

ORDINANCE NO. 249

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, TO AMEND ORDINANCE NO. 242, ENTITLED "THE NORTH CORNWALL TOWNSHIP ZONING ORDINANCE", TO ESTABLISH DEFINITIONS OF ADULT-ORIENTED ESTABLISHMENT, MASSAGE PARLOR AND MPC; TO PROHIBIT ADULT USES IN THE C-1 HIGHWAY ORIENTED COMMERCIAL DISTRICT; TO PROHIBIT ADULT USES IN THE C-2 GENERAL COMMERCIAL DISTRICT; TO ESTABLISH ADULT ORIENTED ESTABLISHMENTS AND MASSAGE PARLORS AS USES PERMITTED BY CONDITIONAL USE IN THE M-MANUFACTURING DISTRICT; TO ESTABLISH SUPPLEMENTARY DISTRICT REGULATIONS FOR ADULT ORIENTED ESTABLISHMENTS AND MASSAGE PARLORS INCLUDING PURPOSES, LOCATION, SETBACKS, BUFFER YARD, PUBLIC DISPLAYS, COMPLIANCE WITH REGULATIONS, MINIMUM LOT AREA, LIVE PERFORMANCES, APPLICATION PROCEDURES, HOURS OF OPERATION, ALCOHOL CONSUMPTION AND PERMITTING; TO AMEND THE SIGN HEIGHTS REGULATIONS TO BE SPECIFIC FOR CERTAIN DISTRICTS UNDER SIGNS AND ADVERTISING STRUCTURES; TO AMEND BILLBOARD REGULATIONS TO RESTRICT BILLBOARDS TO DESIGNATED AREAS; TO ESTABLISH REGULATIONS REGARDING MECHANICAL AND ELECTRONIC MOVING, FLASHING, AND ANIMATED SIGNS; TO AMEND REGULATIONS REGARDING CONDITIONAL USES AND PROCEDURES RELATING THERETO INCLUDING PLAN SPECIFICATIONS, SUPPLEMENTAL STUDIES, GENERAL STANDARDS, SUPERVISORS CONSIDERATION, TIME LIMITATIONS, AND MULTIPLE APPLICATIONS; TO AMEND THE HEARING AND JURISDICTION REGULATIONS FOR THE ZONING HEARING BOARD TO BE IN ACCORDANCE WITH THE MPC; TO AMEND REGULATIONS REGARDING SPECIAL EXCEPTIONS AND PROCEDURES RELATING THERETO INCLUDING PLAN SPECIFICATIONS, SUPPLEMENTAL STUDIES, GENERAL STANDARDS, ZONING HEARING BOARD CONSIDERATION, TIME LIMITATIONS, AND MULTIPLE APPLICATIONS; TO ESTABLISH THAT THE ZONING HEARING BOARD SHALL HEAR AND GIVE NOTICE IN ACCORDANCE WITH THE MPC; AND TO AMEND THE PROVISIONS OF THE EFFECT OF THE ZONING HEARING BOARD'S DECISION

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Article 1, entitled "Definitions", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended by adding thereto the following new definitions in alphabetical order:

"ADULT-ORIENTED ESTABLISHMENT: The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including, but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion Picture Theater," "Sexual Activities," "Specified Anatomical Areas," and "Specified Sexual Activities. "

MASSAGE PARLOR: An establishment that meets all of the following criteria:

1. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist (in addition to legs), in return for monetary compensation, and which does not involve persons who are related to each other.

2. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."

3. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.

4. The massages are conducted within private or semi-private rooms.

MPC: the Pennsylvania Municipalities Planning Code, Act of July 1, 1968, P. L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq."

SECTION 2. Article 9, entitled "C-1 Highway Oriented Commercial Districts", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended by adding a new Section as follows:

"SECTION 9.9 ADULT USES. Any Adult Oriented Establishment and any massage parlor shall be prohibited in the C-1 Highway Oriented Commercial District."

SECTION 3. Article 10, entitled "C-2 General Commercial District", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended by adding a new Section as follows:

"SECTION 10.8 ADULT USES. Any Adult Oriented Establishment and any massage parlor shall be prohibited in the C-2 General Commercial District."

SECTION 4. Section 12.2.2, entitled "Conditional Uses", of Article 12, entitled "Manufacturing Districts", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended by adding thereto a new Sub-Section as follows:

"I. Adult Oriented Establishment or Massage Parlor, which shall each comply with Section 16.22."

