign under this ordinance and as such is 
not regulated. If the sign includes other information 
in addition to the property address number, it shall be 
regulated under the appropriate sign section.

3. Specific Regulations: Tables 1 and 2 in Appendix C provide 
regulations for specific kinds of signs in each zoning 
district. Note that there are also supplemental regulations 
in Supplemental Regulations which should be reviewed for most 
kinds of signs; these are referenced in the second column of 
Table 1 and Table 2.

a. Permitted Signs and Sign Permit Requirements. Table 1 
indicates, for each zoning district, which kinds of 
signs are permitted and not permitted, and which kinds 
of signs require permits. In those parts, an "N" 
indicates that the sign is not permitted; a "A-P" 
indicates that the sign is allowed and a permit is 
required; a "A-N" indicates that the sign is allowed and 
a permit is not required.

b. Permitted Number, Area, Height, and Setback for Signs. 
Table 2 indicates, for each zoning district, information 
about the permitted number, maximum area, maximum 
height, and minimum setback for each kind of sign.

4. Supplemental Regulations: In addition to the regulations 
contained elsewhere in this Section, the following shall 
apply to specific kinds of signs. The regulations in Tables 
1 and 2 apply in addition to the following supplemental 
regulations. Where the provisions in the supplemental 
regulations and Tables 1 and 2 are contradictory, the 
provisions contained in the supplemental regulations shall 
control.

a. Business Signs are generally regulated in accordance 
with Tables 1 and 2. Business signs for individual 
businesses which are permitted by Table 2 must be
located so that they are identified with the individual business, i.e., rather than being at the street frontage of a large center, away from the business they are advertising.

b. Business Special Event Signs are allowed for a business related event and may be displayed no more than ten (10) days in advance of the event, and must be removed within five (5) days of the end of the event. A business special event sign shall be displayed for a maximum of twenty-one (21) days. A business special event sign shall not be permitted on the same premise more than four (4) times a year. However, in a multi-tenant facility each business tenant is afforded the same right to display a business special event sign.

c. Center Signs are allowed for centers such as shopping centers, office complexes, and industrial parks which meet at least two of the three minimums: (1) 5 commercial units, (2) 20,000-square-feet of building area, and (3) 5 acres of land.

d. Contractor Signs must be set back at least 10’ from the right-of-way, may not be in the side yard setback, and may not be illuminated. Contractor signs must be removed promptly upon completion of the construction. If there are four or more contractor signs on a single lot, they must be combined in a single display by attaching them to a single background panel or frame. The background is not included in calculating the sign area, the height of the display may not exceed 6’, and the display may project a maximum of 12” from the wall if attached parallel to the building.

e. Development Signs are allowed for residential developments. They may include only the name of the development and may not include any commercial advertising.

f. Election Signs may be displayed no more than 45 days prior to the election and must be removed within 7 days after the election.

g. Garage/Yard Sale Signs may be placed no more than one week before the sale and must be removed before the end of the day of the sale.
h. Government Signs may only be placed by governmental units or with their approval. Size, location, etc. shall be subject to state or federal regulations or as approved by the Township. No permit is required if sign is regulated by state or federal regulations; otherwise a permit is required.

i. Home Business Signs may include a name, an address, an occupation or activity, and a logo or trademark.

j. Identification Signs are broken into two classifications, major and minor, based on their size and location and are generally regulated in accordance with Tables 1 and 2. However, two special kinds of identification signs are specifically regulated in accordance with Tables 1 and 2: "Development Signs" and "Public Use Signs".

k. Incidental Signs must have a setback of 10' from the right-of-way unless they are less than 30" in height, in which case no setback is required.

l. Nonprofit Organization Signs may be placed in Township street rights-of-way with the approval of the governing body. The governing body may require that they be placed at designated entrances to the community or on common display panels.

m. Off premise signs may be located in the AR, C, and I Districts as a conditional use where such property is located along an Arterial street as defined in the Comprehensive Plan. Signs must comply with applicable State and Federal regulations.

A sign may have two surfaces with a total of two messages, as long as the surfaces are back-to-back or at an angle of not more than 45°. Each surface may have an area of up to 300-square-feet, whether or not the messages are the same. Each off premise sign structure must have setbacks of (1) 50' from any street right-of-way, or (2) the minimum building setback, whichever is greater, and at least 500’ radius from any other off premise sign, regardless of which side of the road it is on. Each off premise sign must be at least 200’ from any commercial or residential unit.
n. **Open House Signs** must include the words "Open House", the day and time of the open house, and the name of the Realtor. They may be displayed no more than 3 days in advance of the open house and must be removed within 2 hours of the end of the open house. The open house must be attended by the seller or his representative during the entire advertised time of the open house. There may be no more than two off-premise open house signs for each open house, with no more than one sign per intersection. Open house signs shall be limited to use for 6 days per month per lot. The placement of open house signs may not interfere with pedestrian or vehicular traffic and must comply with all applicable General Regulations.

o. **Public Utility Signs** are subject to the requirements of a minor Identification Signs except they may be placed in any district.

p. **Real Estate Signs** must be removed within 5 days after settlement.

q. **Roadside Stand Signs** are only permitted for a Temporary Roadside Stand as determined by the Ordinance. Signs shall be displayed for a period of one hour before the stand opens and shall be removed one hour after the close of business on a daily basis. The signs shall be at least 5 feet off the shoulder of the road.

r. **Special Event Signs** for an event may be displayed no more than 21 days in advance. All special event signs must be removed within 5 days of the end of the event.

5. **Permitting Procedures and Fees:** Permits for the placement of signs are required as indicated by Table 1.

a. Sign permit application requirements such as forms, plans, and fees shall be established by Penn Township.


6. **Nonconforming Signs:** Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

a. There may be no expansion or increase in the nonconformity in any way;
b. Maintenance and repair of the sign are permitted, if necessary, and its supporting structure may be replaced in the event of damage, any such replacement must be completed within 6 months of the damage occurring; and

c. The sign must be brought into conformity if, for a period of at least 3 months, the message has no longer applied to an activity on the premises (this does not apply to off premise signs).
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:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Minimum Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency Units</td>
<td>2,000 sq. ft.</td>
</tr>
<tr>
<td>One Bedroom Units</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>Two Bedroom Units</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>Three or more Bedroom Units</td>
<td>5,000 sq. ft.</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>One Side</th>
<th>Total Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Dwelling</td>
<td>40</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>Row or Attached &amp; Townhouse Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>End Units</td>
<td>25</td>
<td>15</td>
<td>15</td>
<td>35</td>
</tr>
<tr>
<td>Other Units</td>
<td>25</td>
<td></td>
<td>35</td>
<td></td>
</tr>
</tbody>
</table>

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:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency Units</td>
<td>2,000 sq. ft.</td>
</tr>
<tr>
<td>One Bedroom Units</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>Two Bedroom Units</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>Three or more Bedroom Units</td>
<td>5,000 sq. ft.</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>One Side</th>
<th>Total Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Dwelling</td>
<td>40</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
</tbody>
</table>
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.
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.


   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:

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.
(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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Required Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>FC</td>
<td>60%</td>
</tr>
<tr>
<td>AR</td>
<td>45%</td>
</tr>
<tr>
<td>R-1</td>
<td>35%</td>
</tr>
</tbody>
</table>
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
(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
(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 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.
ARTICLE XVII

NON-CONFORMING USES, NON-CONFORMING BUILDINGS AND STRUCTURES
AND NON-CONFORMING LOTS

Section 1701 – Non-Conforming Uses

1. The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that become non-conforming by reason of any subsequent amendment to this Ordinance.

2. Expansion of Non-conforming Uses.

A non-conforming use may be expanded by up to a cumulative increase of fifty (50) percent of the area occupied by the use at the time at which it became non-conforming. No expansion of a non-conforming use in excess of the cumulative fifty (50) percent unless such expansion has been approved as a Conditional Use by the Board of Supervisors. In addition to the qualifications for a Conditional Use enumerated in this Ordinance, the Board shall apply the following criteria:

a. Area.

The proposed expansion shall be conditional within the lot limits that existed for the property in question at the effective date of this Ordinance.

b. Changes.

The proposed expansion shall include the following changes over existing conditions, wherever possible:

(1). Improvement of building exterior.
(2). Improvement of landscaping.
(3). Elimination or reduction in noise, smoke, dust and/or odors, if present.

c. Parking.

Off-street parking facilities shall be provided in accordance with Article XIV of the Ordinance.

3. Continuity of Use.

a. Non-conforming use must be continuous. No non-conforming use may be reestablished after it has been discontinued for two (2) years and all reasonable efforts for sale or lease have been exhausted. Vacating the premises or building or nonoperative status shall be evidence of a discontinued use. If a property has been
vacated for more than two (2) years and the owner can show that an effort was taken in selling the property, the owner can request permission as a Conditional Use to reestablish said use.

b. Any structure or premises damaged or destroyed by a windstorm, fire, flood, explosion, or other causes which involves a non-conforming use may be rebuilt and occupied for the same use as before the damage or destruction provided that an application for a building permit is submitted within two (2) years from the date of damage or destruction, or within six (6) months of insurance settlement if such settlement date exceeds the two (2) years.


No existing or discontinued non-conforming use may be changed to any other non-conforming use unless approved as a Conditional Use by the Board of Supervisors. In evaluating the application for a Conditional Use, the Zoning Officer shall find that the proposed non-conforming use is not more detrimental to the district than the existing or discontinued non-conforming use of the property. The Board of Supervisors may specify such appropriate conditions and safeguards as may be required in connection with such change.

Section 1702 - Non-Conforming Buildings and Structures

1. A non-conforming building or structure is any building or structure which does contain a use permitted in the District in which it is located, but does not confrom to the District regulations for: front, side or rear yards; maximum height; lot coverage; or minimum habitable floor area per dwelling unit, as per the Uniform Construction Code.

2. Where a residential or non-residential building or structure is non-conforming as to the required front, side, or rear building setback, the non-conforming setback may be continued, and any extension or enlargement of the non-conforming building or structure shall not intrude into the required building setback any greater than the existing structure does. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, or reconstruction of a non-conforming building or structure provided that such action does not increase the degree of or create any new non-conformity.

