

**NORTH CORNWALL TOWNSHIP  
ZONING ORDINANCE**



**Ordinance No. 295, adopted April 18, 2017**

**as amended by:**

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## **Zoning Map**

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## Article 1

### BACKGROUND PROVISIONS

#### SECTION 101. - SHORT TITLE

This Ordinance shall be known and may be cited as the “North Cornwall Township Zoning Ordinance of 2017.”

#### SECTION 102. - PURPOSE

**102.A.** This Ordinance 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, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
2. To prevent any or all of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use. To preserve historic buildings and an overall rural character.
4. 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, as well as mobile homes and mobile home parks.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

**102.B.** This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.

**102.C.** The basis for this Ordinance is the Cornwall-Lebanon Regional Comprehensive Plan, and the North Cornwall Township Master Plan for Non-Motorized Trail Connections as adopted by the Board of Supervisors. The Comprehensive Plan establishes detailed community development goals and objectives, which this Ordinance seeks to promote and to establish; however, it is recognized that circumstances may necessitate the adoption and timely pursuit of new goals and the enactment

of new ordinances or amendments to this Ordinance that may neither require nor allow for the completion of a new Comprehensive Plan and approval of new community development objectives.

**SECTION 103. - SCOPE**

- 103.A.** Except as noted below, from and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in North Cornwall Township shall be in conformity with the provisions of this Ordinance. Any legally existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures or uses.
- 103.B.** This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act. This exemption shall not apply to requirements listed in this Ordinance when the use is in the Floodplain Overlay Zone.
- 103.C.** This Ordinance shall not apply to any existing or proposed uses, buildings, structures, signs, or extension thereof occupied, owned and/or operated by the Township and/or located on Township-owned property. This exemption shall not apply to requirements listed in this Ordinance when the use is in the Floodplain Overlay Zone.
- 103.D.** The application of requirements of this Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:
1. The Act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act".
  2. The Act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act".
  3. The Act of December 19, 1984 (P.L. 1140, No. 223), known as the Oil and Gas Act".
  4. To the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1 st Sp. Sess., P.L. 31, No.1), known as 'The Bituminous Mine Subsidence and Land Conservation Act.
  5. Notwithstanding the foregoing provisions of this Subsection, all uses must comply with the requirements listed this Ordinance when the use is in the Floodplain Overlay Zone.

**103.E.** The application of requirements of this Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:

1. The Act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act".
2. The Act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law.
3. The Act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.
4. Notwithstanding the foregoing provisions of this Subsection, all uses must comply with the requirements listed this Ordinance when the use is in the Floodplain Overlay Zone.

#### **SECTION 104. - INTERPRETATION**

**104.A.** In interpreting and applying the provisions of this Ordinance, such shall be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

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

**104.C.** Ordinance figures/diagrams are for graphic representation only and If a conflict appears between a diagram/figure and written text, the written text shall be interpreted to be the basis of the Zoning Officer administrative interpretation. When no ordinance text is provided the Zoning Officer shall use the diagram/figure for administrative interpretation.

#### **SECTION 105. - CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, interpretation shall follow the requirements of Section 104 of this Ordinance.

#### **SECTION 106. - VALIDITY AND SEVERABILITY**

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

thereof. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

**SECTION 107. - USES NOT PROVIDED FOR**

**107.A.** Whenever a use is neither specifically permitted nor denied by this Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a Special Exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. To approve the use, the Board must find that the proposed use:

1. Is similar to and compatible with the permitted uses in the Zone in which the subject property is located.
2. Is not permitted in any other Zone under the terms of this Ordinance.
3. Is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Zoning Hearing Board most closely reflect the likely impacts that will be generated by the proposed use.
4. Complies with all other applicable sections of this Ordinance and other ordinances of the Township.
5. In no way conflicts with the general purposes and intent of this Ordinance.
6. Would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

**107.B.** The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 403. A.2.

**SECTION 108. - ESTABLISHMENT OF ZONES**

For the purpose of this Ordinance, North Cornwall Township is hereby divided into Zones which shall be designated as follows:

1. Agricultural Zone (A) – Section 200
2. Exposition Overlay – Section 200.C.16
3. Suburban Residential Zone (R-1) – Section 201
4. Multi-Family Residential Zone (R-2) – Section 202
5. Highway Commercial Zone (C-1) – Section 203

6. Commercial General Zone (C-2) – Section 204
7. Office and Institutional Zone (OI) – Section 205
8. Industrial Zone (I) – Section 206
9. Article 5 – Sensitive Natural Resources

**SECTION 109. - ZONING MAP AND NATURAL FEATURES MAP**

- 109.A.** The areas within North Cornwall Township, as assigned to each Zone and the location of the Zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance. In addition, for the purposes of administering the requirements of Article 5, and the attached Natural Features Map is also specifically declared to be a part of this Ordinance.
- 109.B.** If changes are made to Zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of Section 904 of this Ordinance and the Pennsylvania Municipalities Planning Code, and the changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors. No changes of any nature shall be made to the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Zoning Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- 109.C.** The Official Zoning Map shall be in a place designated by the Board of Supervisors and shall be the final authority as to the current zoning status of land and water area in North Cornwall Township regardless of unofficial copies, which may have been made or published from time to time.
- 109.D.** If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Supervisors, attested by the North Cornwall Township Manager or Secretary, and bear the seal of North Cornwall Township under the following words:
- "This is to certify that this Official Zoning Map of North Cornwall Township supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. 295 of North Cornwall Township, Lebanon County, Pennsylvania."***
- 109.E.** Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

**SECTION 110. - ZONE BOUNDARY LINES**

**110.A.** The Zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Zoning Map, the following rules and guidelines, as provided within this section shall be applicable.

1. Where Zone boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.
2. Where Zone boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this Zoning Ordinance, such lines shall be construed to be such boundaries.
3. Where Zone boundaries are indicated as approximately coinciding or municipal boundary lines, such lines shall be construed to be such boundaries.
4. Where Zone boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map.
5. Where Zone boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
6. Where Zone boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback.
7. Where Zone or measurements are not specifically referenced on the Official Zoning Map, the scale of the Official Zoning Map shall determine the unspecified setback.

**110.B.** In the event of dispute about the location of the boundary of any Zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board in accordance with Section 804.E of this Ordinance.

**110.C.** When a property is contained within more than one Zone, any use is required to comply with all applicable design standards upon that portion of the property within the Zone in which the use is permitted.

**SECTION 111. - WORD USAGE**

Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined differently within this section.



**SECTION 112. - LANGUAGE INTERPRETATION**

**112.A.** In this Ordinance, when not inconsistent with the context:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word “person” includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee or similar representative.
5. The term “shall” or “must” is always mandatory.

**112.B.** References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

**SECTION 113. - SPECIFIC WORDS AND PHRASES**

The following words and phrases shall have the meaning assigned by this section in the appropriate sections of this Ordinance. Any word not included in this section will be defined as described in the latest edition of the Webster’s Abridged Dictionary, or other accepted Planning and Zoning Dictionary.

**ACCESS DRIVE** - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

**ACCESS DRIVE THROAT LENGTH** – That portion of an access drive in which exiting vehicles queue at a traffic control point along which there is no conflicting vehicle access point, or that portion of an access drive in which entering encounter no conflicting vehicle access points.

**ACCESSORY BUILDING** – A detached, subordinate building, the use of which is customarily incidental to that of the principal use and which is located on the same lot as the principal use.

**ACCESSORY OCCUPATION** – An occupation where any business activity is conducted outside the dwelling or property lot. The property owner(s) accessory occupation may store equipment or materials, incidental to the off-premises business activity, within the dwelling’s garage or accessory structure, not to exceed 50 percent of the garage or an accessory structure’s total square footage. No repairs, manufacturing, services, retail sales, or wholesale commerce shall be conducted on the premises. No signage advertising any business is permitted on the property and only one vehicle advertising the business or employer’s company vehicle is allowed to be parked on the property. The following are classified as allowable accessory occupations; self-employed contractor, landscaper, food vendors, salespersons, computer service, or similar off-premise occupations.

**ACCESSORY STRUCTURE** - A structure associated with an accessory use (e.g. patios, antennas, tennis courts, garages, utility sheds, above-ground fuel tanks, electrical generators, HVAC equipment, etc.). However, for the purpose of establishing setbacks, any accessory building larger than four hundred eighty (480) square feet shall comply with principal structure setbacks.

**ACCESSORY USE** - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

**ADULT USE** - Any of the following, either alone or in combination with any other use.

- A. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
- B. An establishment or place of assembly to which the public is permitted or invited:
  - 1. Which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
    - a. Books, magazines or other periodicals as well as films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas.
    - b. Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct.
  - 2. Wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
  - 3. Which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
  - 4. Which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses but shall not be considered the only types of adult uses.
  - 1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified

anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
  - a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
  - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in

the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**AGRICULTURE** - The tilling of the soil, the raising of crops, horticulture, and the keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish and other similar animals for commercial distribution. This definition also includes noncommercial greenhouses and mushroom houses as well as the processing and retail sale of goods produced on the farm. This definition also includes uses devoted to research into agricultural technology that would change the conduct of normal farming operations and custom work. For the purposes of this definition custom work shall mean the hiring of another person or agency who does not reside on the subject property to perform one or more activities necessary to the function of the principal farm use as a whole. This definition does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

**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 an enterprise that implements 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 in by farmers or are consistent with technological development within the agricultural industry.