SECTION 5. Article 16, entitled "Supplementary District Regulations", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance" is hereby amended by adding a new Section as follows:

"SECTION 16.22 ADULT ORIENTED ESTABLISHMENTS AND MASSAGE PARLORS

A. Purposes - To serve the intent and respond to the findings provided in Title 68, Part II, Subpart E, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, which are hereby included by reference. To serve the overall objectives of this Ordinance, and the following purposes:

1. To recognize the adverse secondary impacts of Adult Oriented Establishments and Massage Parlors that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Oriented Establishments typically involve insufficient self-regulation to control these secondary effects.

2. To limit Adult Oriented Establishments and Massage Parlors to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

3. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.

B. The building housing an Adult Oriented Establishment or Massage Parlor shall not be located within 1,000 lineal feet of another Adult Oriented Establishment or Massage Parlor.

C. The setbacks for an Adult Oriented Establishment shall also apply from dwellings, uses and residential districts located in an adjacent municipality. The lot line of a lot occupied by an Adult Oriented Establishment or Massage Parlor shall be located a minimum of the following distances:

1. 1,000 feet from a lot line of an Elementary or Secondary School, Library, Child Day Care, Nursery School, Place of Worship, Public Park or Playground.

2. 500 feet from the lot line of an existing dwelling unit or the boundary of a residential zoning district.

D. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines, that is free of buildings and fencing. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

E. No pornographic material, displays, signs or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

F. No Adult Oriented Establishment shall be used for any purpose that violates any Federal, State or municipal law.

G. The Adult Oriented Establishment shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.

H. An Adult Oriented Establishment or Massage Parlor shall be prohibited in all Districts except as a conditional use in the M-Manufacturing

District. An Adult Oriented Establishment is a distinct use, and shall not be allowed under any other use, such as a retail store or club. An Adult Oriented Establishment shall not be allowed as a change of a nonconforming use.

I. A minimum lot area of 1 acre is required.

J. For public health reasons in an Adult Oriented Establishment, private booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

K. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Oriented Establishment involving "live entertainment", employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing".

L. Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor.

M. Any application for an Adult Oriented Entertainment use or Massage Parlor shall state the names and business addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in any entity owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

N. The use shall not operate between the hours of Midnight and 7 a.m.

O. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters), as amended.

P. An Adult Oriented Establishment shall not be on the same lot as a use that sells alcoholic beverages.

Q. All Adult Oriented Establishments and Massage Parlors shall require a Zoning Permit that identifies the use and a Certificate of Occupancy from the Township before being open for business."

SECTION 6. Sub-Section 19.3.E, of Section 19.3, entitled "General Regulations", of Article 19, entitled "Signs and Advertising Structures", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"E. Sign Heights. A sign that is attached to a building shall not have a height that exceeds the height of that building, and shall not extend above the roof line. A freestanding sign in the C-1 Highway Oriented Commercial District, C-2 General Commercial District or M-Manufacturing District shall have a maximum height of 20 feet above the ground level. An allowed billboard shall have a maximum height of 30 feet above the ground level. Any other sign shall have a maximum height of 10 feet above the ground level."

SECTION 7. Sub-Section 19.3.M, of Section 19.3, entitled "General Regulations", of Article 19, entitled "Signs and Advertising Structures", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"M. Billboards may be erected and maintained in commercial and industrial districts, providing that special exception approval is obtained, subject to Article 22. In addition, the total display area of all such signs shall not exceed twenty (20) square feet for each ten (10) feet of lot frontage, and the display area of any sign shall not exceed two hundred fifty (250) square feet in area. In addition to the display area, necessary structural supports and structural margins not exceeding six (6) inches in width on each border shall be permitted. A billboard shall only be allowed if it is entirely within 150 feet from the existing right-of-way of a principal arterial road. A principal arterial road shall be defined as Pennsylvania Route 72 and U.S. Route 422. A billboard shall be defined as a sign that advertises a product, service, institution or business that is not offered or located on the same lot as the sign, and which is not specifically allowed as another type of sign by another section of this Article 19."

SECTION 8. Section 19.3, entitled "General Regulations", of Article 19, entitled "Signs and Advertising Structures", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended by adding thereto a new Sub-Section as follows:

"N. No sign shall be designed to mechanically move, except for signs in the form of banners or flags. No sign shall have a flashing message or display. No sign shall use strobe lighting. No sign shall have an animated or electronically moving message or display. No sign shall have a scrolling message, except for signs with a sign area of less than 20 square feet. If a sign has a mechanically or

electronically changing message or display, it shall not change more than once every 10 seconds, except that a sign with a changeable sign area greater than 200 square feet shall not change more than once every 20 seconds, and except that a portion of a sign that only displays the time and temperature against a uniform background may change more frequently."