3. A non-conforming building or structure that has been destroyed by reason of windstorm, fire, flood, explosion, or other causes may be reconstructed provided that the reconstructed structure does not exceed the height, area, or volume of the destroyed structure. An application for building permit must
be submitted within two (2) years from the date of destruction, or within six (6) months of insurance settlement if such settlement date exceeds the two (2) years, or the nonconforming structure shall not be restored except in conformity with this Ordinance. In addition, the ground story framework, including the second tier of beams, shall be completed within twelve (12) months of the date of the permit and the entire building shall be completed according to such plans as filed within eighteen (18) months from the date of said permit.

Section 1703 - Non-Conforming Lots of Record

Where there is a vacant lot of official record, which lot at the time of the adoption of this Ordinance does not include sufficient land to conform to lot area, width or depth; required yards, or other requirements of this Ordinance, said lot may be developed for a use permitted by right in the zoning district in which it is located, provided, however, that the minimum lot area or other dimensional requirements are not reduced by greater than a maximum of twenty (20) percent. If dimensional reduction(s) in excess of twenty (20) percent are necessary to develop said lot, an application shall be submitted to the Zoning Hearing Board by the owner of said lot for a variance from the terms of this Ordinance in accordance with the provisions of Article XVIII.

Section 1704 - Construction Approved Prior to Ordinance

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has heretofore been issued and the construction of which shall have been diligently prosecuted within one (1) year of the date of the permit and which the entire building shall be completed according to such plans as filed within eighteen (18) months from the date of this Ordinance.
ARTICLE XVIII
ADMINISTRATION AND ENFORCEMENT

Section 1801 – Enforcement

For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Township Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits required by this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.

Section 1802 – Certificates, Permits, and Licenses

1. Zoning Permits.

Zoning permits shall hereafter be secured from the Zoning Officer's office prior to the issuance of a building permit for the construction, erection or alteration of structure, including fences and walls, signs, parts of a structure, or upon a change in the use of a structure or land.

2. Building Permits.

No building or structure in any District shall be constructed, reconstructed, enlarged or restored, structurally altered or demolished without a building permit for such work duly issued upon application to the Municipal Building Permit Officer.

3. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of the Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition, they will:

a. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone or

b. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved; then the Board of Supervisors may, subject to all regulations for the issuance of a temporary use permit elsewhere specified, direct the Zoning Officer to issue a permit for a period
not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

4. Certificate of Use. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Officer shall have issued a Certificate of Use stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Officer to make a final inspection thereof and to issue a Certificate of Use if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application.

5. Sign Permits.

It shall be unlawful to commence the erection of any permanent sign or to commence the moving or alteration of any permanent sign until the Zoning Officer has issued a sign permit for such work. Applications for permits to erect, alter or modify permanent signs shall be made to the Zoning Officer in accordance with the requirements of Section 1501 of this Ordinance.


Applications for Home Business Permits shall be made to the Zoning Officer in accordance with the requirements of Section 1613 of this Ordinance.

7. Child or Adult Care Facility Permits.

Applications for Child or Adult Care Facility Permits shall be made to the Zoning Officer in accordance with the requirements of Section 1614 of this Ordinance.


It shall be unlawful to establish a use that requires conditional use approval by the Penn Township Board of Supervisors until a conditional use permit is issued by the Zoning Officer.

9. Sexually Oriented Business License – No Sexually Oriented Business shall be issued a Zoning Permit and/or Building Permit until the Board of Supervisors have issued a business license pursuant to Ordinance #2001-03
10. **Junk yard, Recycling Yard, and Automobile Wrecking License** — No person, business, cooperation, or other entity shall engage in a business as a junk yard, recycling yard or automobile wrecking yard shall be issued a Zoning Permit and/or Building Permit without first obtaining a license from the Penn Township Board of Supervisors.

**Section 1803 - Records**

It shall be the duty of the Zoning Officer to keep a record of all applications for planning and zoning permits, a record of all permits issued and a record of all certificates of occupancy which he countersigns, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted which shall be available for the use of the Board of Supervisors, and shall prepare a monthly report for the Board of Supervisors summarizing for the period since his last previous report all zoning permits issued and certificates countersigned by him and all complaints or violations and the action taken by him consequent thereon.

**Section 1804 - Jurisdiction**

1. **Zoning Hearing Board's Jurisdiction.**

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

   a. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 1842.1. (Procedure for Landowner Curative Amendments) and 1830 (Validity of Ordinance: Substantive Questions).

   b. Challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

   c. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

   d. Appeals from the Zoning Officer's determination of Preliminary Opinion pursuant to the requirements of Section 1831.

   e. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use
ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision/Land Development Ordinance or Planned Residential Development applications.

f. Appeals from the determination of the Zoning Officer or Township Engineer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

g. Applications for variances from the terms of this Ordinance or any flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 1810.1.

2. Board of Supervisors' Jurisdiction.

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

a. All applications for approval of subdivisions or land developments in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance.

b. Applications for conditional uses under this Ordinance pursuant to Section 1820.2.

c. Applications for curative amendment to this Ordinance pursuant to Section 1842.

d. All petitions for amendments to land use ordinances.

e. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for development involving Subdivision/Land Development Ordinance applications. Where such determination relates only to development not involving an application for Subdivision/Land Development or Planned Residential Development, the appeal from such determination of the Zoning Officer or Township Engineer shall be to the Zoning Hearing Board pursuant to Section 1804.1.e.

3. Applicability of Judicial Remedies.

Nothing contained in this Article shall be construed to deny the applicant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).
Section 1806 - Zoning Hearing Board Creation and Appointment

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Penn Township Board of Supervisors do hereby create a Zoning Hearing Board consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township.

1. Terms of Office.

   a. The terms of office shall be five years and shall be so fixed that the term of office of no more than one member shall expire each year.

   b. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

2. Alternate Members.

   The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated in accordance with Section 1807, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to Section 1807 of this Ordinance.

3. Removal of Members.

   Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1807 - Organization of the Zoning Hearing Board
1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Section 1809 of this Ordinance.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township of Penn and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 1808 - Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Section 1809 - Hearings of the Zoning Hearing Board

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

1. Public Notice.

   Public notice shall be given and written notice shall be given to (1) the applicant, (2) the Township Zoning Officer and (3) to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

2. Fees.
The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.


The hearing shall be held within 60 days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be within 45 days of the prior hearing unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the court of common pleas for judicial relief. The hearing shall be completed no later than 100 days after the completion of the applicant’s case in chief, unless extended by good cause upon application to the court of common pleas. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Township of Penn, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear before the Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.


The Zoning Hearing Board, the hearing officer, or independent attorney, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board, hearing officer, or independent attorney. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefor. Conclusions based on any provisions of this Ordinance or any Township ordinance, rule or regulation, or the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer or independent attorney. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing pursuant to Section 1809, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Nothing in this Section shall
prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. Effect of Board's Decision.

a. If the variance or special exception is granted or the issuance of a permit is finally approved, or other action by the appellant or applicant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved or the other action by the appellant or applicant is authorized and provided further that the building or alteration, as the case may be, shall be completed within twelve (12) months of authorization by the Zoning Hearing Board. For good cause, the Board, upon application by the developer in writing stating the reasons therefor, may grant an extension or extensions of time for the commencement of the authorized in six (6) month increments, or may grant an extension or extensions of time for the completion of the authorized action in six (6) month increments. Where time allowed for the commencement of the authorized action has been granted an extension, the time allowed for the completion of the authorized action shall be automatically extended by an equal amount of time.

b. Should the appellant or applicant fail to obtain the necessary permits within the required period, or having obtained the permit should he fail to commence work thereunder within such period, it shall be conclusively presumed that the applicant has withdrawn or abandoned his appeal or his application, and all provisions, variances, special exceptions and permits granted to him shall be deemed automatically rescinded by the said Board.

c. Should the appellant or applicant commence construction or alteration within the required period but fail to complete such construction or alteration within such period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the board finds that no good cause appears for the failure to complete such construction or alteration within such period, and if the Board further finds that conditions have so altered or changed in the
interval since the granting of the variance, special exception, permit or action, that revocation or recision of the action is justified.


1. **Variances.** The Zoning Hearing Board shall hear and decide requests for variances in accordance with the standards and criteria set forth in Section 1821 of this Ordinance. In granting a variance, the Zoning Hearing Board may attach reasonable conditions and safeguards as it might deem necessary to implement the purpose of this Ordinance and in the Pennsylvania Municipalities Planning Code (MPC).

Sections 1811 - 1814 - Reserved for Future Use

Section 1815 - **Parties Appellant before Zoning Hearing Board**

Appeals under Section 1804. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1810.1 may be filed with the Zoning Hearing Board by any landowner, equitable owner, or tenant with the permission of such landowner.

Section 1816 - **Time Limitations**

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Zoning Map shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved preliminary approval.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 1817 - **Stay of Proceedings**

Upon filing of any proceeding referred to in Section 1815 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any
other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

Sections 1818 – 1819 – Reserved for Future Use

Section 1820 – Conditional Uses

It is the intent of this Section to provide special controls and regulations for particular uses that may, under certain conditions, be conducted within the various Zoning Districts established in This Ordinance. These particular controls and requirements are additional to those imposed by the District Regulations and by the Supplementary Regulations of this Ordinance.

1. Applicability, Limitations, Compliance.

   a. Applicability. The controls imposed by Article XVI are applicable where cited specifically for a Conditional Use listed in Article III of this Ordinance.

   b. Limitations. Conditional Uses shall be permitted only where specifically cited in the District Regulations of this Ordinance.

   c. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.

   d. Compliance. Nothing in this Section shall relieve the Owner or his agent, the developer, or the applicant for a Conditional Use Permit from obtaining Subdivision and/or Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance.

   e. Conditions and Safeguards of Conditional Use Permits. The Township Board of Supervisors may require the conditional use permits be periodically renewed. Such renewal shall be granted upon a determination by the Township Board of Supervisors to the effect that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases, a
period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit.

f. Effect of Approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

g. Fees and Other Costs. In addition to the filing fee and other costs requisite for Land Development Plan approval in accordance with the Subdivision and Land Development Ordinance, the applicant shall pay the following costs:

(1). All costs related to any required public hearing including but not limited to advertising of the hearing, services of the Township Solicitor and Engineer and/or Planner, public stenographer, transcripts of proceedings, and similar costs.