**AGRITOURISM** - An enterprise at a working farm or agricultural operation conducted for the enjoyment of visitors that generates income for the owner. Agricultural tourism refers to the act of visiting a working farm or any horticultural or agricultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation that also adds to the economic viability of the site.

**AIRCRAFT** - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

**AIRPORT** - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon.

- A. Private Airport - An airport that is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.Const.Stat. Section 5102.
- B. Public Airport - An airport that is either publicly or privately owned and that is open to the public as defined in 74 Pa.Const.Stat. Section 5102.

**ALLEY** - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

**ALLUVIAL SOILS MAPS** - Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

**ALTERATIONS** - Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

**ALTERNATIVE ENERGY PRODUCTION FACILITIES** – Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar and emerging technologies.) This definition shall expressly exclude outdoor furnaces, as defined herein.

**AMUSEMENT ARCADE** - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than eight (8) such devices as an accessory use.

**AMUSEMENT, THEME AND/OR ZOO PARK** - A principal use designed and operated for public amusement and education that features a self-contained and secure setting that enables visitors:

- A. Permanent amusement structures, rides, or activities;
- B. Venues for cultural, sports, entertainment and educational activities;
- C. Cages, habitats and exhibits of domestic and/or exotic animals and plants;
- D. Museums, planetariums and other similar exhibits for cultural and educational display; and,
- E. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

**ANAEROBIC DIGESTION** - The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

**ANIMAL HOSPITAL** - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

**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 zoning approval, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

**AREA** - The two-dimensional measurement of space between known lines or boundaries.

- A. **Building Area**: The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

- B. Gross Floor Area: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
- C. Habitable Floor Area: The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, nor unheated areas such as enclosed porches.
- D. Lot Area: The total surficial land (exclusive of bodies of water) area contained within the property lines of a lot.
- E. Minimum Lot Area: The least amount of lot area required to be associated with a principal use as specified within this Zoning Ordinance, exclusive of public rights-of-way, public and private streets and the following features:
  - 1. Street rights-of-way
  - 2. Ultimate rights-of-way
  - 3. Access easements serving another principal use
  - 4. Permanent and open bodies of water
  - 5. The Floodplain Zone as delineated under the terms of Article 5 of this Ordinance
  - 6. Wetlands as regulated as delineated under the terms of Article 5 of this Ordinance
  - 7. Slopes of 25 percent or greater as delineated under the terms of Article 5 of this Ordinance.
- F. Retail Sales Area: The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.
- G. Site Area: The lot area, or portion thereof devoted to a particular use as regulated by this Ordinance.

**AREA OF DISTURBANCE** - The total land area proposed to be used for and/or within any property for development.

**ATTIC** - That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

**AUCTION HOUSE** – A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

**AUDITORIUM** – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

**AUTOMOBILE AUCTION** - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged sales during a competitive bidding process.

**AUTOMOBILE PARKING COMPOUND** - See definition of “Parking Compound.”

**BANKS AND SIMILAR FINANCIAL USES** – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency and wealth. This use shall expressly include uses commonly known as banks, credit unions, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

**BASE FLOOD** - A flood which has a one (1) percent chance of being equaled or exceeded in any given year (also called the one hundred (100) year flood or one percent (1%) annual chance flood).

**BASE FLOOD ELEVATION (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** – A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of greater than seven and one-half (7 1/2) feet; however, for the purposes of the Floodplain Overlay of this Ordinance basement shall include any area of the building having its floor below ground level on all sides.

**BED AND BREAKFAST** - A single-family detached dwelling, where between one and five sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two weeks. Breakfast may be offered only to registered overnight guests.

**BEDROOM** - Any room or space designed to be used or intended to be used for sleeping purposes. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms.

**BIOGAS** - A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

**BLOOD/PLASMA DONOR CENTER - STANDALONE** – A standalone facility in which donations of blood and plasma are collected and processed for off-site use by the medical industry.

**BOARD OF SUPERVISORS** – The governing body of North Cornwall Township, Lebanon County, Pennsylvania.

**BOARDER** - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and who also may be furnished meals or other domestic services in return for compensation.



**BOOKBINDING, PRINTING AND PUBLISHING OPERATIONS** – The process of reproducing hard copies of printed materials including all aspects of production, collation, assembly packaging and distribution.

**BOTTLING** – The deposition of liquid, gas, powder or other granular material within a sealed container.

**BUFFER** - A continuous strip of land that is clear of all buildings and paved areas and is landscaped in accordance with Section 317 of this Ordinance.

**BUGGY** - A carriage drawn by a horse that is commonly used by plain sects as a mode of transport and travel.

**BUILDING** - A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human occupancy.

- A. Detached: A building which has no common wall.
- B. Semi-detached: A building which has only one common wall.
- C. Attached: A building which has two or more common walls.

**BUILDING AREA** - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

**BUILDING COVERAGE** - The percentage of the lot area which may be covered by buildings or structures, including accessory buildings and structures, but excluding driveways, sidewalks, and other paved vehicular or pedestrian accessways.

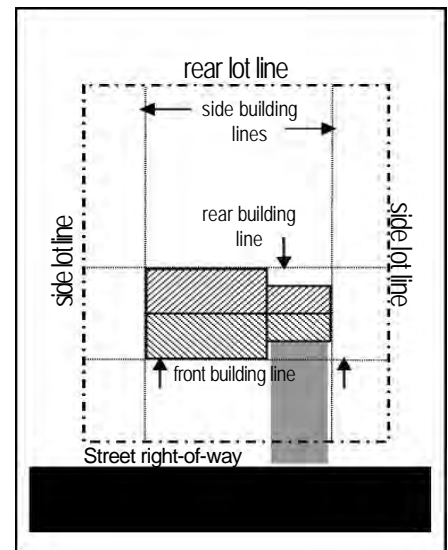
**BUILDING HEIGHT** – The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the top plate and ridge of a gable, hip, or gambrel roof.

**BUILDING LINE** - The actual distance between the closest part of a building and:

- A. in the case of a front yard, all adjoining street right-of-way lines;
- B. in the case of a side yard, all side lot lines; and,
- C. in the case of a rear yard, all rear lot lines.

**BUILDING PERMIT** – Permits issued under the Uniform Construction Code. Permits issued under this Zoning Ordinance are “Zoning Permits.”

**CAMPGROUND** - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by guests, travelers and/or transients in recreational vehicles or tents.



**CAMPSITE** - A plot of ground within a campground intended for occupation by a recreational vehicle, tent or travel trailer.

**CARPORT** – A roofed structure opened on two (2) or more sides for the storage of motor vehicles.

**CARRIAGE & BUGGY HORSE** – An animal kept accessory to a principal residence whose occupants rely upon as a primary mode of transport and travel.

**CARTWAY** - The surface of a street intended and available for use by vehicular traffic.

**CAR WASH** – A commercial use used to clean the exterior, and sometimes the interior, of automobiles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full-service operations.

**CASINOS** - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

**CATERERS, BAKERS AND CONFECTIONERS** – A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location. This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for onsite consumption shall be permitted.

**CELLAR** - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6 ½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

**CEMETERY** - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall also include facilities for the burial of domestic pets.

**CERTIFICATE OF USE AND OCCUPANCY** - A statement, signed by the Code Officer setting forth that a building, structure, sign, and/or land complies with this Zoning Ordinance; or that a building, structure, sign, and/or land may be lawfully employed for specific uses; or both.

**CHANNEL** - A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

**CHURCHES, PARSONAGES, AND RELATED USES** - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries and church-related recreation, educational and/or day-care facilities and orphanages.

**CINEMA** – A building containing a stage and/or screen and seating for the public screening of movies.

**CLUB, PRIVATE** - 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.

**COMMERCIAL DAY-CARE** - A principal use offering care or supervision of more than four (4) minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania.

**COMMERCIAL GREENHOUSE** – A retail business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors.

**COMMERCIAL PRODUCE OPERATION** - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten (10) percent.

**COMMERCIAL RECREATION FACILITY** - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and etc. This does *not* include adult uses, outdoor shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, campgrounds, convention or conference center, gaming operations, golf courses and driving ranges, off-track betting, slot machine parlors and/or casinos.

**COMMERCIAL SCHOOL** – See “School”.

**COMMERCIAL TRUCK** – A motor vehicle that is associated with a business and/or exceeds the limitations of a “passenger vehicle” as defined herein.

**COMMERCIAL WHOLESALE ESTABLISHMENT** – An establishment that sells goods or merchandise to retailers; and industrial, commercial, institutional, or other professional business users; or to other wholesalers and related subordinated services. In general, it is the sale of goods to anyone other than a standard consumer.

**COMMON OPEN SPACE** - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, storm water detention basins, required setbacks and private yards.

**COMMON PARKING AREA** - A parking facility serving multiple uses or properties that is not owned by one user or property, although it may be owned jointly by all or some of the users.

**COMMON WALL** - A wall used or adopted for joint service between two buildings or parts thereof.

**COMMUNICATIONS ANTENNA** - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omni-directional (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 residential satellite dishes, television antennas, or antennae for amateur radio equipment.