SECTION 9. Section 20.7, entitled "Conditional Uses and Procedures Relating Thereto", of Article 20, entitled "Administration and Enforcement, Building Permits and Certificates of Zoning Compliance", and Section 22.2, entitled "Special Exceptions: Conditions Governing Applications: Procedures", of Article 22, entitled "Zoning Hearing Board: Powers and Duties", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", are hereby amended and restated in their entirety as follows:

Conditional Uses and Special Exceptions

A. General. Conditional uses and special exceptions are deemed to be uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any conditional use shall be granted by the Board of Supervisors; or a special exception by the Zoning Hearing Board, the application for conditional use or special exception shall be reviewed in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Ordinance. In both application procedures the Board of Supervisors and Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the MPC and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

B. Application Format - All conditional use and special exception applications shall be submitted to the Township in a report style, two-sided and bounded along the left margin. Binding mechanism shall consist of a three ring binder or other method which permits easy page replacement or removal of pages for duplication purposes.

C. Plan Required. The applicant shall submit a site plan, the number of copies of which shall be established by the Board and Zoning Hearing Board, drawn to a scale of not more than one hundred (100) feet to the inch and

which shall include all of the following:

1. The location of all existing flood plains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract and within two hundred (200) feet of the tract.
2. The location of all streets, adjoining tracts, and buildings within two hundred (200) feet of the tract.
3. The location of all proposed land uses including residential uses by types.
4. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.
5. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.
6. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
7. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.
8. The location and dimensions of sidewalks and all other common areas.
9. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
10. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.
11. Site contours at two feet intervals.
12. All proposed site grading and drainage provisions and proposals.

13. Zoning districts and applicable area, bulk, and yard requirements.

14. Certification by the person who prepared the site plan.

15. Certification of ownership and acknowledgment of plans signed by the owner and developer.

D. Supplemental Studies and Information. In addition to all of the information required in Section C above, the applicant shall submit all of the following:

1. In the case of commercial or industrial development, a general description of the activities to take place, including but not limited to, products being manufactured, services being performed, number of employees, working hours, delivery services, water consumption, sewage generation, and projections for future expansion. For the purposes of this Ordinance, multi-family rental properties or complexes are considered commercial operations.

2. The character of buffer areas and screening devices to be maintained including the locations, dimensions, plant types and arrangements of all areas devoted to landscaping and the location and dimensions of non-plant screens.

3. A description of the proposed methods of control of development in sufficient detail to indicate the levels or production of noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards or environmental effects.

4. The names and complete mailing addresses of all adjoining property owners. In addition, applicants for commercial and industrial uses shall provide the names and complete mailing addresses for all property owners within 800 feet of the property boundary.

5. Environmental Impact Study - The applicant shall submit a study prepared by a qualified environmental consultant which shall evaluate the proposed site and use, comparing pre-development conditions, development impacts, and projected post-development conditions for the following:

a. Wetlands.

- i. Wetland areas are indispensable and fragile hydrological natural resources that provide:
 - Habitat for fish, wildlife and vegetation.
 - Water-quality maintenance and pollution control.
 - Flood control.
 - Erosion control.
 - Open space.
 - Scientific study opportunities.
 - Recreational opportunities.
- ii. 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 to establish an overlay district to:
 - Require planning to avoid and minimize damage of wetlands whenever prudent or feasible.
 - Require that activities not dependent upon wetlands be located to other upland sites.
 - Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.
 - Describe in sufficient detail the methods which will be used, and provide appropriate plans/studies to mitigate adverse impact to the resource.
- iii. Establishment of wetland protection overlay boundaries:
 - The Wetland Protection Overlay shall apply to all lands in or within twenty-five (25) feet of a nontidal wetland located within the Township. The Wetland Protection Overlay shall be based on a wetland investigation by the applicant. The North Cornwall 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 permitted. Wetland mitigation shall be approved by the PA DEP. Wetlands proposed to be mitigated shall not be considered part of the Wetland Protection Overlay.
- iv. Verification of Wetland Delineation.
 - Where the applicant has provided a determination of the Wetland Protection Overlay, the Township Engineer

or hydrologist shall verify the accuracy of, 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.

v. 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 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 United States Army Corps of Engineers, if applicable.

- Agriculture, including general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, no-till planting and wild crop harvesting, excluding Intensive Farming Operation.
- Common open space.
- Educational or scientific use not involving buildings or structures.
- Fishing, swimming, boating and hunting.
- Trail access to the stream or drainageway and trails in linear parks.
- Passive recreational areas not involving structures.
- Accessory residential uses such as gardens, play areas, fences or storm water/drainage facilities.
- Accessory commercial uses such as picnic areas, fences or storm water/drainage facilities.
- Wildlife preserves.
- Underground utilities.

vi. Standards.