An applicant by filing for a conditional use shall then be obligated to pay all costs hereinabove provided. Payment of such costs shall be promptly submitted to the Township by the applicant upon the submission of bills therefor from time to time. Payment shall be by check or money order made payable to Penn Township.

No building permit or other requisite permit shall be issued by the Township Zoning Officer until all such fees and costs have been paid in full by the applicant.

2. General Procedures for Conditional Uses.

a. Application. Requests for a Conditional Use shall be submitted, together with all required fees, in a written application setting forth the grounds for the request in detail.

A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Conditional Use Application and contain the following:

(1). The location, boundaries, dimensions and ownership of the land.

(2). In the case of commercial or industrial development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.
(3). The location, use, and ground area of such proposed building and other structure.

(4). The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.

(5). The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.

(6). The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.

(7). A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.

(8). A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.

(9) The names and addresses of all adjoining property owners.

b. Referral to Penn Township Planning Commission. Applications for a Conditional Use shall be referred to the Penn Township Planning Commission for comment. In their review the Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of This Ordinance and the accomplishment of the following objectives in particular.

(1). That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

(2). That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly
development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(3). That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:

(a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and

(b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

4. **Conditional Uses – Specific Procedures.** Upon receipt of a Conditional Use Application the following procedure shall prevail.

a. **Planning Commission Review.** The Township Planning Commission shall review said application together with all supporting information and forward its written recommendations to the Township Board of Supervisors. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.

b. **Board of Supervisors Action.** Within sixty (60) days from receipt of a Conditional Use Application, the Township Board of Supervisors, after giving notice to the public shall hold a public hearing on the Conditional Use Application and render its decision within forty-five (45) days from the date of the final public hearing. The Board of Supervisors shall complete the hearing no later then 100 days after the completion of the applicant’s case in chief, unless extended for a good cause upon application to the court of common please. Written notice of said hearing shall be
conspicuously posted on the affected tract of land at least one week prior to the hearing.

The Township Board of Supervisors shall make its final decision based upon findings of fact as to the general factors set forth in Section 1820. 2.b. and upon the specific factors for which a conditional use application is filed.

Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

In allowing a Conditional Use, the Township Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

Section 1821 – Zoning Hearing Board Functions

Variances. – It is the intent of this Section to provide specific direction for the Zoning Hearing Board in their responsibility to hear and decide requests for variances. The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or the physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

c. That such unnecessary hardship has not been created by the applicant;

d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development
of adjacent property, nor be detrimental to the public welfare; and

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


Section 1830 – Validity of Ordinance: Substantive Questions

A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either (1) to the Zoning Hearing Board or (2) to the Township Board of Supervisors, in accordance with the requirements of the Municipalities Planning Code, 53 P.S. Section 10916.1.

Section 1831 – Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 1816 by the following procedure:

1. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

2. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 1816 and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.
Section 1832 - Violations and Penalties

1. Enforcement Notice.
   
a. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

b. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

c. An enforcement notice shall state at least the following:

   (1). The name of the owner of record and any other person against whom the Township intends to take action.

   (2). The location of the property in violation.

   (3). The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

   (4). The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.

   (5). An outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with any regulations adopted pursuant thereto.

   (6). A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Ordinance.

   (7). A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
2. **Causes of Action.**

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance or any other Township ordinances, code or regulation, the Board of Supervisors or any officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action may be maintained until such notice has been given.

3. **Jurisdiction.** District justices shall have initial jurisdiction over proceedings brought under Section 1832.

4. **Enforcement Remedies.**

   a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Township.

   b. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem
fine pending a final adjudication of the violation and judgment.

c. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

Section 1833 - Appeals to Court

All appeals from all land use decisions rendered pursuant to this Article shall be taken in accordance with the applicable requirements of the Municipalities Planning Code, as amended.

Sections 1834 – 1839 – Reserved for Future Use

Section 1840 - Power of Amendment

The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Article.

Section 1841 - Enactment of Zoning Ordinance Amendments

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. Submission Dates.

Proposals for amendment, supplement, change or modification to this Ordinance, including the Zoning Map, will be accepted for review and recommendation by the Planning Commission. The regularly scheduled meetings of the Planning Commission are hereby established as the meetings at which such aforementioned proposals shall be considered. All proposals for amendment, supplement, change or modification to this Ordinance shall be submitted to the Township Secretary for referral to the Planning Commission no later than nine (9) regular business days prior to a regularly scheduled meeting of the Planning Commission.

2. Proposals Originated by Board of Supervisors.

The Board of Supervisors may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.

3. Proposals Originated by the Planning Commission.
The Planning Commission may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.

4. **Proposals Originated by Citizen Petition.**

Owners of property in the Township may by petition submit proposals for amendment, supplement, change, modification or repeal of this Ordinance.

a. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time.

b. On receipt of said petition and the requisite fee the Zoning Officer shall transmit a copy of the petition to the Planning Commission.

5. Within thirty (30) days after receipt of the Planning Commission's report and recommendation, the Board of Supervisors shall either fix a time for public hearing or notify the petitioner of its decision not to consider the proposal.

6. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations.

   The Planning Commission shall make a report and recommendation to the Board of Supervisors.

   a. The report shall set forth in detail reasons wherein public necessity, convenience, general welfare, and the objectives of the Penn Township Comprehensive Plan do or do not justify the proposed change, and may include any additions or modifications to the original proposal.

   b. At its discretion, the Planning Commission may hold a public hearing before making such report and recommendation.

7. **Referral to County Planning Commission.**

   At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Board of Supervisors shall submit the proposed amendment to the Perry County Planning Commission for recommendations.
8. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:

   a. By publication of the notice in a newspaper of general circulation in the Township. Said notice shall be published one each week for two successive weeks. The first publication shall not be more than thirty days or less than seven days from the date of the hearing.

   b. When such hearing concerns a Zoning Map change, written notice shall be given to parties in interest, who shall be at least those persons whose properties adjoin or are across the street from the property in question.

If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the property posting, where the amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property within the area being rezoned, as evidenced by tax records within possession of the municipality. The notice shall include the location, date and time of the public hearing. The mailing notification referenced above shall not apply when the rezoning constitutes a comprehensive rezoning.

9. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

10. Enactment of Zoning Ordinance Amendment.

   Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.

Section 1842 – Curative Amendments

A curative amendment may be initiated by either a landowner or by the Board of Supervisors.
1. Procedure for Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1830.

a. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided in Section 1830. The curative amendment and challenge shall be referred to the Township and County Planning Commissions as provided in Section 1841 and notice of the hearing thereon shall be given as provided in Section 1841.8. and in Section 1830.

b. The hearing shall be conducted in accordance with Section 1809 and all references therein to the Zoning Hearing Board shall, for the purposes of this Section be references to the Board of Supervisors. If the Board of Supervisors does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

c. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1). The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

(2). If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

(3). The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland,
wetlands, flood plains, aquifers, natural resources and other natural features.

(4). The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(5). The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.


a. If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof is substantially invalid, the Board of Supervisors shall declare by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:

(1). By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance that may include:

(a) References to specific uses that are either not permitted or not permitted in sufficient quantity.

(b) Reference to a class of use or uses which require revision.

(c) Reference to the entire ordinance that requires revisions.

(2). Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

b. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of the zoning ordinance.

c. Upon initiation of the procedures, as set forth in Section 1842.2.a, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 1842.1. nor shall the Zoning Hearing Board be required to give a report requested under Section 1830 subsequent to the declaration and proposal based upon the grounds
identical to or substantially similar to those specified in the resolution required by Section 1842.2.a.(1). Upon completion of the procedures as set forth in Section 1842.2.a, no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.

d. The Board of Supervisors having utilized the procedures as set forth in Section 1842.2.a may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the zoning ordinance provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

Section 1843 - Publication, Advertisement and Availability of Ordinances

1. Proposed zoning ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

   a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

   b. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.

2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the
Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**Sections 1844 – Fees**

Fees associated with the administration of this ordinance shall be set by Resolution by the Penn Township Board of Supervisors and shall be paid prior to the issuance of any permit, or at the time of application for a Conditional Use Permit or Variance request.

**Section 1845 – 1849 – Reserved for Future Use**

**Section 1850 – Repealer**

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

**Section 1851 – Validity**

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

**Section 1852 – Effective Date**

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedures established by law.

**Section 1853 – Relationship to Act 247 – The Pennsylvania Municipalities Planning Code**

This Ordinance provides detailed procedures for action by the Board of Supervisors, Planning Commission, Zoning Hearing Board, and the public. The purpose of these sections is for the convenience of the user of this document; however, from time to time the enabling legislation will be revised. As such the procedural requirements of this ordinance shall be compared against Act 247. Act 247 will always preside and shall be the source for procedural protocol.
Section 1854 - Enactment

ENACTED, ORDAINED, AND ADOPTED this 23rd day of July, 2003 by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Section 1855 - Effective Date

This Ordinance shall become effective in accordance with applicable law on the 1st day of October, 2003, and may be amended from time to time in accordance with procedures established by law.

Supervisors of the Township of Penn
SIGNED ON JULY 23, 2003

Chairman

Vice-Chairman

Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board on the 23rd day of July, 2003.

Secretary
ARTICLE XIX
NATURAL FEATURES OVERLAY

Section 1901 – PURPOSE

The purpose of the Natural Features Overlay District is to ensure the public health, safety and welfare through the protection of slopes, streams, wetlands, and surface waters all of which are considered some of the Township’s most important natural resources. The Natural Features Overlay includes the following:

1. Stream Protection Overlay Zoning District;
2. Surface Water Protection Overlay Zoning District; and

Section 1902 – CONFLICT

1. In the event that the provisions of this Section and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.

2. In the event that two (2) or more natural resource areas identified in this Section overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.

3. These regulations apply only to lots being subdivided from a parcel, not to the residual lot, unless required by another section of this ordinance or unless the lots being created exceed 50% of the total original parcel acreage at the time of enactment of this ordinance.