**COMMUNICATIONS EQUIPMENT BUILDING** - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

**COMMUNICATIONS TOWER** - A freestanding structure designed and used solely to support communications antennae.

**COMMUNITY CENTER** - A building or portion of a building used as a gathering place or meeting area by local residents of the Township or development within which it is located.

**COMPOSTING** - The conversion of organic matter, such as yard waste, into fertilizer.

**COMPREHENSIVE PLAN** - The Cornwall-Lebanon Regional Comprehensive Plan of June 2013.

**CO-LOCATION** - The mounting of one or more Communications Antenna on an existing Communications Tower, or on any structure.

**CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)** - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in **any** of the following three criteria:

**Three Criteria to Determine CAFO Uses**

**Criteria 1**

The proposed agricultural operation exceeds any of the following animal type thresholds:

- A. 700 mature dairy cows.
- B. 1,000 veal calves.
- C. 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs.
- D. 2,500 swine of 55 lbs. or more.
- E. 10,000 swine under 55 lbs.
- F. 500 horses.
- G. 10,000 sheep or lambs.
- H. 55,000 turkeys.
- I. 30,000 layers or broiler chickens using a liquid manure handling system.

- J. 125,000 broiler chickens not using a liquid manure handling system.
- K. 82,000-layer chickens not using a liquid manure handling system.
- L. 30,000 ducks not using a liquid manure handling system.
- M. 5,000 ducks using a liquid manure handling system.

**Criteria 2**

Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.

**Criteria 3**

Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.

**CONCENTRATED ANIMAL OPERATIONS (CAO)** - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2,000 pounds per acre suitable for the application of manure on an annualized basis. The following link will navigate you to the PA Nutrient Management Rules and Regulations:

<http://www.pacode.com/secure/data/025/chapter83/subchapDtoc.html>

**CONDITIONAL USE** - A use which may be appropriate to a particular Zone when specific conditions and criteria prescribed for such uses are satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 401 of this Ordinance.

**CONDOMINIUM** - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, are designated for separate ownership and the remainder of which is designed 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 DESIGN DEVELOPMENT** - A development that integrates required common open space and residential dwellings. Conservation design developments are further regulated by Article 4 of this Ordinance.

**CONSERVATION EASEMENT** – A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

**CONSERVATION PLAN** - A plan including a map(s) and narrative that, at a minimum, describes, outlines an erosion and sedimentation control plan for an identified parcel of land.

**CONSTRUCTION** - The term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, "new construction"

includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the municipality.

**CONVENIENCE STORE** - A business which specializes in the retail sales and/or rental of household products and foods with or without the sale of gasoline or car diesel. The retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited in a Convenience Store.

**CONVENTION/CONFERENCE CENTERS** - An assemblage of uses that provide a setting for indoor and outdoor exhibits and activities to serve various business activities, meetings, training sessions, entertainment, and recreation on a temporary basis. This use may include hotels and eating and drinking establishments as accessory uses.

**CONVERSION** - To change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

**COUNTY** - The County of Lebanon, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** - The Lebanon County Planning Department.

**CURATIVE AMENDMENT** - A proposed zoning amendment:

- A. Requested of the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest.
- B. Initiated by the Board of Supervisors to cure some known substantial defect.

**DANCE, MUSIC, ART, FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY** – A principal use devoted to the:

- A. Training and performance of dance and music.
- B. Development, display, and sales of individual works of art and/or photography.
- C. Design, development, display and sales of custom articles of clothing.

**DAY-CARE** - The offering of care or supervision over minors or adults for a period not to exceed 18 continuous hours.

- A. Day-Care, Commercial: A principal use offering care or supervision of four (4) or more minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania.
- B. Day-Care, Family: A permitted use conducted in a detached single-family dwelling offering care or supervision to no more than six (6) different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number of persons shall not be applied to those who reside on the property.

**DAY REPORTING CENTER** – Highly structured non-residential programs that offer a comprehensive range of services to non-violent adult offenders as an alternative to incarceration. Offenders live at home and report to the center on a regular, often daily basis.

**DENSITY** - A term used to express the allowable number of dwelling units per acre of land exclusive of public and private street rights-of-way.

**DERRICK** – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

**DEVELOPMENT** - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. For the purposes of the Floodplain Overlay of this Ordinance the term “development” shall mean any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**DEVELOPMENT SITE** - The area encompassing an application, or a land development and any public improvements or common amenities related thereto, whether or not located on an applicant's property. The development site includes all areas of disturbance and areas of impact anticipated by, or expected to result from, the proposed development and the construction of the public improvements and common amenities. For the purpose of Conservation Design under Article 4, the development site shall include, in addition to the areas noted above, the entire property which is the subject of the application, including, but not limited to, areas of open space.

**DOMESTIC COMPOST** – A portable structure used and properly maintained by on-site residents to convert household organic waste into materials useful for gardening and lawn care.

**DOMESTIC PETS** - The noncommercial keeping of non-farm animals that are locally available for purchase as pets. Domestic pets shall not include any species identified as Exotic Animals and Livestock, both as defined herein nor any animal species that, in the opinion of the Zoning Officer, poses a threat to the health, safety and/or welfare of the community.

**DOMESTIC TOOLS** – Electric and/or liquid fuel powered devices that assist in the maintenance and repair of personal property and one’s residence (e.g. power tools, lawn mowers, chain saws, snow blowers, generators, compressors, power washers and etc.).

**DRILLING PAD** - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

**DRIVE-THRU OR FAST-FOOD RESTAURANT** - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

**DRIVEWAY** - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

**DRIVEWAY THROAT** – The section of driveway between the right-of-way and first internal intersecting driveway within the site.

**DRY CLEANERS** – A use at which articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of chemical agents that are generally not water soluble.

**DRY CLEANERS (Off-Site)** – A use at which articles of clothing, uniforms, linens, sheets, blankets, table cloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of chemical agents that are generally not water soluble at an off-site location not associated with drop off location or place of generation. Laundered clothes are then returned to the drop off location or place of generation for pick-up and/or delivery.

**DWELLING** - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below:

- A. **Single-Family Detached**: A freestanding building containing one dwelling unit for one family. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Manufactured and modular homes shall be considered single-family detached dwellings so long as they are designed and constructed in accordance with the applicable construction code. (Figure 1)
- B. **Duplex**: (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side configuration. (Figure 2)
- C. **Multiple Family**: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
- D. **Townhouse**: A building containing between three and six dwelling units arranged in a side-by-side configuration with two or more common walls. (Figure 5)
- E. **Two-family**: A freestanding building containing two dwelling units for two families, arranged in an over-and-under configuration. (Figure 3)

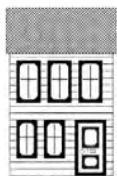


Figure 1

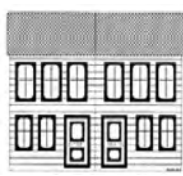


Figure 2



Figure 3



Figure 4



Figure 5

**DWELLING UNIT** - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.



**ECHO (ELDERLY COTTAGE HOUSING OPPORTUNITY) HOUSING** - A temporary dwelling unit placed on a property with another single family detached dwelling for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling or their care-giving family members.

**ELEVATION** – The level of the ground adjacent to a structure, storage area, or other improvement.

**EMERGENCY** — A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

**EMERGENCY RESPONDERS** – The Lebanon County Emergency Management Agency, the Lebanon County Hazardous Material Response Team, the North Cornwall Emergency Management Coordinator, the North Cornwall Township Police Department, the Neversink Fire Company, the First Aid and Safety Patrol Ambulance Company and the Central Medical Ambulance Company, or other requested responders.

**EMISSIONS RELEASE POINT** – That location where an exhaust chimney of an outdoor furnace permits the unrestricted flow of exhaust into the environment.

**EXOTIC ANIMALS** - All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, bobcats, lynx, wolves, alligators, crocodiles, constrictor and/or venomous snakes, primates, and any crossbreed of these animals which have similar characteristics in appearance or features, and any other type of animal as determined by the Township to pose a threat to the health, safety, and welfare of the public. The definition is applicable whether or not the animals were bred or reared in captivity or imported from another state or nation.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXPOSITION OVERLAY** – The Exposition Overlay District is designed to accommodate the development of a planned indoor and outdoor exposition facility which is accessible and has adequate site area with a goal to permit quality design and sound economic value for the Township and the County of Lebanon.

**FACADE** – The face(s) of a principal structure that directly adjoins and whose longest axis runs generally perpendicular to the adjoining yard.

**FAMILY** - Any one of the following:

- A. A single individual occupying a dwelling unit.

- B. Two (2) or more persons related by blood, marriage, or adoption or under foster care occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit, except instances of up to eight (8) unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a “family.”

**FARM** - A parcel of land that is used for one (1) or more agricultural operations (q.v.) including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

**FARM OCCUPATION** – Where permitted by this ordinance, a business or commercial activity that is conducted on actively-farmed parcels containing at least twenty-five (25) acres as a secondary use to a principal agricultural or horticultural use.

**FARMERS AND/OR FLEA MARKET** - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers and/or flea markets can include indoor and outdoor display of merchandise, and food and beverage sales.