- The Wetland Protection Overlay District shall be established at the time of subdivision or land development or the application for a zoning permit if there is no subdivision or land development involved. The 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.
- In all subdivision and land development applications, a wetland investigation shall be required in accordance

with the North Cornwall Township Subdivision and Land Development Ordinance. A conservation easement covering the Wetland Protection Overlay District shall be provided and the easement shall be described by metes and bounds, indicating the location and measurements of the district.

- In all zoning permit applications, the Wetland Protection Overlay District shall be shown on a drawing indicating the location and measurements of the district. (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.)

b. Steep Slopes.

- i. Steep slopes and hillsides are unique areas. Slope areas are fragile and susceptible to erosion, landslides, mudslides, degradation of their natural vegetation and increased flooding using conventional development practices. By protecting this asset the Township intends to:

- Guide development away from steep areas.
- Minimize grading and other site preparation in steep area.
- Provide safe means for ingress and egress while minimizing scarring from hillside construction.
- Preserve the natural conditions in steep areas.
- Prevent flooding and the deteriorating effects of erosion to streams and drainage areas.

- ii. Establishment of Slope Protection Overlay Boundaries.

- The Slope Protection Overlay Zoning District shall consist of all land which has twenty-five (25%) percent slope or more (which are considered very steep slopes). The Slope Protection Overlay Zoning District boundary shall be based on a topographic investigation of critical sloped areas. The average natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The sloped area shall be measured at right angles to the natural contours.

iii. Permitted Uses. - The following shall be permitted uses in the Slope Protection Overlay Zoning District, provided 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 structures, grading, fill or storage of materials and equipment:

- Agriculture, including general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, no-till planting and wild crop harvesting, excluding Intensive Farming Operation.
- Common open space.
- Educational or scientific use not involving buildings or structures.
- Trails and Greenways.
- Parks and passive recreational areas not involving structures.
- Accessory residential uses such as gardens, play areas or fences.
- Accessory commercial uses such as picnic areas or fences.
- Essential services provide they are installed underground.

iv. Standards.

- The Slope Protection Overlay Zoning District shall be established at the time of subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- In all subdivision and land development applications, the Slope Protection Overlay Zoning District shall be described by metes and bounds. A conservation easement covering the Slope Protection Overlay Zoning District shall be provided.
- In all zoning permit applications, the Slope Protection Overlay Zoning District shall be shown on a drawing indicating the location and measurements of the district in accordance with the above standards.
- Land may be removed or altered. Up to one-quarter (1/4) of the land with slopes greater than twenty-five (25%) percent, may be removed or altered only when such slopes are isolated, small or otherwise occur as

knolls which do not adversely affect the design of the plan or subdivisions or land developments.

c. Stream Protection.

i. Streams and the natural areas around them are important hydrological and environmental assets. It is the intent of this ordinance to preserve natural and man-made waterways.

ii. Establishment of stream protection overlay boundaries.

- The Stream Protection Overlay shall consist of a land strip on each side of 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 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 on each side of the waterway shall be established.

iii. Determine 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:

- Alluvial Soils - All alluvial soils as identified in the most recent published version of the USDA/NRCS Soil Survey for Lebanon County adjacent to the perennial stream. For the purpose of this section, these areas are considered hydrologically related to the waterway.

- Wet Soils - All wet soils immediately adjacent to or bordering within fifty (50) feet of the perennial stream. For the purpose of this chapter, these areas are considered hydrologically related to the waterway. Wet soils include springs and other intermittent drainage areas.

- Steep Slopes - Where the base of a steep slope is fifty (50) feet or less from the stream or drainage way or if the stream or drainage way 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 (less than 25% slope). (Steep slope equals 25% or greater.)

- Wooded Areas - Where forested land having a predominance of trees of four-inch caliper or greater exists within fifty (50) feet of the stream or drainageway. The Stream Protection Overlay boundary will include wooded areas within one hundred (100) feet from the stream bank.

iv. Permitted Uses. - The following shall be permitted uses in the Stream Protection Overlay, provided that they area in compliance with the provisions of the underlying district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

- Agriculture, including general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, no-till planting and wild crop harvesting, excluding Intensive Farming Operation.
- Common open space.
- Educational or scientific use, not involving buildings or structures.
- Fishing, swimming, boating and hunting.
- Trail access to the stream or drainageway and trails in linear parks.
- Parks and passive recreational areas not involving structures.
- Accessory residential uses such as gardens, play areas or fences.
- Accessory commercial uses such as picnic areas or fences.
- Utilities and essential services provided they are installed underground.

v. Standards.