Section 1903 – STREAM PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

Streams and the natural areas around them are important hydrological and environmental assets. It is the intent of this overlay district to preserve natural and man-made waterways.

2. ESTABLISHMENT OF STREAM PROTECTION OVERLAY BOUNDARIES

The Stream Protection Overlay shall consist of a strip of land on each side of and including a perennial stream. The Stream Protection Overlay boundary shall be based on an investigation of critical environmental features that are related to the waterway. The total extent of the critical areas in or adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Where critical areas do not exist, a minimum buffer of at least twenty-five (25) feet
from top of the bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway shall be established. For purposes of this section the ordinary waterline shall be the point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

3. **DETERMINING THE CRITICAL AREAS**

The total extent of the critical areas adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Critical areas include the following:

A. **Alluvial Soils**

All alluvial soils adjacent to the perennial stream. For the purpose of this section, these areas are considered hydrologically related to the waterway.

B. **Wet Soils**

Wet soil shall be all areas within 50 feet of a perennial stream, a spring, a seep, or other natural water source. For the purpose of this section, these areas are considered hydrologically related to the waterway or source.

C. **Steep Slopes**

Where the base of a steep slope is fifty (50) feet or less from the top of the stream bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway or if the stream or watercourse is in a ravine, the critical area shall extend to the top of the steep slope(s) or ravine plus an additional twenty (20) feet of moderate or lesser slope. (Steep slopes greater than 15% in FC Zoning District and greater than 25% in all other Zoning Districts.)

D. **Wooded Areas**

Where forested land having a predominance of trees of four-inch caliper or greater exists within fifty (50) feet of the top of the stream bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway, the Stream Protection Overlay boundary will include those areas.

4. **PERMITTED USES**

The following shall be permitted uses in the Stream Protection Overlay, provided that they are in compliance with the provisions
of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;

B. Nurseries, excluding greenhouses;

C. Conservation areas for the conservation of open space, water, soil and wildlife resources;

D. Required and common open space;

E. Educational or scientific use;

F. Fishing, swimming, boating and hunting;

G. Trail access to the stream or drainageway and trails in linear parks;

H. Parks and passive recreational areas;

I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;

J. Essential Services provided they are installed underground;

K. Easements for drainage, access, sewer or water lines, or other public purposes;

L. Underground utility rights-of-way;

M. Nature Preserve and Wildlife Sanctuary;

N. Private accesses and stream crossings; and

O. Reforestation, restoration and bank stabilization.

5. **STANDARDS**

A. This buffer shall contain no more than fifteen (15) percent of a pervious or impervious structural area.

B. The buffer area along at least eighty (80) percent of the stream length shall remain in its natural state as open space.

C. The Stream Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
D. In all subdivision and land development applications, the Stream Protection Overlay shall be described by metes and bounds. A conservation easement covering the Stream Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

E. In all zoning permit applications, the Stream Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with the this section.

Section 1904 - SURFACE WATER PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this Overlay District to preserve these natural and man-made assets. By protecting these assets, the Township intends to:

A. Protect wildlife.

B. Preserve existing vegetation along lakes or ponds.

C. Minimize the negative effects on lakes or ponds from agriculture and development related erosion.

D. Minimize scenic degradation.

E. Protect the integrity of ponds and lakes as functioning wetland areas.

2. ESTABLISHMENT OF SURFACE WATER PROTECTION OVERLAY BOUNDARIES

The Surface Water Protection Overlay Zoning District shall be established as the area in or within twenty-five (25) feet of a lake or pond.

3. PERMITTED USES

The following shall be permitted uses in the Surface Water Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

A. Common or required open space;

B. Educational or scientific use not involving buildings or structures;

C. Fishing, swimming, boating and hunting;
D. Trail access to adjacent open space;
E. Nature Preserve and Wildlife Sanctuary:
F. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
G. Nurseries, excluding greenhouses;
H. Conservation areas for the conservation of open space, water, soil and wildlife resources, excluding structures;
I. Trail access to streams or trails in linear parks;
J. Parks and passive recreational areas not involving structures; and
K. Reforestation, restoration, and bank stabilization.

4. STANDARDS
A. This buffer shall contain no more than fifteen (15) percent of pervious or impervious structural areas.
B. The buffer area along at least eighty (80) percent of the affected surface water edge shall remain in its natural state as open space.
C. The Surface Water Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
D. In all subdivision and land development applications, the Surface Water Protection Overlay shall be described by metes and bounds. A conservation easement covering the Surface Water Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.
E. In all zoning permit applications, the Surface Water Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with this section.

Section 1905 - WETLAND PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE
A. Wetland areas are indispensable and fragile hydrological natural resources that provide:
(1) Habitat for fish, wildlife and vegetation;
(2) Water-quality maintenance and pollution control and ground water recharge;
(3) Flood control;
(4) Erosion control;
(5) Open space;
(6) Scientific study opportunities; and
(7) Recreational opportunities.

B. Damaging or destroying wetlands threatens public safety and the general welfare. Because of their importance, wetlands are to be protected from negative impacts of development and other activities. It is the intent of this Overlay District to:

(1) Require planning to avoid and minimize damage of wetlands whenever prudent or feasible;
(2) Require that activities not dependent upon wetlands to be located to upland sites; and
(3) Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable.

2. ESTABLISHMENT OF WETLAND PROTECTION OVERLAY BOUNDARIES

The Wetland Protection Overlay shall apply to all lands in or within twenty-five (25) feet of a non-tidal wetland located within Penn Township. The Wetland Protection Overlay shall be based on a wetland investigation by the applicant’s qualified professional. The Natural Features Map of the Penn Township Comprehensive Plan may be used as a guide for determining the general location of wetlands. Wetland delineations shall be performed in accordance with the procedures of the PA DEP as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be approved by the PA DEP and the Army Corps of Engineers. Wetlands approved to be mitigated shall not be considered part of the Wetland Protection Overlay. Wetland construction that is part of the mitigation plan shall be subject to the provisions of this section.

3. REVIEW OF WETLAND DELINEATION

Where the applicant has provided a determination of the Wetland Protection Overlay, the Township Engineer or a person qualified by the Army Corps of Engineers shall review, and may render
adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.

4. PERMITTED USES

The following uses shall be allowed within the Wetland Protection Overlay to the extent that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PA DEP and the Army Corps of Engineers, if applicable:

A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;

B. Nurseries, excluding greenhouses;

C. Conservation areas for the conservation of open space, water, soil and wildlife resources;

D. Required and common open space;

E. Educational or scientific use;

F. Fishing, swimming, boating and hunting;

G. Trail access to the stream or drainage way and trails in linear parks;

H. Parks and passive recreational areas not involving structures;

I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;

J. Essential Services provided they are installed underground;

K. Easements for drainage, access, sewer or water lines, or other public purposes; and

L. Underground utility rights-of-way.

5. STANDARDS

A. The Wetland Protection Overlay District shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed. The wetland delineations shall be performed in accordance with the procedures specified
in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.

B. In all subdivision and land development applications, a wetland investigation shall be required in accordance with the Penn Township Subdivision and Land Development Ordinance. A conservation easement covering the Wetland Protection Overlay District shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance. The Wetland Protection Overlay District and conservation easement shall be described by metes and bounds, indicating the location and measurements of the overlay district.

C. In all zoning permit applications, the Wetland Protection Overlay District shall be shown on a drawing indicating the location and measurements of the overlay district.
Appendix A

Diagrams
WHEN "A" IS LESS THAN "B", "C" IS A BASEMENT

MANSARD ROOF

GAMBREL ROOF

H = HEIGHT OF BUILDING

RETTEW
Associates, Inc.
LOT DESIGN
CORNER LOT

FRONT YARD

SIDE/REAR

STREET OF PRINCIPAL ACCESS

STREET

REVERSE FRONTAGE LOT.

RETTEW
Associates, Inc.
Appendix B

Sign Regulations
<table>
<thead>
<tr>
<th>KIND OF SIGN</th>
<th>SUPP REGS</th>
<th>ZONING DISTRICT</th>
<th>AR</th>
<th>FC</th>
<th>R-1</th>
<th>R-2</th>
<th>C</th>
<th>I and MUC</th>
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<tr>
<td>Business Sign</td>
<td>a</td>
<td>A-P</td>
<td>A-P</td>
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<td>A-P</td>
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</tr>
<tr>
<td>Center Sign</td>
<td>c</td>
<td>A-P</td>
<td>A-P</td>
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<tr>
<td>Development Sign</td>
<td>e</td>
<td>A-P</td>
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<td>A-P</td>
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<tr>
<td>Home Occupation Sign</td>
<td>i</td>
<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
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<tr>
<td>Identification Sign - Major</td>
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<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
<td>A-P</td>
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<td>Nonprofit Sign</td>
<td>l</td>
<td>A-P</td>
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<td>A-P</td>
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<tr>
<td>Public Utility Sign</td>
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<td>A-P</td>
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<td>A-P</td>
<td>A-P</td>
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<tr>
<td>Government Sign</td>
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<td>*</td>
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<tr>
<td>Off Premise</td>
<td>m</td>
<td>A-P</td>
<td>N</td>
<td>N</td>
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<thead>
<tr>
<th>KIND OF SIGN</th>
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<th>ZONING DISTRICT</th>
<th>AR</th>
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<th>R-1</th>
<th>R-2</th>
<th>C</th>
<th>I and MUC</th>
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<tr>
<td>Real Estate Sign</td>
<td>p</td>
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<tr>
<td>Roadside Stand Sign</td>
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## TABLE 2
PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS

### LEGEND

Zoning District - The abbreviation in the column headings represent the district:

<table>
<thead>
<tr>
<th>District</th>
<th>Description</th>
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<tbody>
<tr>
<td>AR</td>
<td>Agriculture/Rural</td>
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<tr>
<td>FC</td>
<td>Forest/Conservation</td>
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<td>R-1</td>
<td>Low Density Residential</td>
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<td>R-2</td>
<td>High Density Residential</td>
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<tr>
<td>C</td>
<td>Commercial</td>
</tr>
<tr>
<td>I</td>
<td>Industrial</td>
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<tr>
<td>MUC</td>
<td>Mixed Use Commercial</td>
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### PART A – REGULATION OF TOTAL SIGNS PER LOT

**BUSINESS SIGNS (EXCEPT CENTER SIGNS), HOME OCCUPATION/BUSINESS SIGNS, & IDENTIFICATION SIGNS (EXCEPT DEVELOPMENT SIGNS AND PUBLIC USE SIGNS)**

Number permitted and maximum area refer to the combined total of all the above kinds of sign; also see Supplemental Regulations for additional standards.