**FCC** – The Federal Communications Commission of the United States of America.

**FELLING** – The act of cutting a standing tree so that it falls to the ground.

**FILL** - Material placed or deposited so as to form an embankment or raise the surface elevation of the land.

**FISH HATCHERIES OR FISH FARMS** – A principal use devoted to the raising of fish for wholesale distribution and/or wholesale public release.

**FLAG LOT** – A lot type permitted in the Agricultural district under specific requirements of this Ordinance whose lot width at its frontage is less than that required at the building line.

**FLOOD** - A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION** - The projected heights, in relation to the North American Vertical Datum of 1988 (NAVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

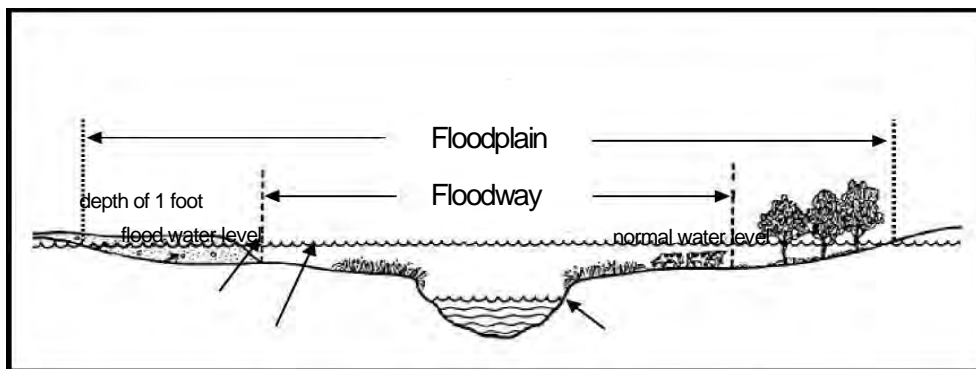
**FLOOD INSURANCE RATE MAP (FIRM)** - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the surface water elevation of the base flood.

**FLOODPLAIN AREA** - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.



**Diagram of Floodplain / Floodway**

**FOOTCANDLE** – A measure of intensity of light stated in lumens per square foot.

**FORESTRY** - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FOREST STEWARDSHIP PLAN** – A written strategy approved by the PA DCNR, Bureau of Forestry, for the long-term care and maintenance of a property, or portion thereof, upon which a timber harvest is to occur.

**FREESTANDING COMMUNICATION AND WIRELESS COMMUNICATION FACILITIES** – Any communications antenna, communications tower and/or communications equipment that is not co-located upon an existing structure.

**FRONTAGE** - The line of a lot coincident with an abutting right-of-way line of a street.

**FUNERAL HOME** - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. A funeral chapel or similar gathering place.
- B. Embalming and the performance of other services used in preparation of the dead for burial.
- C. Cremation of human remains.
- D. The performance of autopsies and other surgical procedures.
- E. The storage of caskets, urns, and other related supplies.
- F. The storage of funeral vehicles.

**GARAGE, YARD AND MOVING SALE** – An occasional and temporary use if a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

**GARDENING** – The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

**GEOTHERMAL SYSTEM** - Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from the exchange of underground temperature.

**GLARE** - The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

**GOLF COURSE** - A golf course with a minimum of 675 yards of play in nine (9) holes.

**GOLF COURSE DRIVING RANGE** - An accessory use to a golf course devoted to the practice of driving golf balls.

**GOLF COURSE, MINIATURE** – A commercial recreational use based upon golf that requires only a putter and is typically, but not necessarily, lit for night play.

**GOVERNING BODY** - The Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania.

**GOVERNMENTAL USE** – A use that is operated by a duly recognized level of government (local, County, State and Federal) provided however, that such use shall not include solid waste and/or hazardous waste disposal and/or handling facilities, prisons, and/or hospitals.

**GRADE** – A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

**GROUP FAMILY DWELLING** – A group of individuals not related by blood, marriage, adoption, or guardianship living together in a single-family dwelling unit as one (1) housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. A Group Family Dwelling shall not include hospitals, sanitariums, clinics, or offices.

**GROUP HOME** – A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this chapter. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of “handicap”, as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define “handicap” as follows: “(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21.” This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

**HAZARDOUS MATERIAL** – For the purposes of the Floodplain Overlay of this Ordinance, substances that have the potential to damage health or impair safety. Hazardous substances include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

**HAZARDOUS WASTE** - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

**HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS** – A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, casinos, golf courses, off-track betting parlors or outdoor shooting ranges, all as defined herein.

**HEAVY EQUIPMENT** - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks in excess of 11,000 pounds’ gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

**HEAVY INDUSTRIAL USE** – A principal use that involves:

- A. The production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials.
- B. The production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, pharmaceutical and industrial alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitric, picric and sulfuric acids.
- C. The production, processing and/or refining of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, coke, naphtha, natural gas, oil (natural and synthetic), lubricating oil, charcoal and other fuel briquettes, and other similar materials.
- D. The above-ground bulk storage of oil, gasoline or other similar flammable liquids.
- E. The production, processing and/or distillation of gelatin, glue, soap, starch and other plant and animal by-products not associated with food processing.
- F. The production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic) and other similar materials.
- G. The production and processing of glass and glass products.
- H. A metal foundry, reduction, refinishing, smelting, alloying and/or refining operation.
- I. The milling or processing of flour or grain.
- J. Principal waste handling, processing, transfer and disposal facilities.
- K. Truck or motor freight terminals and truck stops.
- L. The production and/or assembly of passenger vehicles and heavy equipment and manufactured homes.
- M. Any operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Section 206.C., Section 206.E., and Section 206.F of this Ordinance.

**HEIGHT OF A COMMUNICATIONS TOWER** - The vertical distance measured from the ground level, including any base pad, to the highest point on a Communications Tower, including antennae mounted on the tower and any other appurtenances.

**HELICOPTER PAD (PRIVATE)** - An accessory use where no more than one helicopter may land/take-off and be stored.

**HELIPORT** - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

**HIGHWALL** – The face of exposed overburden and mineral in an open cut of a surface mining operation or for entry to underground mining activities.

**HISTORIC STRUCTURE** - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

**HOME IMPROVEMENT, EQUIPMENT RENTAL AND BUILDING SUPPLY STORES** - A facility for the retail sale and/or rental of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

**HOME OCCUPATION** - An occupation customarily conducted within a dwelling unit that is clearly incidental and secondary to the residential use of the dwelling. The following uses that are expressly prohibited as home occupations include animal hospitals; commercial stables and kennels; day care facilities, funeral homes; tourist homes; restaurants; wholesale sales; storage or mail order activities in which goods are distributed from the dwelling or property; the repair, servicing, storage, or rental of motor vehicles; offices of medical practitioners; clinics; hospitals; and machine and welding shops, or other similar use as determined by the Zoning Officer.

**HORSE BOARDING STABLE** – See “Riding Stable”.

**HORTICULTURE** – The cultivation of fruits, vegetables, flowers, and ornamental plants for commercial distribution.

**HOSPITAL AND RELATED USES** - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

**HOTEL, MOTEL OR SIMILAR LODGING FACILITIES** - A building or group of buildings containing rooms for rental on a transient basis of not more than thirty (30) continuous days nor more than sixty (60) days within any calendar year. This term excludes “bed and breakfast” and “campground” all as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels are a building or group of buildings containing rooms for rental on a transient basis whose primary access is limited through a lobby. Motels are a building or group of buildings

containing rooms for rental on a transient basis whose primary exterior access occurs at each respective unit. Hotels and motels may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services. Mail service shall be limited to counter service within the facility's lobby and no individual unit mailboxes, individual unit mail slots or exterior gang mailboxes shall be permitted. All hotels, motels and similar lodging facilities shall require a full-time on-site staff that operates 24 hours per day and seven days per week and shall not require guests to sign a lease agreement.

**ILLEGAL ACTIVITY** – An act committed in violation of law or this Zoning Ordinance where the consequence of conviction by a court is punishment, especially where the punishment is a serious one such as imprisonment.

**IMPERVIOUS SURFACE** – Any surface that prevents percolation of water into the ground. All structures, buildings, parking areas, driveways, roads, sidewalks and any other areas, concrete, asphalt, stone or gravel shall be considered impervious surface. In addition, all other areas as determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered impervious surface.

**IMPORTANT NATURAL FEATURE** - Any area characterized by any of the following:

- A. Floodplains as regulated by Article 5 of this Ordinance.
- B. Steep slopes regulated by Article 5 of this Ordinance.
- C. Wetlands as regulated by Article 5 of this Ordinance.

**IMPROVEMENT** - Any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

**INDIVIDUAL LOT GRADING PLAN (ILGP)** – A report and drawing that is prepared by a professional registered engineer, landscape architect or professional land surveyor.

**INTERIOR AISLE** - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling and/or farm.

**JOINT PARKING LOT** – A parking lot that is designed, constructed and operated on a shared basis by two or more adjoining uses with one or more shared access drives.

**JUNK** - Used materials, discarded materials, or both, including, but not limited to, wastepaper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

**JUNKYARD** – An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the



dismantling, processing, salvage, sale, or other use or disposition of the same. The term, “salvage yard” includes “junkyard,” but does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “salvage yard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which has expired.)

**KEEPING OF CARRIAGE & BUGGY HORSE** – An accessory use in which one or more animals are kept for the purpose of providing the primary mode of transport and travel for occupants of the site.