- The Stream Protection Overlay shall be established at the time of subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- 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 North Cornwall Township Subdivision and Land Development Ordinance.
- In all zoning permit applications, the Stream Protection Overlay shall be shown on a drawing indicating the

location and measurements of the district in accordance with the above standards.

- Describe in sufficient detail the methods which will be used, and provide appropriate plans/studies to mitigate adverse impact to the resource.

d. Surface Water Protection

i. Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent to preserve these natural and man-made assets. By protecting this asset, the Township intends to:

- Protect wildlife.
- Preserve existing vegetation along lakes or ponds.
- Minimize the negative effects on lakes or ponds from agriculture and development related erosion.
- Minimize scenic degradation.
- Protect the integrity of ponds and lakes as functioning wetland areas.

ii. Establishment of surface water protection overly 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. All natural and man-made lakes, ponds and established easement areas shall remain in permanent open space. Because these areas may relate to other hydrologic features, no development or diverting of these water bodies shall be permitted without proper approval from PA DEP.

iii. Permitted Uses. - Permitted uses are as follows:

- Common open space.
- Educational or scientific use not involving buildings or structures.
- Fishing, swimming, boating or hunting.
- Passive recreational areas not involving structures.
- Trail access to adjacent open space.
- Wildlife preserves.

iv. Standards. - This buffer shall contain no more than fifteen (15%) percent impervious surface.

- At least seventy (70%) percent of the shoreline buffer area shall remain in its natural state as open space.
- The Surface Water Protection Overlay Zoning District shall be established at the time of subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.

- In all subdivision and land development applications, the Surface Water Protection Overlay Zoning District shall be described by metes and bounds. A conservation easement covering the Surface Water Protection Overlay Zoning District shall be provided.
 - In all zoning permit applications, the Surface Water Protection Overlay Zoning District shall be shown on a drawing indicating the location and measurements of the district in accordance with the above standards.
 - Describe in sufficient detail the methods which will be used, and provide appropriate plans/studies to mitigate adverse impact to the resource.
- e. Woodland Impacts. - There must be a woodlands evaluation prepared by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township.
- i. This evaluation shall be submitted as a report. At a minimum, the report shall include one (1) or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the following criteria:
- Configuration and size.
 - Present conditions, (i.e. stocking, health and species composition).
 - Ecological functions, (i.e. in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats).
 - Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- f. Soil types and Sinkhole Potential
- i. Soil information and locations delineated for: Class I, II and III soils as mapped by the USDA/NRCS in the most recent published version of the Soil Survey for Lebanon County and the accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
- ii. In addition, severely limiting soils must be highlighted on the plan drawing. Soils with severe limitations for development are those which have one (1) or more of the following characteristics as identified in the most recent published version of the USDA/NRCS Soil Survey for Lebanon County; seasonal high water table, poor drainage, wetland/hydric soil conditions, high shrink/swell

potential, shallow depth to bedrock, excessive slopes, and high susceptibility to erosion.

- iii. Erodible soils on slopes over fifteen (15%) percent. Land subject to hazardous conditions such as open quarries, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution shall not be approved for subdivision and/or land development until the applicant has provided or has legally committed to provide adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Board of Supervisors, to the best of their knowledge. However, the Township accepts no responsibility to identify or to guarantee their resolution.
- g. Background noise. - Background noise on the site and in surrounding neighborhoods and the impacts to those noise levels by the proposed use shall be measured.
 - i. For all subdivision and/or land development plans, the sound-pressure level for all uses and activities shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards:

Maximum Permitted Sound Level in Decibels along the Property Line		
Octave Band Cycles Per Second	Residential Districts/Plans	Nonresidential Districts/Plans
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

- ii. 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 (2 +/-) 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.
- iii. Exemptions. The following activities or sources are exempt from these noise standards:
 - 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.
 - The unamplified human voice.
 - 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.
 - Aircraft operations.
 - Construction or routine maintenance of public service utilities.
 - Temporary activities relating to the construction and maintenance of buildings and facilities including site preparation between 6:00 a.m. to 9:00 p.m. Monday through Saturday.
 - Church bells or chimes.
 - The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work.
 - Occasionally used safety signals, warning devices and emergency pressure relief valves.
- h. Background light and glare on the site and in surrounding neighborhoods and the impacts to those light and glare levels by the proposed use.
 - i. Exterior lighting, except warning, emergency, or traffic signals, shall be installed, shielded, and aimed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any

adjoining residential area. The light source of directional fixtures, i.e. floodlights, spotlights) shall aimed so that it does not project its output past the object being illuminated. Vegetation shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of full cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and placement.