<table>
<thead>
<tr>
<th>KIND OF SIGN &amp; STANDARDS</th>
<th>ZONING DISTRICT</th>
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<tr>
<td></td>
<td>AR</td>
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<tr>
<td><strong>FREESTANDING SIGNS</strong></td>
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<tr>
<td>Number Permitted Per Lot</td>
<td>2</td>
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<tr>
<td>Maximum Area (square feet) per Sign</td>
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<tr>
<td>Maximum Height (feet)</td>
<td>25</td>
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<tr>
<td>Minimum Setback From Right-of-Way (feet)</td>
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<tr>
<td><strong>BUILDING SIGNS</strong></td>
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</tr>
<tr>
<td>Number Permitted Per Lot</td>
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<tr>
<td>Maximum Total Area of All Building Signs on Lot (square foot)</td>
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<tr>
<td><strong>TOTAL OF ALL SIGNS</strong></td>
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<tr>
<td>Total Number of Signs Permitted Per Lot</td>
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</tr>
<tr>
<td>Maximum Total Area of All Signs on Lot (square feet)</td>
<td>100</td>
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</table>

Notes:
(a) Number permitted on each street frontage.
(b) Area permitted on each street frontage.
(c) Temporary signs do not count towards total number of signs permitted per lot.
<table>
<thead>
<tr>
<th>KIND OF SIGN &amp; STANDARDS</th>
<th>SUPP REG</th>
<th>ZONING DISTRICT</th>
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<tr>
<td>AGRICULTURAL PRODUCTS SIGN</td>
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<td>Maximum Area/Surface (square feet) per Sign</td>
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<td>Maximum Height (feet)</td>
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<td>Minimum Setback (feet)</td>
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<td># Permitted/Lot</td>
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<td>BUSINESS SIGN</td>
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<td>Maximum Area/Surface (square feet) per Sign</td>
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<td>Maximum Height (feet)</td>
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<td>Minimum Setback (feet)</td>
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<tr>
<td>CENTER SIGN</td>
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<tr>
<td>Maximum Area/Surface (square feet) per Sign</td>
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# TABLE 2
PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS
(Continued)

PART B - INDIVIDUAL SIGN REGULATIONS
(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)

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<td>N/A*</td>
<td>N/A*</td>
<td>N/A*</td>
<td>N/A*</td>
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B-5
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<td>1 per 500 feet of street frontage or maximum of 2 per lot</td>
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### TABLE 2
PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS
(Continued)

**PART B - INDIVIDUAL SIGN REGULATIONS**

(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)

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<td># Permitted/Lot</td>
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NA = Not Applicable
• = See Supplemental Regulations
a = Temporary signs shall not count towards total sign square footage per lot.
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<td><strong>ON-LOT SEWER</strong></td>
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<td>LOT AREA</td>
<td>WIDTH</td>
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<td>52 Vehicle Sales and Services, such as Service Stations, Repair Garages, New and Used Vehicle Dealers, Automotive Supplies</td>
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<td>2 acre 200</td>
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<td>54 Mobile Home, Trailer, Camping or Boat Sales and Service</td>
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<td>56 Drive-in Business</td>
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<td>58 Mortuary and Funeral Homes</td>
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<td>62 Wholesale Distribution of Industrial Products, including Lumber and Coal Yards, Building Material Storage Yards, Contractors’ Equipment and Storage Yards and Commercial Warehouses</td>
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<td>74 Crop and Tree Farming</td>
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<td>75 Raising and Keeping of Poultry, Rabbits, Goats, etc.</td>
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<td>P</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86 Sexually Oriented Business</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
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</tr>
<tr>
<td>87 State, County, or Federal Buildings</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>88 Machine Shops and Metal Working Shops</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>89 Plumbing, HVAC, Carpentry, Electrical, Roofing, and other</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
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<tr>
<td>Similar contracting businesses</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5 acres 150 50 25 50 25</td>
<td>1 acre 150 50 25 50 25</td>
<td>1 acre 150 25 15 30 30</td>
</tr>
<tr>
<td>90 Newspaper and Printing Establishments</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
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</tr>
<tr>
<td>91 Convenience Stores</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
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<tr>
<td>92 Commercial Resorts</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>93 Cemeteries</td>
<td>P</td>
<td>P</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>94 Panhandle Lots</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(See Ordinance Provisions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>95 Reserved for Future Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>96 Reserved for Future Use</td>
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<tr>
<td>97 Reserved for Future Use</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

*** - Front yard setback in the Commercial, Industrial, and Mixed Use Commerce Districts can be reduced if parking is located in the rear yard. See Zoning District for allowable reduction.
Appendix D

AEUs
(c) To the extent delegated by the agreement, the delegations may include the authority to enforce the act and this subchapter and to exercise other powers and duties otherwise vested in the Commission to implement the act.

(d) A delegation agreement shall:

1. Specify the powers and duties to be performed by the delegated district.
2. Provide for the commitment of sufficient trained staff and resources to perform the powers and duties to be delegated.
3. Require the delegated conservation district to maintain records of activities performed under the delegation.
4. Provide for the monitoring and supervision by the Commission of performance by the delegated conservation district of the functions delegated under the agreement.
5. When the Commission delegates one or more of its powers and duties to a delegated conservation district, the Commission will retain the concurrent power to administer and enforce the act and this subchapter.

Cross References
This section cited in 25 Pa. Code §§ 83.207 (relating to compliance assistance and enforcement); 25 Pa. Code §§ 83.212 (relating to application procedure); 25 Pa. Code §§ 83.361 (relating to initial plan review and approval); and 25 Pa. Code §§ 83.471 (relating to initial plan review and approval).

COMPLIANCE PLANS

§ 83.251. Compliance plans.
An agricultural operation found to be in violation of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) may be required to submit a plan that meets the requirements of the act and §§ 83.261—83.381 within 3 months of notification thereof and shall be implemented in accordance with the schedule as approved.

NUTRIENT MANAGEMENT PLANS

§ 83.261. General.
(a) A CAO in existence on October 1, 1997, shall submit to the Commission a delegated conservation district, a plan by October 1, 1998.
(b) A CAO which comes into existence after October 1, 1997, shall submit to the Commission or a delegated conservation district a plan by January 1, 1998, or prior to the commencement of manure operations, whichever is later. It is recommended that the CAO submit the plan for review and approval prior to construction.
(c) An agricultural operation which, because of expansion of animal units or loss of land suitable for manure application, meets the criteria for a CAO shall submit to the Commission or a delegated conservation district a plan within 3 months after the date of completion of the expansion or the loss of land. It is recommended that an operator who intends to expand an existing agricultural operation submit the plan for review and approval prior to expansion.

(d) An agricultural operation other than a CAO may voluntarily submit a plan at any time after October 1, 1997. It is recommended that the operator of an agricultural operation voluntarily submitting a plan under the act, submit the plan for review and approval prior to construction, if construction activities are called for in the plan.

(e) Plans and plan amendments shall be developed by nutrient management specialists certified in accordance with the Department of Agriculture’s Nutrient Management Specialist Certification requirements in 7 Pa. Code §§ 130b.1—130b.51 (relating to nutrient management certification). The specialists shall certify that the plans are in accordance with the act and this subchapter.

Cross References
This section cited in 25 Pa. Code §§ 83.204 (relating to applicability of requirements); 25 Pa. Code §§ 83.251 (relating to compliance plans); and 25 Pa. Code §§ 83.272 (relating to content of plans).

§ 83.262. Identification of CAOs.
(a) Procedure. To determine if a particular agricultural operation is a CAO which is required to develop a plan, the number of AEU's per acre on the agricultural operation shall be calculated using the following procedure:

(i) Multiply the average number of animals on the agricultural operation on a typical production day by the standard animal weight contained in Table A to equal a total weight. Nonstandard weights may be used in place of those in Table A, if there is sufficient documentation to support the use of the nonstandard weights. For those animal types not included in Table A, the average animal weight for the operation shall be used for this calculation, taking into account, if applicable, the range of animal weights throughout the production cycle of the animal.

(ii) Multiply the total weight reached in subparagraph (i) by the number of production days per year, then divide by 365 days.

(iii) Divide the number reached in subparagraph (ii) by 1,000 to equal the number of AEU’s for each type of animal.

(iv) Total the number of AEU’s for each type of animal to equal the total number of AEU’s on the agricultural operation.
<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Standard Weight in Pounds During Production (Range)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calf 0—1 Yr.</td>
<td>375 (100—650)</td>
</tr>
<tr>
<td>Bull</td>
<td>1,500</td>
</tr>
<tr>
<td>Ayrshire/Guernsey Cow</td>
<td>1,100</td>
</tr>
<tr>
<td>Heifer 1—2 Yr.</td>
<td>800 (575—1,025)</td>
</tr>
<tr>
<td>Calf 0—1 Yr.</td>
<td>338 (100—575)</td>
</tr>
<tr>
<td>Bull</td>
<td>1,250</td>
</tr>
<tr>
<td>Jersey Cow</td>
<td>900</td>
</tr>
<tr>
<td>Heifer 1—2 Yr.</td>
<td>600 (400—800)</td>
</tr>
<tr>
<td>Calf 0—1 Yr.</td>
<td>225 (50—400)</td>
</tr>
<tr>
<td>Bull</td>
<td>1,000</td>
</tr>
<tr>
<td>Sheep Lamb 0—26 Wk.</td>
<td>50 (10—90)</td>
</tr>
<tr>
<td>Ewe</td>
<td>150</td>
</tr>
<tr>
<td>Ram</td>
<td>185</td>
</tr>
<tr>
<td>Goat Kid 0—10 Mo.</td>
<td>45 (5—85)</td>
</tr>
<tr>
<td>Doe</td>
<td>125</td>
</tr>
<tr>
<td>Buck</td>
<td>170</td>
</tr>
<tr>
<td>Horse Foal 0—6 Mo.</td>
<td>325 (125—625)</td>
</tr>
<tr>
<td>Yearling</td>
<td>750 (625—875)</td>
</tr>
</tbody>
</table>

(2) The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land suitable for the application of manure to equal the number of AEUs per acre.