**KENNEL** - Any lot on which non-farm animals are kept, boarded, raised, bred, treated, or trained for commercial purposes or a fee, including but not limited to dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities if they are operated on a commercial basis.

**LABORATORY – HEALTH NETWORK & STANDALONE** – An off-site place for doing tests and research procedures, and for preparing chemicals, optic lenses for glasses, and some medications for a medical, dental, optical, and counseling clinics.

**LABORATORY – IN-HOUSE – ASSOCIATED WITH MEDICAL, DENTAL, OPTICAL, AND/OR COUNSELING CLINICS AND OFFICES** – An on-site place for doing tests and research procedures, and for preparing chemicals, optic lenses for glasses, and some medications for medical, dental, optical, and counseling clinics.

**LAMP** - A generic term for a man-made source of light.

**LAND DEVELOPMENT** - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. 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.
- B. A subdivision of land.
- C. The following activities are excluded from this term:
  - 1. the conversion of an existing single-family detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building/use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm; and

3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this sub clause, an amusement park is defined as a tract of land, or area used principally as a 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 who has a proprietary interest in land.

**LANDSCAPE SCREEN** - A planting of noninvasive species arranged to form both a low-level and a high-level barrier between grade and to a height of six (6) feet. This definition can also include the use of an earthen berm provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form both a low-level and a high-level screen between grade and to a height of six (6) feet.

**LAUNDRY** - A use at which articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of agents that are generally water soluble.

**LAUNDROMAT** – A self-service business in which patrons clean, dry clean and/or dry articles of clothing, uniforms, linens, sheets, blankets, tablecloths, draperies, towels, diapers and other fabric items.

**LIGHT** - Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers.

**LIGHT TRESPASS** - A subjective perception of undesirable illumination including the following examples:

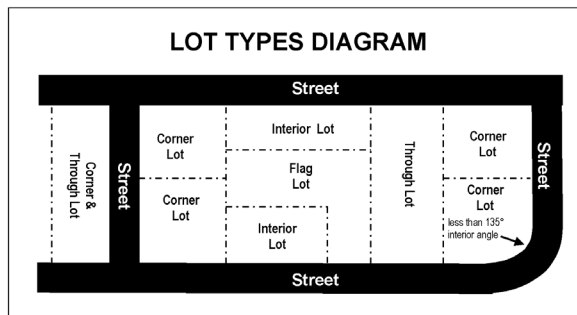
- A. The classic "light shining in a window"
- B. Unwanted light on an adjacent property
- C. Excessive brightness in the normal field of vision (nuisance glare)

**LIVESTOCK** – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, birds, beaver, bees, burrows, cattle, chinchilla, cows, donkeys, emus, fish, fowl, foxes, goats, hogs, horses, lynx, mules, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, swine, and other similar animals for commercial distribution.

**LOADING SPACE** - An off-street space or area having direct usable access to a street or alley suitable for the loading or unloading of goods for shipment.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. For the purposes of satisfying requirements within this Ordinance, the term "lot" can include an assemblage of more than one lot of record provided such lots are contiguous and under the same ownership.

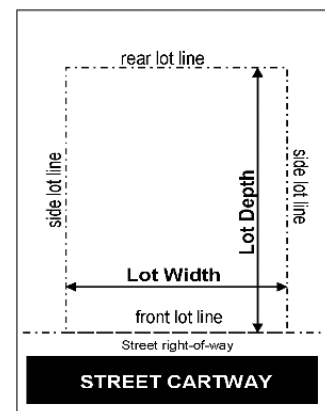
- A. Lot, Corner: A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.
- B. Lot, Flag: A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.
- C. Lot, Interior: A lot with only one (1) street frontage.
- D. Lot, Through / Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.



**LOT DEPTH** - The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight streets rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

**LOT LINE** - A recorded boundary line of a lot; however, any line that abuts a street or other public, quasi-public, or private right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

- A. Lot Line, Front: The lot line coincident with the right-of-way line of a street.
- B. Lot Line, Rear: Lot lines that are formed at the outermost edge of any rear yard as defined herein.
- C. Lot Line, Side: Lot lines that are formed at the outermost edge of any side yard as defined herein.



**LOT WIDTH** – The mean horizontal distance measured between side property lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or

setback line; however, in the case where one side lot line is not parallel to the other side lot line, or for pie-shaped lots, the required lot width shall be measured at a point equal to fifty (50) percent of the lot depth. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the opposing side lot line.

**LOWEST FLOOR** – For the purposes of Floodplain Overlay of this Ordinance, the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of the floodplain ordinance.

**LUMEN** - The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

**LUMINOUS INTENSITY** - The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).

**MACHINE, TOOL AND DIE AND METAL FABRICATION SHOPS** – A principal use devoted to the shaping, forming and finishing of metals into finished products or parts used in other industrial production and/or assembly.

**MAN-MADE LAKES, DAMS, PONDS, AND IMPOUNDMENTS** – A body of surface water that has been constructed with a bottom and sides generally comprised of natural materials with the possible exception of an artificial dam or spillway or bottom liner.

**MANUFACTURED HOME** – Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

For the purposes of the Floodplain Overlay of this Ordinance, the term “manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (A) all mobile homes and (B) camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**MANUFACTURED HOME LOT** - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

**MANUFACTURED HOME PARK AND/OR SUBDIVISION** - A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.

**MANUFACTURING** - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment. Includes all activities included in the NAICS (q.v.) list of "manufacturing" activities except those excluded by the definition of heavy industry as contained herein.

**MANURE** - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

**MANURE DIGESTER** - A facility which main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**MANURE STORAGE FACILITY** - A detached structure or other improvement built to store manure for future use or awaiting disposal.

**MARKET VALUE** - For the purposes of the Floodplain Overlay of this Ordinance, shall be determined utilizing the market value established by the Lebanon County Tax Assessment Office.

**MATURE TREE** - A deciduous tree with a diameter at breast height (DBH) greater than or equal to ten (10) inches or a coniferous tree at least ten (10) feet tall.

**MAXIMUM FLOOD ELEVATION** - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Overlay Zone.

**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, DENTAL, OPTICAL, AND/OR COUNSELING CLINICS AND OFFICES** - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, dental, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients. This definition does not include methadone treatment facilities, as defined herein.

**MEDICAL MARIJUANA DISPENSARY** - A person, including a natural person, corporation, partnership, association, trust or other entity or any combination thereof, which holds a permit issued by the department of Health (DOH) of the Commonwealth to dispense medical marijuana.

**MEDICAL RESIDENTIAL CAMPUS** – A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community.

**METHADONE TREATMENT FACILITY** – Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

**MINING, QUARRYING AND RELATED PROCESSING OPERATIONS** - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

- A. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act.
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- D. Dredging operations that are carried out in the rivers and streams of this Commonwealth.
- E. The removal and sale of non-coal materials from retail outlets.
- F. The extraction of minerals or other deposits carried out beneath the surface by means of shafts, tunnels and similar openings.
- G. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this definition, the minerals removed are incidental if the excavator demonstrates that:
  - 1. Extraction, handling, processing, or storing are conducted concurrently with construction.
  - 2. The area mined is limited to the area necessary to construction.
  - 3. The construction is reasonably related to the use proposed for the site.

**MINI-WAREHOUSES** - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing,

manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

**MINOR REPAIR** - The replacement of existing work with the equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer; drainage, drain, leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MOBILE HOME** – See “manufactured home.”

**MOVING SALE** – See definition of garage, yard and moving sale as defined herein.

**MOTEL** – See definition of Hotel, motel and similar lodging facilities, as defined herein.

**MULTIPLE COMMERCIAL USE COMPLEX** – A commercial development consisting two (2) or more establishments which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; civic uses, commercial schools, and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

**MULTIPLE FAMILY DWELLING** – See the definition of Dwelling, Multi-Family, as defined herein.

**MUNICIPALITY** – The Township of North Cornwall, Lebanon County, PA.

**MUNICIPAL USES** – Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but are not limited to:

- A. Township offices, meeting halls, garages, and storage yards;
- B. Emergency services comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fundraising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges;
- C. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;

- D. Outdoor community service facilities and activities, including fair grounds, community bulletin boards and other similar uses; and,
- E. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.
- F. Municipal Parks

**MUSEUM** – An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history and environment.

**NAICS** – The North American Industrial Classification System, as developed and maintained by the U.S. Bureau of the Census.

**NATURAL GAS COMPRESSOR STATION** - A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**NATURAL GAS PROCESSING PLANT** - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**NEW CONSTRUCTION** – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance. For the purposes of the Floodplain Overlay of this Ordinance this term shall mean structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance. Any construction started after May 17, 1976 and before the effective date of this Ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NIGHTCLUB** - Any building whose principal use is the regular offering of live entertainment along with the offering of on-site consumption of food and beverages, including alcoholic beverages. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of



supplying musical entertainment and an “under 21” club which features entertainment. This use does not include adult uses, casinos or gaming facilities as defined herein.

**NO-IMPACT HOME BASED BUSINESS** – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**NONCOMMERCIAL KEEPING OF LIVESTOCK** - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

**NONCONFORMING LOT** - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE** - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY, DIMENSIONAL** - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Zoning Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto, or when such nonconformity is the result of the acquisition of land and/or rights-of-way by a governmental agency.