- ii. The installation or erection of any lighting that may be confused with warning signals, emergency signals or traffic signals shall be unlawful.
- iii. Measurement. Lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or light-reading equipment.
- iv. Method. Readings shall be taken by qualified personnel so that the light-reading meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.
- v. Lighting shall be required in all major subdivision plans and land development plans. These lighting requirements provide appropriate standards to ensure adequate nighttime safety and security while minimizing the spillover of light and glare on operators of motor vehicles, pedestrians and land uses near the light source. The safety, welfare, nuisance, and hazardous aspects of lighting form the basis of these regulations.
- vi. Requirements. Exterior lighting shall be provided in parking areas, access drives, pedestrian sidewalks and walkways or other nonresidential driveway intersections in accordance with the following standards. Exterior lighting shall meet one (1) of the following standards:
 - o For residential yard and wall lights, non-residential walkway and wall lights, or street lights, the light source or luminary may have no or less than full cutoff with the maximum permitted illumination and maximum permitted height at the luminary permitted to be as follows.

	Maximum Permitted Illumination (footcandles)	Maximum Permitted Height of Luminary (feet)
Residential Yard/Walkway /Wall lights	0.2	8 feet
Non-residential Walkway/Wall lights, Street lights	0.3	15 feet

- All other lighting shall have a light source or luminary that has a total cutoff of light at an angle equal to or less than ninety (90)° and is located so that there is no direct line of sight between the light source or its reflection at a point three (3) feet or higher above the ground at the property line of the source. The maximum permitted illumination and maximum permitted height at the luminary for such lighting shall be as follows.

	Maximum Permitted Illumination (footcandles)	Maximum Permitted Height of Luminary (feet)
Residential	1.0	12 feet
Nonresidential	3.0	25 feet

vii. Additional requirements

- The illumination projected from any property onto a residential use shall at no time exceed 0.1 initial footcandle, measured line-of-sight from any point on the receiving property and no greater than 0.01 horizontal footcandles ten (10) feet onto the receiving property.
- The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property and no greater than 0.01

horizontal footcandles fifteen (15) feet onto the receiving property.

- When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty five percent (25%) of the number of fixtures or illuminance required or permitted for illumination during regular business hours.
- Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may be operated while the establishment is actually open for business, and until one-half hour after closing.
- Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 initial footcandles and the maximum shall not exceed 30 initial footcandles.
- "Barn lights," aka "dusk-to-dawn lights," when a source of glare as viewed from an adjacent property, shall not be permitted unless full-cutoff shielded.
- Only the United States and the state flag shall be permitted to be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so that it is not visible at normal viewing angles.
- Flickering or flashing lights shall not be permitted.
- Maximum allowed lighting limits - for residential properties, the limit shall be the lesser of 6000 lumens or 400 watts (incandescent equivalent, 1500 lumens/100 watts); for non-residential properties, 70,000 lumens per acre.
- The location and type of lighting required by this Ordinance shall be shown on the site plan submitted for development. Such plan shall include:

1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing fixtures, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp, photometry and type.
2. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or as otherwise required by the Municipality. When the scale of the plan, as judged by the Municipality, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
3. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

viii. Exceptions for specified uses.

- Recreational uses - the nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

1. Recreational venues such as golf driving ranges that necessitate the horizontal or near-horizontal projection of illumination shall not be permitted to be artificially illuminated.
 2. Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis, or track shall not be illuminated if located within a residential zoning district or sited on a non-residential property located within one thousand (1000) feet of a property containing a residential use.
 3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.
 4. Except for lighting for residential sports courts and pools whose luminary height shall not exceed fifteen (15) feet above court or pool deck surface, maximum luminary heights for recreational play area lighting shall be in accordance with the following:

▫ a.	Basketball	20'
▫ b.	Football	70'
▫ c.	Soccer, Lacrosse	70'
▫ d.	Little League Baseball	
◦ (1)	200' Radius	60'
◦ (2)	300' Radius	70'
▫ e.	Miniature Golf	
	20'	
▫ f.	Swimming Pool Aprons	20'
▫ g.	Tennis	20'
▫ h.	Track	20'
- Temporary seasonal decorative lighting is exempt from all but the requirement for illumination of no more than 0.1 footcandle at the receiving property.
 - Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA

101, are exempt from the requirements of this Ordinance.

- Lighting in swimming pools governed by the National Electrical Code.
- Code required exit signs, code required lighting for stairs and ramps.
- Lighting required and regulated by the Federal Aviation Administration, or other federal, state, or county agency.
- Temporary lighting for public or private utility maintenance or public safety.
- Lighting fixtures existing prior to this ordinance not exceeding thirty (30) watts (525 lumens).