(i) Land suitable, for the sole purpose of determining whether an agricultural operation is a CAO, is land in the management control of the operator, that meets the following criteria:

(A) The land is cropland, hayland or pastureland that is an integral part of the agricultural operation, as demonstrated by title, rental agreements, crop records or form provided by the Commission.

(B) The land is or will be used for the application of manure generated by the agricultural operation.

(ii) The term "land suitable" does not include farmland areas or forest land.
Appendix F

Amending Ordinances
PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2004-08

AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 2003-06 OF
PENN TOWNSHIP, BY AMENDING, DELETING, ADDING, AND
SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE
ZONING MAP

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Perry Township, Perry County,
Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

A. Zoning Map Amendment

1. The Zoning Map is hereby amended by changing the zoning classification of a single
   property located parallel to SR 11/15 (State Road), Tax Parcel No. 210,134.02-001.001, from Low Density Residential (R-1)/Commercial (C), to Commercial (C).

2. The Zoning Map is hereby amended by changing the zoning classification of a single
   property located at 1629 State Road (SR 11/15), Tax Parcel No. 210,134.02-007.000, from Low Density Residential (R-1), to Commercial (C).

3. The Zoning map is hereby amended by changing the zoning classification of an area
   located along 274 and Valley Street, Tax Parcel Nos. 210,118.04-156.000, 210.118.04-155.OLT, and 210,118.04-155.001 from Commercial to Low Density Residential (R-1).

Section 2 Severability Clause

If any section, paragraph, or phrase of this ordinance should be declared invalid for any reason
whatsoever, such decision shall not effect the remaining portions of this ordinance which shall
remain in full force and effect. For this purpose the provisions of this ordinance are hereby
declared to be severable.

Section 3 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as
provided by law.
Section 4  Enactment

ENACTED, ORDAINED, AND ADOPTED this _________day of______________,2004, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPER VISORS

________________________________________
Robert E. Shaffer

________________________________________
Charles H. Stoner

________________________________________
Henry A. Holman

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2004- 08 adopted by the Supervisors of the Township of Petal, Perry County, Pennsylvania at a duly advertised meeting of the Board on

________________________________________
Helen Klinepeter, Secretary

Adopted August 16, 2004
PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2005-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING, ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE ZONING MAP

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

Section 1   Amendments, deletions, additions and substitutions to the following sections of the Zoning Ordinance and Use Schedule.

A. Article IV, Section 402.1 shall be revised as follows:

1. Single family detached dwelling units as regulated in Article XII, Steep Slope Conservation Overlay District.

B. Article V, Section 505 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>Lot Requirements**</th>
<th>Minimum Building Setback (FT)**</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width (FT)</td>
<td>Max. Impervious Coverage (%)</td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150'</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150'</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
SF- square feet; FT - feet
C. Article VI, Section 605 – Lot area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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<thead>
<tr>
<th>Lot Requirements**</th>
<th>Minimum Building Setback (FT)**</th>
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<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width (FT)</td>
<td>Max. Impervious Coverage (%)</td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres* 150’ 20 25' 15’ 30’ 25’ ***</td>
<td></td>
</tr>
<tr>
<td>Public Sewer</td>
<td>20,000 SF 100’ 25 25’ 15’ 30’ 25’ ***</td>
<td></td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>15,000 SF 100’ 30 25’ 10’ 20’ 25’ ***</td>
<td></td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

SF- square feet; FT - feet

D. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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<tr>
<th>Lot Requirements**</th>
<th>Minimum Building Setback (FT)**</th>
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</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>Min. Lot Width (FT)</td>
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</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres* 150’ 20 25' 15’ 30’ 25’ ***</td>
<td></td>
</tr>
<tr>
<td>Public Sewer</td>
<td>20,000 SF 100’ 25 25’ 15’ 30’ 25’ ***</td>
<td></td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>10,000 SF 80’ 30 25’ 10’ 20’ 25’ ***</td>
<td></td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

SF- square feet; FT - feet
E. Article VIII, Section 805 – Conditional Uses

1. Existing Item 27 is **RENUMBERED** to Item 28.

2. New Item 27 is **ADDED** as follows

   27. Single Family Detached Dwellings.

F. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Area</strong></td>
<td><strong>Min. Lot Width (FT)</strong></td>
<td><strong>Max. Impervious Coverage (%)</strong></td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150’</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150’</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100’</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25’ if parking is located in the rear yard.
SF- square feet; FT - feet

G. Article IX, Section 907 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.
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<tr>
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<th>Height</th>
</tr>
</thead>
<tbody>
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<td>Min. Lot Width (FT)</td>
</tr>
<tr>
<td>On-Lot Sewage Disposal System</td>
<td>1.5 Acres*</td>
<td>150’</td>
</tr>
<tr>
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<td>1 Acre</td>
<td>150’</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100’</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.

SF: square feet; FT: feet

H. Article X, Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

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<tr>
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<td>Min. Lot Area</td>
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</tr>
<tr>
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<td>1.5 Acres*</td>
<td>150’</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150’</td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100’</td>
</tr>
</tbody>
</table>

* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems
**Minimum requirement unless specified elsewhere herein
***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.
**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.

SF: square feet; FT: feet

I. Article XII, Section 1203 – Permitted Uses in the Steep Slope Conservation District

1. Paragraph 1203.2.c shall be revised as follows:

c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC – Forest/Conservation.
2. Paragraph 1203.3.c shall be revised as follows:

c. Single-family detached dwellings in all zoning districts except the FC – Forest/Conservation.

J. Article XIV, Section 1401.1.b shall be revised as follows:

b. Open parking spaces and/or parking lots shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this ordinance.

K. Article XVI, Section 1611.2.a shall be revised as follows:

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.

L. Article XVI, Section 1630.1 shall be revised as follows:

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.

M. Article XVI, Section 1641.4.c shall be revised as follows:

c. The following lot and yard area regulations shall apply to any principal residential structure or any other building. The minimum lot size for proposed lots that will be utilizing individual or community on-lot sewage disposal systems shall be one and one half (1.5) acres. Proposed lots that will be utilizing public sewer facilities are not subject to minimum lot size.

N. Article XVIII, Section 1809.03 – Conduct of Hearing

1. The first sentence is REVISED as follows:

The hearing shall be held within 60 days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time.

O. Appendix C, The attached Use Schedule is revised as follows:
Section 2 Amendments, deletions, additions and substitutions to the zoning map.

A. An area approximately 3000’ in length and consisting of 25 parcels along Barnett Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1. 210,149.00-014.000  14. 210,132.00-011.002
2. 210,149.00-005.000  15. 210,132.00-011.001
3. 210,132.00-007.000  16. 210,132.00-011.003
4. 210,132.00-008.000  17. 210,132.00-013.000
5. 210,132.00-006.000  18. 210,132.00-014.000
6. 210,149.00-016.000  19. 210,132.00-012.000
7. 210,149.00-015.000  20. 210,132.00-011.000
8. 210,149.00-018.000  21. 210,132.00-009.000
9. 210,149.00-017.000  22. 210,149.00-009.000
10. 210,132.00-002.000  23. 210,149.00-013.000
11. 210,132.00-005.000  24. 210,149.00-012.000
12. 210,132.00-003.000  25. 210,149.00-006.000
13. 210,132.00-004.000

B. An area approximately 2500’ in length and consisting of 9 parcels along Allander Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1. 210,133.00-014.000  6. 210,133.05-013.000
2. 210,133.06-002.000  7. 210,150.00-012.000
3. 210,133.06-003.000  8. 210,150.00-013.000
4. 210,133.06-004.000  9. 210,150.00-013.001
5. 210,133.05-012.000
C. An area approximately 500’ by 700’ by 1000’ by 150’ of the parcel located at 6 Kamp Street as shown on the Penn Township Zoning Map, as amended, and further defined by the Tax Number 210,117.0-001.000 shall be changed from R-1 – Low Density Residential to C – Commercial.

Section 3  Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 4  Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

Section 5  Enactment

ENACTED, ORDAINED, AND ADOPTED this _____ day of _____, 2005, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

________________________________________
Henry A. Holman, II, Chairman

________________________________________
Charles H. Stoner, Vice Chairman

________________________________________
Robert E. Shaffer, S., Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2005-__ adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on __________.
Adopted December 28, 2005

Helen Klinepeter, Secretary
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING, ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE IN REGARDS TO OPEN SPACE REQUIREMENTS

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

Section 1    Article II

**Required Open Space** - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance.

Section 2    Article XVI - Section 1641 shall be revised as follows:

Section 1641 – **Open Space Development**

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 into 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.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Required Open Space</th>
</tr>
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<tbody>
<tr>
<td>FC</td>
<td>60%</td>
</tr>
<tr>
<td>AR</td>
<td>45%</td>
</tr>
<tr>
<td>R-1</td>
<td>35%</td>
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</tbody>
</table>
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 3 Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 4 Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective immediately.

Section 5 Enactment

ENACTED, ORDAINED, AND ADOPTED this ____ day of _______, 2007, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

______________________________________________
Henry A. Holman, II, Chairman

______________________________________________
Charles H. Stoner, Vice Chairman

______________________________________________
Robert E. Shaffer, S., Supervisor
CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 2007-01 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on January 31, 2007.

________________________________________
Helen Klinepeter, Secretary

Adopted January 31, 2007
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, PERRY COUNTY NUMBER 2003-06 BY THE AMENDINGS ARTICLE II, SECTION 201, ARTICLE III, SECTION 301 AND 308, ARTICLE XII, SECTION 1203 AND THE ADDITION OF ARTICLE XIX.

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance of 2003) originally enacted on July 23, 2003, as amended, is further amended by amending and addition of the following:

SECTION 1

Article II, Section 201 – Interpretation - These following additions shall be placed in Section 201.

ALLUVIAL SOIL: A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material.