**NURSERY AND GARDEN CENTER** - A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting along with related materials, tools and equipment.

**NURSING OR RETIREMENT HOMES** - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

**OBSTRUCTION** - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**OCCUPANCY** - The purpose for which a building or portion thereof is utilized or occupied.

**OFF-STREET LOADING SPACE** – An off-street space not less than twelve (12) feet wide by seventy-five (75) feet long having a minimum clear height of fifteen (15) feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials.

**OFF-STREET PARKING LOT** - An accessory use in which required and, potentially, additional parking spaces are provided subject to the parking requirements listed in this Ordinance.

**OFF-TRACK BETTING FACILITY** - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted.

**OFFICE** - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, finance, investments, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

**OIL AND GAS** - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

**OIL AND GAS DEVELOPMENT** - The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

**OIL OR GAS WELL** - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

**OIL OR GAS WELL SITE** - The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

**ON-LOT SEWER SERVICE** - On-lot sewer service is the disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Pennsylvania Department of Environmental Protection.

**ON-LOT WATER SERVICE** – The provision of water to a single user from a private source located on the user's lot.

**OPEN SPACE** - Any area of land or water, or a combination of land and water, within a development site that is free of improvement and impervious surfaces. Open spaces shall not include, among other things,

areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and/or storm water detention basins, but can include required setbacks and private yards.

**ORNAMENTAL PONDS AND WADING POOLS** – An accessory use.

**ORPHANAGE** - A building or group of buildings designed for and intended to provide housing facilities for minors, who are in need of direct care in lieu of that available from their parents. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

**OUTDOOR FURNACE** - A freestanding or attached accessory structure or appliance designed to be located outside of a principal use which is designed to provide heat and/or hot water to said principal use through the consumption of clean wood, coal, natural gas, kerosene, propane, domestic heating oil provided that such fuels comply with all applicable sulfur limits. For the purposes of this definition clean wood fuel shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets. Clean wood fuel does not include materials chemically treated with any preservative, paint, or oil.

**OUTDOOR FURNACE (PHASE 2)** – An outdoor furnace that has been certified by the United States Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output.

**OUTDOOR RESIDENTIAL ATHLETIC COURT** – An accessory use to a principal residence which is improved for the use by residents and their guests to engage in recreational sport.

**OUTDOOR SHOOTING RANGE** – A facility designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**OUTPARCEL** – A separate lot within a planned center that relies upon the planned center’s circulation system for vehicular access.

**OVERBURDEN** - The strata or material overlying a non-coal mineral deposit or in between non-coal mineral deposits in its natural state and material before or after its removal by surface mining.

**OWNER** - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the commonwealth, county or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

**PA** – Commonwealth of Pennsylvania.

**PA DCNR** – Pennsylvania Department of Conservation and Natural Resources.

**PA DEP** – Pennsylvania Department of Environmental Protection.

**PennDOT** - Pennsylvania Department of Transportation.

**PACKAGING** – The enclosure of products into sealers, containers, wrappers, boxes or other suitable protective coverings for shipping, distribution and/or sales.

**PARKING COMPOUND** – A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly or continuous basis.

**PARKING GARAGE** – A parking lot in which vehicles are parked in covered spaces, excepting those spaces located on a rooftop.

**PARKING LOT** - An accessory use in which required and additional parking spaces are provided subject to the parking requirements of this Ordinance.

**PARKING SPACE** - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street, alley, or access drive.

**PARKS AND PLAYGROUNDS** – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses.
2. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses.
3. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses.
4. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
5. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses.
6. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses.
7. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

**PASSENGER VEHICLE** – A passenger vehicle that is less than 30,001 pounds' gross vehicle weight (weight of vehicle with rated passenger and/or load capacity) that is used and licensed as the principal mode of conveyance by the occupants of a residential premises upon the public road system. This definition shall expressly exclude race vehicles, dump trucks, tractor trailers, commercial trucks and heavy equipment.

**PAVED** – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

**PERSON** - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever; which is recognized by law as the subject of rights and duties.

**PERSONAL CARGO TRAILER** – A licensed vehicle that is meant to be attached to a passenger vehicle for the purposes of transporting personal property upon the public road system.

**PERSONAL MOTOR VEHICLE** – A passenger vehicle owned or leased by an occupant of a residential dwelling unit.

**PERSONAL SERVICE** - A principal use (excluding adult uses) including barber shops, beauty and tanning salons, dry cleaning and laundry pick-up and drop-off facilities, music, art, dance and photographic studios, the repair of clocks and small appliances and similar activities. This use shall not include "adult uses" as defined herein.

**PERSON IN CHARGE** - A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner's short-term rental.

**PESTICIDE** - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

**PETROLEUM PRODUCT** - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

**PHARMACY – ACCESSORY IN STORE & STANDALONE** – The art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs, except for medical marijuana, in a designated secure area of a store by a licensed pharmacist.

**PHARMACY – AS PART OF MEDICAL, DENTAL, OPTICAL, AND/OR COUNSELING CLINICS AND OFFICES** - The art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs, except for medical marijuana, in a designated, secure, area of a medical, dental, optical, and counseling clinic by a licensed pharmacist or medical professional licensed to dispense medical drugs.

**PLANNING COMMISSION** - The Planning Commission of North Cornwall Township.

**PLAY STRUCTURE** – An accessory use to a residence comprised of a structure (freestanding or otherwise) with one or more components and supportive members which in whole or part is intended for use or play by children, including but not limited to tree houses, swing sets, sliding boards, jungle gyms, climbers, seesaws, rockers, non-portable sand boxes, big toys, modular play sets, trampolines, and inflatable play structures.

**PNDI** – The Pennsylvania Natural Diversity Inventory.

**POWER GENERATION FACILITIES** – Except as permitted under the definition of wind and solar farm, a principal use devoted to the creation, storage, conversion, distribution and transmission of electrical energy for use at another location.

**PREMISES** - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

**PRIME AGRICULTURAL LAND** - Land used for agricultural purposes that contains soil of the first, second, or third class as defined by the latest edition of the United States Department of Agriculture Natural Resource and Conservation Services Lebanon County Soil Survey.

**PRINCIPAL WASTE HANDLING, PROCESSING, TRANSFER AND DISPOSAL FACILITIES** – A principal use operated by Lebanon County devoted to the collection, sorting, storage, transport and disposal of solid waste.

**PRISON** - A secure facility owned and operated by a governmental organization for the purposes of incarcerating inmates on a 24-hour basis, 365 days a year including its related offices and other accessory operations and facilities.

**PRIVATE SCHOOL** – See “School.”

**PRIVATE STREET RIGHT-OF-WAY** - A non-public right-of-way which provides vehicular access to a lot(s) or dwelling units. The use of private street right-of-way is at the discretion of the Board of Supervisors.

**PROCESSING** – Pertaining to a systematic modification through mechanical, physical, chemical, and/or energy forces.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the governing body or the planning agency, 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 not be more than thirty

(30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. Once posted in accordance with the requirements of the Municipalities Planning Code, the Township, absent actual notice, shall not be responsible for loss or destruction of sign(s) due to vandalism or an act of God.

**PUBLIC SCHOOL** – See “School.”

**PUBLIC SEWER** - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

**PUBLIC UTILITIES** - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

**PUBLIC WATER** - A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

**RADIOACTIVE MATERIAL** - Any natural or artificially produced substance which emits radiation spontaneously.

**RAIN GARDEN** – An area of land designed and maintained to offer on-site stormwater regeneration. Within off-street parking lots the use of rain gardens must include interconnected drains with the site’s stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations.

**RECREATIONAL VEHICLE** - A vehicular-type of portable structure which is (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) self-propelled or mounted on or drawn by another vehicle, and (D) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

**RECYCLING COLLECTION FACILITY** – A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

**RECYCLING FACILITY** – A use that specializes in the collection and processing of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable.

**REGULATORY FLOOD ELEVATION** – The base flood elevation (BFE) plus a freeboard safety factor of two (2) feet.

**RELATED EQUIPMENT** — Any piece of equipment related to, incidental to, or necessary for, the operation of a Communications Tower or Communications Antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

**RENTAL** - The temporary transfer of goods for compensation.

**REPAIR** – To fix or rehabilitate an object to its intended condition and/or function.

**RESTAURANT** - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five (5) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Restaurants may offer incidental live entertainment.

**RESTAURANT - DRIVE-THRU OR FAST-FOOD** – See definition of “Drive-Thru or Fast-Food Restaurant.”

**RETAIL** – Pertaining to the general public availability for purchase and personal use and/or consumption.

**RETAIL SALES** – A use devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

**RETAINING WALL** – A man-made structure used to stably contain land at a location of substantial elevation change.

**RIDING STABLE** - A principal use at which the operator offers services and facilities to board, train, and exercise horses that are owned by non-residents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions and similar events related to the care, use and enjoyment of horses.

**RIGHT-OF-WAY** – An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

**RIGHT-OF-WAY, LEGAL** – The existing width or area of land currently owned by the Township, the State, or some other public agency or authority.

**RIGHT-OF-WAY, REQUIRED** – The width or area of land necessary to accommodate present or future public improvements.

**RIPARIAN BUFFER** – An area adjoining a watercourse where a natural succession of vegetation is provided and maintained.