6. Historical Resources Assessment Report. Although the precise nature of detailed assessment will occasionally vary, both in emphasis and scope, the following reporting guidelines will generally be appropriate. These guidelines are intended to specify the kinds of information which shall be included in a Historic Resource Assessment Report. The applicant is encouraged to make every effort to address the recommended topics, and, where possible, to present this information in the format illustrated below. Compliance with these reporting guidelines will greatly facilitate the review process and ensure that administrative decisions necessary to manage protect historic resources in the Township.

- a. Historic resources impact assessment reports shall contain, but need not be limited to, the following sections:
 - i. Project narrative, area description, and site location map.
 - ii. Resource inventory, resource evaluation, impact identification and assessment, and evaluation research.
 - iii. Impact management recommendations and reference cited.
- b. The applicant is expected to address the recommendations of the historic resources impact assessment report so as to preserve and protect the historic resources within North Cornwall Township.

7. Traffic Impact Study - Prepared in accordance with the North Cornwall Township Subdivision and Land Development Ordinance.

8. Public Utilities Assessment Report - An evaluation of the existing water, sewer, electric, gas, telephone, and cable television services available to the site, including but not limited to present capacity, the ability of the appropriate utility company to service the site and the off-site improvements needed to provide adequate service to the site.

9. Fiscal Impact Assessment Report - an evaluation of (1) the present tax revenues being generated by the site; (2) the future taxes likely to be generated from the site after development; (3) the cost impact to the local school district from new students being generated from the proposed use; (4) the cost impact to the Township for maintenance of new roadways, storm sewers and utility lines generated by the proposed use; and (5) the cost impact to the local police and fire companies from the proposed use.

10. Parks and Recreation Assessment Report - an evaluation of the present parks and recreation facilities within the Township, and the effect on the parks and recreation facilities, including but not limited to the demand for additional parks and recreation facilities which will be generated by the proposed use. This report shall also recommend improvements to the existing parks and recreational facilities which may be needed to meet added recreational demand from the proposed use.

E. General Standards. In order for the Board of Supervisors to grant a conditional use and the Zoning Hearing Board to grant a special exception, - the applicant shall demonstrate all of the following. The burden of proof shall rest with the applicant.

1. The applicant shall establish by credible evidence compliance with all conditions on the conditional use or special exception enumerated in the Section which gives the applicant the right to seek the conditional use or special exception.

2. The applicant shall establish by credible evidence that the proposed conditional use or special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.

3. The applicant shall establish by credible evidence that the proposed conditional use or special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

4. The applicant shall establish by credible evidence that the proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.

5. The applicant shall establish by credible evidence that adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, etc.).

6. For development within the Floodplain District, the applicant shall establish by credible evidence that the application complied with those requirements listed in Article 13 of this Ordinance and the necessity of the development to be located in the floodplain.

7. The applicant shall provide the Board and Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

8. The proposed conditional use or special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the conditional use application is adequately safeguarded.

F. The Board of Supervisors shall process, review, hear, consider and decide any conditional use application and the Zoning Hearing Board shall process, review, hear, consider and decide any special exception application in accordance with the prevailing requirements of the MPC.

G. Time Limitation. If the conditional use or special exception is granted, the necessary permit shall be secured and the authorized action begun within 6 months, and the building or alteration, as the case may be, shall be completed within 12 months of said date. However, upon written request by the applicant and for good cause, the Board of Supervisors or Zoning Hearing Board may extend either the 6-month or 12-month period, or both.

In the case of an approval for a land development or a subdivision, the time period shall be automatically increased to 12 months from the date of the decision to file land development plans and 36 months from plan approval to complete the work, unless approved differently under conditions attached by the Board of Supervisors or Zoning Hearing Board. Should the applicant fail to obtain the necessary permit within the required time, or having obtained the permit should fail to commence and complete the work there under within the required time, or should the applicant fail to obtain an extension, as provided in this Section, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors and Zoning Hearing Board.

H. Multiple Applications. The consideration of multiple applications for a single property at the same time creates substantial additional administrative work for the Township staff and the volunteer members of the Board of Supervisors and Zoning Hearing Board. The Township staff must maintain multiple files with differing time limits within which the Board of Supervisors and Zoning Hearing Board are required to schedule hearings and render decisions. The Township staff and the Board of Supervisors and Zoning Hearing Board must also insure that each submission, letter or other document is properly included in the record of one or more of the multiple application files, as appropriate. Documents which cannot be easily reproduced, such as plans or documents which are bulky must be cross-referenced. The Township incurs costs to store plans and other documentation associated with an application, which are increased by having to retain copies in each file and to cross-reference each application. The costs to the Township which arise from multiple applications at one time relating to a single property are greater than the Township's costs to administer single applications for various properties.