ALLUVIUM: A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated.

CALIPER: The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

NATURE PRESERVE AND WILDLIFE SANCTUARIES: An area maintained in a natural state for the preservation of both animal and plant life.

ORDINARY WATERLINE: The point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PARK: A rise of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or
permit uses considered commercial recreational rises.

**PICNIC AREA:** A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors.

**RAVINE:** A valley with sharply sloping walls created by the action of stream waters.

**RECREATION, ACTIVE:** Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields.

**RECREATION AREAS:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

**RECREATION, PASSIVE:** Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar tale games.

**STREAM:** A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

**STREAM, INTERMITTENT:** A natural stream carrying water during the wet seasons and having at least one critical area feature.

**STREAM, PERENNIAL:** A stream that is present at all seasons of the year.

**WATERCOURSE:** A channel for the conveyance of surface water, such as a stream or creek, or intermittent stream, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

An area restricted for the protection and preservation of natural resources and wildlife.

**WILDLIFE PROPAGATION:** Rising of non-domestic wildlife.

**WOODLAND, MATURE:** Woodlands consisting of thirty (30) percent or more canopy trees
having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper.

WOODLAND, YOUNG: Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater.

WOODLANDS: Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

SECTION 2

Article III, Section 301-Establishment of Districts – This Section shall be revised as follows:

1. For the purpose of this Ordinance, the territory of Penn Township is hereby divided into the following districts:

Base Districts

   FC – Forest/Conservation District
   AR – Agriculture/Rural District
   R-1 – Low Density Residential District
   R-2 – High Density Residential District
   C – Commercial District
   I – Industrial District
   MUC – Mixed Use Commerce District

Overlay Districts

   FP – Flood Plain District
   SS – Steep Slope Conservation District
   NF – Natural Features District

SECTION 3

Article III, Section 308.1- Use Schedule – This Section shall be revised as follows:

1. Additional requirements for the Flood Plain, Steep Slope and Natural Features (Overlay) Districts are set forth in Parts Section 1101, 1201 and 1901 respectively;

SECTION 4

Article XII, Section 1203.3.d, Uses Permitted in Areas of Precautionary Slope – This section shall be revised as follows:
d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 1203 is permitted within the Precautionary Slope area.

SECTION 5 – Article XIX shall be added as follows:

ARTICLE XIX - NATURAL FEATURES OVERLAY

Section 1901- PURPOSE

The purpose of the Natural Features Overlay District is to ensure the public health, safety and welfare through the protection of slopes, streams, wetlands, and surface waters all of which are considered some of the Township’s most important natural resources. The Natural Features Overlay includes the following:

1. Stream Protection Overlay Zoning District;
2. Surface Water Protection Overlay Zoning District; and

Section 1902 - CONFLICT

1. In the event that the provisions of this Section and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.

2. In the event that two (2) or more natural resource areas identified in this Section overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.

3. These regulations apply only to lots being subdivided from a parcel, not to the residual lot, unless required by another section of this ordinance or unless the lots being created exceed 50% of the total original parcel acreage at the time of enactment of this ordinance.

Section 1903 - STREAM PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

Streams and the natural areas around them are important hydrological and environmental assets. It is the intent of this overlay district to preserve natural and man-made waterways.
2. **ESTABLISHMENT OF STREAM PROTECTION OVERLAY BOUNDARIES**

The Stream Protection Overlay shall consist of a strip of land on each side of and including a perennial stream. The Stream Protection Overlay boundary shall be based on an investigation of critical environmental features that are related to the waterway. The total extent of the critical areas in or adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Where critical areas do not exist, a minimum buffer of at least twenty-five (25) feet from top of the bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway shall be established. For purposes of this section the ordinary waterline shall be the point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

3. **DETERMINING THE CRITICAL AREAS**

The total extent of the critical areas adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Critical areas include the following:

A. **Alluvial Soils**

   All alluvial soils adjacent to the perennial stream. For the purpose of this section, these areas are considered hydrologically related to the waterway.

B. **Wet Soils**

   Wet soil shall be all areas within 50 feet of a perennial stream, a spring, a seep, or other natural water source. For the purpose of this section, these areas are considered hydrologically related to the waterway or source.

C. **Steep Slopes**

   Where the base of a steep slope is fifty (50) feet or less from the top of the stream bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway or if the stream or watercourse is in a ravine, the critical area shall extend to the top of the steep slope(s) or ravine plus an additional twenty (20) feet of moderate or lesser slope. (Steep slopes greater than 15% in FC Zoning District and greater than 25% in all other Zoning Districts.)

D. **Wooded Areas**

   Where forested land having a predominance of trees of four-inch caliper or greater exists within fifty (50) feet of the top of the stream bank or in the absence
of a defined top of bank, from the edge of the ordinary waterline on each side of
the waterway, the Stream Protection Overlay boundary will include those areas.

4. **PERMITTED USES**

The following shall be permitted uses in the Stream Protection Overlay, provided that they are in
compliance with the provisions of the underlying zoning district and are not prohibited by
another ordinance, and provided that they do not require building(s), fill or storage of materials
and equipment.

A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar
enterprises, no-till farming, wild crop farming excluding other General and
Specialized farms including Intensive Animal Operations;

B. Nurseries, excluding greenhouses;

C. Conservation areas for the conservation of open space, water, soil and wildlife
resources;

D. Required and common open space;

E. Educational or scientific use;

F. Fishing, swimming, boating and hunting;

G. Trail access to the stream or drainageway and trails in linear parks;

H. Parks and passive recreational areas;

I. Accessory residential and/or commercial uses such as gardens, play areas, picnic
areas or fences;

J. Essential Services provided they are installed underground;

K. Easements for drainage, access, sewer or water lines, or other public purposes;

L. Underground utility rights-of-way;

M. Nature Preserve and Wildlife Sanctuary;

N. Private accesses and stream crossings; and

O. Reforestation, restoration and bank stabilization.

5. **STANDARDS**
A. This buffer shall contain no more than fifteen (15) percent of a pervious or impervious structural area.

B. The buffer area along at least eighty (80) percent of the stream length shall remain in its natural state as open space.

C. The Stream Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.

D. In all subdivision and land development applications, the Stream Protection Overlay shall be described by metes and bounds. A conservation easement covering the Stream Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

E. In all zoning permit applications, the Stream Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with the this section.

Section 1904 - SURFACE WATER PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this Overlay District to preserve these natural and man-made assets. By protecting these assets, the Township intends to:

A. Protect wildlife.

B. Preserve existing vegetation along lakes or ponds.

C. Minimize the negative effects on lakes or ponds from agriculture and development related erosion.

D. Minimize scenic degradation.

E. Protect the integrity of ponds and lakes as functioning wetland areas.

2. ESTABLISHMENT OF SURFACE WATER PROTECTION OVERLAY BOUNDARIES

The Surface Water Protection Overlay Zoning District shall be established as the area in or within twenty-five (25) feet of a lake or pond.
3. **PERMITTED USES**

The following shall be permitted uses in the Surface Water Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

A. Common or required open space;

B. Educational or scientific use not involving buildings or structures;

C. Fishing, swimming, boating and hunting;

D. Trail access to adjacent open space;

E. Nature Preserve and Wildlife Sanctuary;

F. Tree farming, truck gardening, horticulture, apiaries, aviaries and similar enterprises, no till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;

G. Nurseries, excluding greenhouses;

H. Conservation areas for the conservation of open space, water, soil and wildlife resources, excluding structures;

I. Trail access to streams or trails in linear parks;

J. Parks and passive recreational areas not involving structures; and

K. Reforestation, restoration, and bank stabilization.

4. **STANDARDS**

A. This buffer shall contain no more than fifteen (15) percent of pervious or impervious structural areas.

B. The buffer area along at least eighty (80) percent of the affected surface water edge shall remain in its natural state as open space.

C. The Surface Water Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.

D. In all subdivision and land development applications, the Surface Water Protection Overlay shall be described by metes and bounds. A conservation
easement covering the Surface Water Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

E. In all zoning permit applications, the Surface Water Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with this section.

Section 1905 - WETLAND PROTECTION OVERLAY ZONING DISTRICT

1. PURPOSE

A. Wetland areas are indispensable and fragile hydrological natural resources that provide:

(1) Habitat for fish, wildlife and vegetation;

(2) Water-quality maintenance and pollution control and ground water recharge;

(3) Flood control;

(4) Erosion control;

(5) Open space;

(6) Scientific study opportunities; and

(7) Recreational opportunities.

B. Damaging or destroying wetlands threatens public safety and the general welfare. Because of their importance, wetlands are to be protected from negative impacts of development and other activities. It is the intent of this Overlay District to:

(1) Require planning to avoid and minimize damage of wetlands whenever prudent or feasible;

(2) Require that activities not dependent upon wetlands to be located to upland sites; and

(3) Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable.

2. ESTABLISHMENT OF WETLAND PROTECTION OVERLAY BOUNDARIES
The Wetland Protection Overlay shall apply to all lands in or within twenty-five (25) feet of a non-tidal wetland located within Penn Township. The Wetland Protection Overlay shall be based on a wetland investigation by the applicant’s qualified professional. The Natural Features Map of the Penn Township Comprehensive Plan may be used as a guide for determining the general location of wetlands. Wetland delineations shall be performed in accordance with the procedures of the PA DEP as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be approved by the PA DEP and the Army Corps of Engineers. Wetlands approved to be mitigated shall not be considered part of the Wetland Protection Overlay. Wetland construction that is part of the mitigation plan shall be subject to the provisions of this section.

3. **REVIEW OF WETLAND DELINEATION**

Where the applicant has provided a determination of the Wetland Protection Overlay, the Township Engineer or a person qualified by the Army Corps of Engineers shall review, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.

4. **PERMITTED USES**

The following uses shall be allowed within the Wetland Protection Overlay to the extent that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PA DEP and the Army Corps of Engineers, if applicable:

A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;

B. Nurseries, excluding greenhouses;

C. Conservation areas for the conservation of open space, water, soil and wildlife resources;

D. Required and common open space;

E. Educational or scientific use;

F. Fishing, swimming, boating and hunting;

G. Trail access to the stream or drainageway and trails in linear parks;

H. Parks and passive recreational areas not involving structures;
I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;

J. Essential Services provided they are installed underground;

K. Easements for drainage, access, sewer or water lines, or other public purposes; and

L. Underground utility rights-of-way.

5. **STANDARDS**

A. The Wetland Protection Overlay District shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed. The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.