**ROADSIDE STAND** – Where permitted, an agricultural use for the sale of local agricultural or horticultural produce, livestock or merchandise.

**RURAL OCCUPATION** – Where permitted, a business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

**SALES** - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.



**SATELLITE DISH ANTENNA** - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses.

**SAWMILL** – A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

**SCHOOL** - A principal use in which supervised education or instruction is offered according to the following categories:

- A. **Commercial School**: A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business and technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, cosmetology and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial school if they are operated as a business.
- B. **Private School**: A school that offers nursery, elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the School District or another governmental agency.
- C. **Public School**: A school licensed by the Department of Education for the purpose of providing nursery, elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof, and operated by the School District.
- D. **Vocational-Mechanical Trade School**: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
  - 1. Agriculture and/or horticulture
  - 2. Truck driving
  - 3. Engineer repairs
  - 4. Building construction and general contracting
  - 5. Woodworking
  - 6. Masonry
  - 7. Plumbing
  - 8. Electrical contracting
  - 9. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 804.C of this Ordinance.

**SCREENING** - An assemblage of materials that are arranged to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-

tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal.

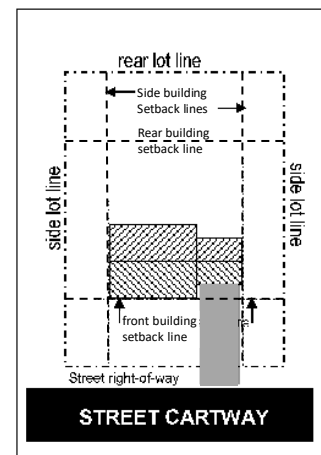
**SEMI-PUBLIC OR PRIVATE RECREATIONAL AREAS, CAMPS, AND STRUCTURES-** A use that offers entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, casinos, golf courses, off-track betting parlors or outdoor shooting ranges, all as defined herein.

**SEPTAGE** – A semi-solid waste that collects at the bottom of sewage treatment devices that is not continuously released during normal treatment flows and needs to be periodically removed and processed and disposed of elsewhere.

**SEPTAGE AND SPENT MUSHROOM COMPOST PROCESSING** – A principal use devoted to the collection and conversion of the septage and/or spent mushroom compost for healthful disposal.

**SETBACK** - The required horizontal distance between a setback line and a property or street line.

- A. **Setback, Front:** The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called “required front yard.”
- B. **Setback, Rear:** The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
- C. **Setback, Side:** The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”



**SETBACK LINE** - A line within a property and parallel to a property or street line which delineates the required minimum distance generally between buildings/structures and that property or street line. Setbacks can also be applied specifically to off-street parking, off-street loading, outdoor storage, access drives and driveways, outdoor lighting, towers, antennas and other improvements, activities and uses as listed throughout this Ordinance.

**SEWER, ON-LOT** - The disposal of sewage by use of septic tanks or other means within the confines of the lot upon which the use is located; such facility shall be approved by the Pennsylvania Department of Environmental Protection.

**SEWER, PUBLIC** – The disposal of sewage by means of a collection and treatment system whereby sewage is collected from a number of users and conveyed to a facility owned by a municipality or by a municipal authority for treatment and ultimate disposal. Such facilities shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

**SHADOW FLICKER** - means alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

**SHED** – A freestanding accessory building to a residence that is generally of portable construction and used to store personal property solely of the inhabitants on the site.

**SHOPPING CENTER** - A development consisting of any single retail store in excess of 60,000 square feet of gross floor area or two (2) or more establishments cumulatively in excess of 60,000 square feet which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; civic uses, commercial schools, and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

**SHOPS FOR CONTRACTORS** – A principal place of business where tradesmen perform their services within completely enclosed buildings on site and where they schedule and prepare to conduct work at other locations.

**SHORT-TERM RENTAL** - Any dwelling unit owned or managed by a person which is rented or leased for a period of 30 consecutive calendar days or less. Short-term rentals may be, but are not required to be, owner-occupied.

**SHORT-TERM RENTAL ANNUAL TERM** - January 1 to December 31 of the year.

**SHORT-TERM RENTAL LICENSE** - The written grant of the right to operate a short-term rental pursuant to the specific terms of the license granted to a specific owner.

**SITE** – A lot or portion hereof, devoted to a particular use as regulated by this Ordinance.

**SKIDDING** – The dragging of felled trees on the ground from the stump to the landing by any means.

**SLASH** – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.

**SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF MEAT PRODUCTS AND THEIR BY-PRODUCTS** – A use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** - The latest version of the Township's Subdivision and Land Development Ordinance.

**SLOT MACHINE PARLORS** - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

**SMALL ENGINE REPAIR SHOPS** - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances. This definition shall not include uses involved in the repair of personal motor vehicles, commercial trucks and heavy equipment, all as defined herein.

**SOIL SURVEY** - The latest published version of the United States Department of Agriculture's soil survey for Lebanon County, Pennsylvania.

**SOLAR ENERGY** – Radiant energy (direct, diffuse and/or reflective) derived from the sun.

**SOLAR ENERGY SYSTEM** - An energy conversion system or device, including any structural design features and all appurtenances and parts thereof, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating and/or for electricity.

**SOLAR PANEL** - That part or portion of a solar energy system containing one or more receptive cells or units, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLID WASTE** - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984.

**SPECIAL EXCEPTION** - A use that is generally compatible with uses permitted in a zoning district but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by Section 804.C of this Ordinance.

**SPECIAL FLOOD HAZARD AREA** – An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year, and depicted on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - For the purposes of this Ordinance, this term shall include any of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- C. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- F. Erotic or lewd touching, fondling or other contact with an animal by a human being.
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

**SPENT MUSHROOM COMPOST** – Soil or mulch-like material that is a by-product of the cultivation of mushrooms.

**STAND** – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

**START OF CONSTRUCTION** – For the purposes of the Floodplain Overlay of this Ordinance, Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days from the date of the permit and shall be completed within one (1) year after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STEALTH TECHNOLOGY** — A camouflaging methods applied to Communications Towers, Communications Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**STEEP SLOPES** - Existing natural slopes of fifteen (15) percent or greater (equal to 15 feet vertical distance over 100 feet horizontal distance). The alteration of slopes that were lawfully manmade (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the pre-existing natural slope.

**STERADIAN** – The unit of measurement of a solid angle in a sphere.

**STORAGE** – A temporary placement of products and materials for preservation, later use and/or disposal.

**STORY** - That part of a building between the surface of any floor and the next floor above it or, in its absence, 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 half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

**STREET** - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The

word “street” includes “thoroughfare,” “avenue,” “boulevard,” “court,” “drive,” “expressway,” “highway,” “lane,” “road,” and similar terms.

**STREET CENTERLINE** – A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

**STREET LINE OR RIGHT-OF-WAY LINE** – The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

**STREAM** – Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

**STRUCTURE** – Any manmade object, including buildings, generators, HVAC units, and above ground fuel tanks having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances. Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

1. **Structure, Accessory**: A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, above-ground fuel tanks, electrical generators, HVAC equipment, etc.). However, for the purpose of establishing setbacks, any accessory building larger than four hundred eighty (480) square feet shall comply with principal structure setbacks.
2. **Structure, Principal**: A structure associated with a primary use.

For the purposes of the Floodplain Overlay of this Ordinance, a “Structure” is a walled and roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

**SUBDIVISION** - The division or redivision 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. 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 CHANGE OR SUBSTANTIAL CHANGE** - A modification to an existing wireless communications facility Substantially Changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for Communications Towers outside the public rights-of-way, it increases the height of the facility by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for Communications Towers in the rights-of-way, it increases the height of the facility by more than 10 percent or 10 feet, whichever is greater; (2) for Communications Towers outside the public rights-of-way, it protrudes from the edge of the WCF by more than 20 feet, or more than the width of the Tower

structures at the level of the appurtenance, whichever is greater; for those Communications Towers in the public rights-of-way, it protrudes from the edge of the structure by more than 6 feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (4) it entails any excavation of deployment outside the current site of the Communications Tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the Communications Tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

**SUBSTANTIAL DAMAGE** - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include any project for the improvement of a structure to correct existing violations of the State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**SUBSTANTIALLY COMPLETED** - Where, in the judgment of the Township engineer, at least ninety (90) percent (based on the 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.

**SWIMMING POOL** - Any structure and/or inflatable device, including permanent, portable and temporary swimming pools, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point twenty-four (24) inches or greater. These structures/devices shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**SWIMMING POOL – KIDDIE** - A swimming pool, or other water holding feature, less than twenty-four (24) inches in depth and less than five (5) feet in diameter.

**SWIMMING POOL - RESIDENTIAL** - A private, noncommercial swimming pool which is designed to contain a water depth of twenty-four (24) inches or greater at any point, regardless of whether they are permanently affixed or portable/temporary, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard..

**SWIMMING POOL – PORTABLE/TEMPORARY** – Portable, inflatable, or assembled plastic frame above-ground swimming pools constructed as a one-piece liner/wall design, with or without a filtration pump, will require an annual Township temporary pool permit, which allows the set-up and use of such pools on the property from May 15<sup>th</sup> to September 15<sup>th</sup> of each year.