1. Application fee. In recognition of the increased costs to the Township to process multiple applications for a single property, the application fee as established by ordinance or resolution of the Board of Supervisors shall be doubled for any second or subsequent application to the Board of Supervisors or Zoning Hearing Board under the following circumstances:

a. Where an applicant files an application for a conditional use or special exception for a property while a conditional use application or special exception is pending before the Board of Supervisors or Zoning Hearing Board for the same property.

b. Where an applicant files an application for a conditional use to the Board of Supervisors or a special exception to the Zoning Hearing Board under the same section of this Ordinance within one year of the date of a final decision on an application for a conditional use or special exception under the same section of this Ordinance for the same property.

2. Number of applications which may be pending. No more than one application for the same property shall be pending before the Board of Supervisors or Zoning Hearing Board at any time. If an applicant files a second or subsequent application with the Board of Supervisors or Zoning Hearing Board while an application for the same property is pending, the Board of Supervisors or Zoning Hearing Board shall schedule a hearing for the second or subsequent application as required by the MPC and may deny the second or subsequent application for violation of this section unless that applicant has, in writing, withdrawn the application for the property which was pending on the date the second or subsequent application was filed."

SECTION 10. Section 21.2, entitled "Hearings", of Article 21, entitled "Zoning Hearing Board", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"SECTION 21.2. HEARINGS. The Zoning Hearing Board shall conduct hearings and shall render decisions in accordance with the requirements of the MPC. The Board of Supervisors may, by resolution, establish fees with respect to hearings before the Zoning Hearing Board."

SECTION 11. Section 21.3, entitled "Jurisdiction", of Article 21, entitled "Zoning Hearing Board", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"SECTION 21.3. JURISDICTION. The Zoning Hearing Board shall have the jurisdiction as set forth in Article IX of the MPC."

SECTION 12. Sub-section 22.3.B, of Section 22.3, entitled "Variances: Condition Governing Applications: Procedures", of Article 22, entitled "Zoning Hearing Board; Powers and Duties", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"B. The Zoning Hearing Board shall give notice of and shall conduct the public hearing in accordance with the requirements of the MPC. The Zoning Hearing Board shall issue its written decision in accordance with the requirements of the MPC."

SECTION 13. Sub-Section 22.3.D., of Section 22.3, entitled "Variances: Condition Governing Applications: Procedures", of Article 22, entitled "Zoning Hearing Board; Powers and Duties", of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", is hereby amended and restated in its entirety as follows:

"D. Effect of Zoning Hearing Board's Decision.

1. If a variance is granted, or the issuance of a permit is 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 is finally granted or the issuance of the permit is finally approved or other action by the applicant or appellant is authorized, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. However, upon written request by the appellant or applicant for good cause, the Zoning Hearing Board may extend either the 6-month or 12-month period, or both. In the case of an approval for a land development or a subdivision, the time period shall be automatically increased to 12 months from the date of the decision to file land development plans and 36 months from plan approval to complete the work, unless approved differently under conditions attached by the Zoning Hearing Board.

2. Should the appellant or applicant fail to obtain the necessary permit or commence and complete the work within the approved period of time, or should the applicant fail to obtain an extension, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all approvals, variances, and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board."

SECTION 14. All other sections, parts and provisions of Ordinance No. 242, entitled "The North Cornwall Township Zoning Ordinance", shall remain in full force and effect as previously enacted and amended.

SECTION 15. All ordinances or parts of ordinances of this Township which are inconsistent herewith are hereby repealed.

SECTION 16. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall re-

main in full force and effect.

SECTION 17. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of North Cornwall as provided by law.

DULY ORDAINED AND ENACTED this 27th day of January, 2008, by the Board of Supervisors of the Township of North Cornwall, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF NORTH CORNWALL
Lebanon County, Pennsylvania

Attest: Robin L. [Signature]
(Assistant) Secretary

By: [Signature]
(Vice) Chairman

[Signature]
Member

[Signature]
Member

(Township Seal)

MUNICIPAL CERTIFICATION

I, Robin L. Getz, Secretary of the TOWNSHIP OF NORTH CORNWALL, LEBANON COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance #249 was advertised in the Lebanon Daily News, a daily newspaper of general circulation in the Township of North Cornwall, on January 6, 2008, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on January 27, 2008.

(SEAL)

Robin L. Getz
Secretary

Date: January 27, 2008