B. In all subdivision and land development applications, a wetland investigation shall be required in accordance with the Penn Township Subdivision and Land Development Ordinance. A conservation easement covering the Wetland Protection Overlay District shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance. The Wetland Protection Overlay District and conservation easement shall be described by metes and bounds, indicating the location and measurements of the overlay district.

C. In all zoning permit applications, the Wetland Protection Overlay District shall be shown on a drawing indicating the location and measurements of the overlay district.

**SECTION 6 – SEVERABILITY CLAUSE**

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provision of this ordinance are hereby declared to be severable.

**SECTION 7 – EFFECTIVE DATE**

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

**SECTION 8 – ENACTMENT**
ENACTED, ORDAINED, AND ADOPTED THIS _______ DAY OF __________, 200_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on ________________________________.

__________________________
Secretary

Adopted 26, 2007
AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY.

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, and September 26, 2007, is further amended by adding the following section:

Section 1 – Article II – Definitions shall be amended as follows:

The following definitions shall be added to Section 2. Definitions

A. Industrial Uses:

1. General Industrial Use: A use:
   a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;

   and/or

   b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;

   and/or

   c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;

   and

   due to the nature of the processes, should not be located adjacent to residential areas.

2. Limited Industrial Uses:

   a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;

   and

   due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

   but

   b. excluding the processing of extracted and/or raw materials.
B. Manufacturing: The processing and/or converting of raw, unfinished, or finished materials or products or any or either of them into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

C. Research and Development: Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.

D. Research Laboratory: A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

E. Warehouse: A building used primarily for the indoor storage of products, supplies and equipment.

F. Warehousing, Distribution and Wholesaling: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.

G. Wholesale: Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

Section 2 – Article X – MUC – Mixed Use Commerce District shall be amended as follows: eliminating current Article X, Sections 1001 through 1010 and adding hereinafter provisions.

A. Section 1001 – Intended Purpose

The MUC - Mixed Use Commerce District is designed to promote a compatible combination of light industrial, professional, and commercial uses in an aesthetically pleasing, and planned environment where such uses can complement or support each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings and inoffensive processes characterize such uses. To these ends, the Mixed Use Commerce District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

B. Section 1002 – Use Standards

Permitted and Conditional Uses in the Mixed Use Commerce District shall be subject to the following conditions:

1. Parking, loading or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.

2. Illumination. All illumination shall comply with the requirements of Section 1312.

3. Landscaping and Screening. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping and screening shall be properly maintained throughout the life of any use on any lot.

4. All uses within the Mixed Use Commerce District shall be served by a public sewerage system.

C. Section 1003 – Permitted Uses
In a Mixed Use Commerce District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

1. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, offices for utilities; government; medical clinics and facilities; business and professional uses, and veterinary clinics.

2. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.

3. Newspaper and printing, photocopying, bookbinding, and publishing establishments.

4. Essential services buildings and structures with locational requirements. (see Section 1645)

5. Essential services buildings and structures without locational requirements. (See Section 1645)

6. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments with or without the sale of alcohol, liquor stores, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.

7. Day care centers. (see Section 1614)

8. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, and millinery.

9. Dry cleaners, laundries, and laundromats. (see Section 1632)

10. Indoor commercial recreation facilities. (see Section 1620)

11. Hotels and motels. (see Section 1626)

12. Animal hospitals and veterinarian clinics. (see Section 1616)

13. State, county or federal buildings. (see Section 1646)

14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:

   a. Clocks or watches.
   b. Toys or novelties.
   c. Electrical appliances.
   d. Electronic components.
   e. Office equipment.
   f. Sheet metal products.
   g. Machine tools.
   h. Food Products.
   i. Cosmetics, toiletries and pharmaceuticals.
j. Optical, dental and medical supplies and equipment.
k. Jewelry and other precious metals.
l. Hand tools.
m. Ceramics.
n. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments.
o. Textiles/apparel products.
p. Wood products.
q. Paper products.
r. Metal fabrication and forging.
s. Manufacture of metal dies and taps.
t. Scientific, specialized and technical instruments and equipment.
u. Hardware, software for audio-video components, computers, vending machines and video games.
v. Photographic, lighting and timekeeping equipment.
w. Household appliances.
x. Musical instruments and sporting equipment.
y. Monument production and sales.

15. Warehousing, distribution and wholesaling of products, supplies and equipment, including lumber yards, building and construction materials, nursery and garden materials, and farm supply. (see Section 1629)

D. Section 1004 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

1. Uses and structures which are customarily associated with the permitted uses:
   a. Storage buildings.
   b. Parking and loading areas.

2. Uses and structures limited to servicing employees of the any permitted or conditional use allowed in this district and adjacent properties within the district:
   a. Business services.
   b. Retail businesses.
   c. Personal services.
   d. Day care centers.
e. Dry cleaners, laundries, and laundromats.

3. Signs, as provided in Article XV of this Ordinance.

E. Section 1005 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

1. Self-service Storage Facility (Mini Warehouse). (see Section 1630)

2. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.

3. Research and development, excluding animal research and testing.

F. Section 1006 – Use Limitations

1. All uses shall be provided for in accordance with standards as contained within Article XVI.

2. Outdoor storage and display, when accessory to a permitted or conditional use, shall be regulated as follows:
   
   (1) Outdoor storage or display shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required off-street parking areas, or required front yard, and shall be screened from view from adjoining public streets and residential properties. Screening shall be pursuant to Section 1310 of this Ordinance.

G. Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, lot coverage, and yard and building setback of not less than the dimensions shown below shall be provided for every principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>Use</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width (FT)</th>
<th>Max. Impervious Coverage (%)</th>
<th>Front</th>
<th>One Side</th>
<th>Total Sides</th>
<th>Rear</th>
<th>Max. (FT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Sewer</td>
<td>1 Acre</td>
<td>150’</td>
<td>60</td>
<td>50’ ****</td>
<td>15’ ****</td>
<td>30’ *****</td>
<td>15’  ***</td>
<td></td>
</tr>
<tr>
<td>Public Water and Public Sewer</td>
<td>25,000 SF</td>
<td>100’</td>
<td>75</td>
<td>50’ ****</td>
<td>15’ *****</td>
<td>30’ *****</td>
<td>15’  ***</td>
<td></td>
</tr>
</tbody>
</table>

** Minimum requirement unless specified elsewhere herein

*** Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

**** Front building setback can be reduced to 25’ if parking is located in the rear yard.

SF - square feet; FT – feet

***** There shall be a minimum side and rear building setback of 50’ from any such property line that is adjoining any residential property and/or residentially-zoned property

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G. Section 1008 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

H. Section 1009 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.

I. Section 1010 – Structural Siting and Design

In applying the provisions of this Section, particular emphasis shall be given to the siting and design of all structures.

1. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry stone, brick, finished wood, stucco, metal and glass, preferably a combination thereof. The façade facing a street shall have at least two (2) or more materials named above.

2. The design and siting of the building shall compliment the natural terrain and vegetation of the site.

Section 3 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1303 Water Supply and Sewerage Facilities Required

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

B. Section 1310 Landscaping and Screening

1. Landscaping

   a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.

   b. Except for single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Township's Subdivision and Land Development Ordinance.

2. Planting Strip

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

   a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.
b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.

c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.

d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits.

3. Screening

a. Screening requirements shall be applicable under the following circumstances:

(1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.

(2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.

(3) Any other instances where screening is required by This Ordinance or by the Township.

b. Screening shall be provided in accordance with the following requirements:

(1) All required screening shall be located within the required planting strip.

(2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.

(3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip.

(4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residually-zoned district or other applicable use, to form an ornamental screen.

(5) Said screening shall be maintained by property owner(s).

C. Section 1314 - Outdoor Storage

1. No storage shall be permitted within the front yard of any lot.

2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residually-zoned property shall be screened in accordance with Section 1310 of this Ordinance.
Ordinance during all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

D. Section 1316 – Air Pollution

1. Odor

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

2. Smoke

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

3. Particulate Matter

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

(1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.

(2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

(3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

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E. Section 1317 Electromagnetic Interference

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

F. Section 1318 Fire and Explosive Hazards

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

G. Section 1319 Glare and Heat

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

H. Section 1320 Toxic and Hazardous Substance Storage

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

I. Section 1321 Ground Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

J. Section 1322 Required Traffic Study Standards

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

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.

2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.

3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.

4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.

5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.

6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

Section 4 – Article XVI – Supplemental Use Standards shall be amended as follows:

A. Section 1609.2.b - The minimum front, side and rear yard shall be 100 feet each.

B. Section 1610.2.b - The minimum front, side and rear yard shall be 100 feet each.
C. Section 1611.2.c. - The minimum front, side and rear yard shall be 50 feet each.

D. Section 1612.2.b - The minimum front, side and rear yard shall be 25 feet each.

E. Section 1613.3.f - Traffic generated by the home occupation shall not exceed volumes that would normally be expected in a residential neighborhood.

F. Section 1621.1 - 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.)

G. Section 1637.2.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.

H. Section 1639.2 – All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.

I. Area and Section 1629 – Warehousing, Distribution and Wholesaling

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.

J. Section 1631 - General Industrial Uses

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 in the facility, 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, 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.

K. Section 1633 – Trucking Terminals

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 in the facility, 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.

L. Section 1644 – Flea Markets (Indoor/Outdoor)

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.

M. Section 1651 – Research and Development

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.

N. Section 1652 - Limited Industrial Uses

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.

**Section 5 - Effective Date**

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

**Section 6 – Enactment**

ENACTED, ORDAINED, AND ADOPTED THIS _______ DAY OF ____________, 200_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

__________________________________
Henry Holman, Chairman

__________________________________
Randy Plummer, Vice-Chairman

__________________________________
Lucinda “CeCe” Novinger

**CERTIFICATE OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an Ordinance 2008-adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on _______.

__________________________________
Secretary

**Adopted June 28, 2008**