**TAVERN** - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food and offer incidental live entertainment.

**TENANT** - Shall refer to the primary individual who has entered into an agreement with the owner or owner's agent for the temporary use of a short-term rental for 30 consecutive calendar days or less. Such individual must be at least 21 years of age.

**THEATER** – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

**TIMBER HARVESTING OR TREE HARVESTING** – A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

**TOWNHOUSE** – See definition of Dwelling, Townhouse defined herein.

**TOWNSHIP** - North Cornwall Township.

**TOWNSHIP ENGINEER** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for North Cornwall Township

**TOXIC MATERIALS** – The following materials and substances, which are listed in 38.7 of the Department of Community and Economic Development Floodplain Management regulations, adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166) have been determined to be dangerous to human life:

- A. Acetone
- B. Ammonia
- C. Benzene
- D. Calcium carbide
- E. Carbon disulfide
- F. Celluloid
- G. Chlorine
- H. Hydrochloric acid
- I. Hydrocyanic acid
- J. Magnesium
- K. Nitric acid and oxides of nitrogen
- L. Petroleum products (gasoline, fuel oil, etc.)
- M. Phosphorus
- N. Potassium
- O. Pesticides (including insecticides, fungicides, and rodenticides)
- P. Sodium



- Q. Sulfur and sulfur products
- R. Radioactive substances, insofar as such are not otherwise regulated.

**TRAINING CENTER** - A principal use that involves the indoor instruction of clients/customers on any of a wide range of subjects including but not limited to occupational, cultural, business, technical, professional, trade, religious, life skills, emergency response, and similar activities.

**TRANSIENT** – Any person who assumes temporary occupancy for the purposes of visitation, recreation or leisure purposes. This definition shall expressly exclude permanent residents and/or migratory workers and their families.

**TRAVEL TRAILER** – See “Recreational vehicle.”

**TREETOP** – The upper portion of a felled tree that is not merchantable because of small size, taper or defect.

**TRUCK OR MOTOR FREIGHT TERMINAL** – A principal use contained on a single property:

- A. To which materials and products are imported for their redistribution and export by commercial truck or other modes of transport.
- B. Whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

**TRUCK STOP** – A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities and similar uses.

**TURBINE HEIGHT** - The distance measured from the surface of the tower foundation upon which the wind turbine is attached to the highest point of the turbine rotor blades at their highest point of rotation.

**TWO-FAMILY CONVERSION** - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

**UNIFORM CONSTRUCTION CODE (UCC)** – The latest version of the statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. In addition, this definition shall also specifically include, but not be limited to, all of the following:

International Building Code

National Electric Code

International Energy Conservation Code

International Existing Building Code

International Fire Code

International Fuel Gas Code

International Mechanical Code

International Performance Code for Buildings and Facilities

International Plumbing Code

International Residential Code

International Wildland-Urban Interface Code

**USE** - The specific purpose(s) for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. **Use, Accessory:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- B. **Use, Principal:** The use of land or structure that is most dominant (either visually or economically) in the determination of the Zoning Officer.

**USE AND OCCUPANCY PERMIT** – See Certificate of Use and Occupancy as defined herein.

**VALET PARKING** – A parking lot, or portion thereof, in which all of the vehicles are parked by an employee or person other than the normal driver of the vehicle.

**VARIANCE** – Relief granted to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 804.D of this Ordinance.

**VETERINARIAN'S OFFICE / FACILITY** - A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl., by a licensed veterinarian. This term excludes the outdoor boarding or keeping of animals.

**VIOLATION** – Any use, activity, construction, development or other improvement or action that does not comply with all applicable provisions of this Ordinance. For the purposes of the Floodplain Overlay of this Ordinance this term shall also mean a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c) (4), (c)(IO), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**VOCATIONAL-MECHANICAL TRADE SCHOOL** – See “School”.

**WAREHOUSE** - A building whose purpose is the storage of goods awaiting further processes or delivery/distribution.

**WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS** - A use where goods, products and/or materials are stored waiting further processing, delivery and/or distribution.

**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 artificial.

**WATER SUPPLY** – See “On-Lot Water Service”

**WATERSHED** - All the land from which water drains into a particular watercourse.

**WBCA** - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.).

**WELDING SHOPS** – A principal use devoted to the joining of metals through intense heat for repair or the preparation of parts used in other industrial production and/or assembly.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at 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, and which shall be identified using the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.

**WIND AND/OR SOLAR FARM** – A principal use devoted to the generation of electrical energy for consumption elsewhere by means of solar panels and/or wind energy conversion systems.

**WIND TURBINE** - Any device which converts wind energy to mechanical or electrical energy. This shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

**WIRELESS** — Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)** —Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other land or property in the Township.

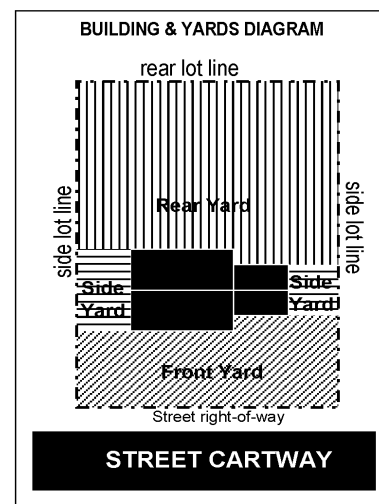
**WIRELESS SUPPORT STRUCTURE** — A freestanding structure that is primarily constructed to support the placement or installation of a wireless communications facility if approved by the Township.

**WHOLESALE** - Pertaining to the sale of goods for resale.

**WIND ENERGY CONVERSION SYSTEM (WECS)** - Any device which converts wind energy to mechanical or electrical energy.

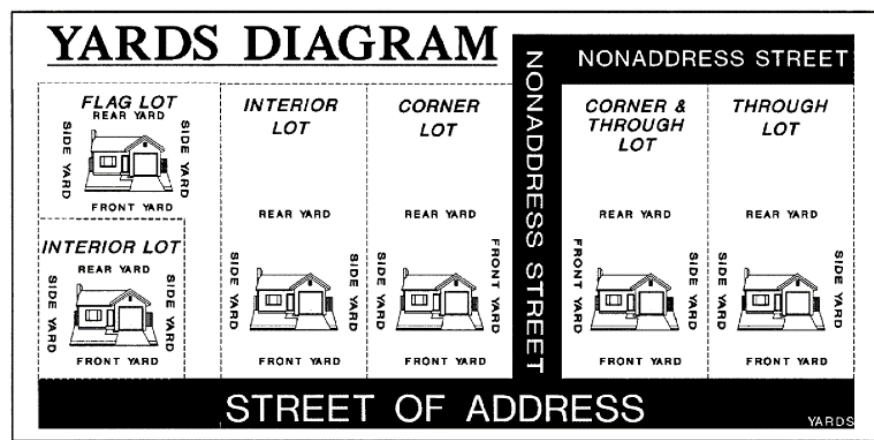
**YARD** - An area between the permitted use and/or structures and the site’s property lines.

- A. **Yard, Front:** The area that extends the full width of the lot contained between the building line (as defined herein) and the street right-of-way line. Where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the building line (as



defined herein) and the front property line that generally parallels the street (see adjacent diagram). On corner lots the front yard shall be those yards that are located between the building line (as defined herein) and the adjoining streets. On corner lots that are also through lots, the front yard shall be those yards that are located between the building line (as defined herein) and the adjoining street of address and located between the principal structure and the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.

- B. Yard, Rear: The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard. On corner lots that are also through lots, the rear yard shall be that area contained between the principal structure and the non-address street right-of-way line directly opposite the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.
- C. Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. On corner lots that are also through lots, the side yard shall be that area contained between the principal structure and the lot line directly opposite the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.



**YARD SALE** – See “Garage, Moving and Yard Sale.”

**ZONE** - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

**ZONING** - The designation of specified Zones within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING HEARING BOARD** - The Zoning Hearing Board of North Cornwall Township, Lebanon County, Pennsylvania.

**ZONING MAP** - The Official Zoning Map of North Cornwall Township adopted as part of this Zoning Ordinance.

**ZONING OFFICER** - The administrative officer designated to administer and enforce this Ordinance in accordance with its literal terms.

## **Article 2**

### **ZONING DISTRICTS**

#### **SECTION 200 - AGRICULTURAL DISTRICT (A)**

##### **200.A. PURPOSE OF DISTRICT**

The purpose of this Agricultural District is to protect areas within the municipality possessing prime agricultural soils (Class I, II, and III soils) which have historically been highly productive soil types most capable of supporting agricultural activities, so that agriculture as an on-going economic activity in the municipality is preserved. The Township acknowledges animal husbandry as an agricultural operation as defined by the Municipalities Planning Code. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this District are specifically designed to and shall be construed and interpreted to:

1. Protect and enhance agricultural operations in the District.
2. Facilitate adaptation to other agricultural technologies.
3. Minimize conflicting land uses detrimental to agricultural operations.
4. Limit development which requires infrastructure in excess of those required by agricultural operations.
5. Maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies.
6. Encourage and protect a locally available renewable energy source, encourage and protect a locally available renewable food source.
7. Preserve, protect, and enhance natural, man-made, and historic features and amenities of the Township that have contributed to the historic character of the community.

In addition to the creation and perpetuation of this District, the Township supports creation of agricultural security areas and shall promote expansion of current agricultural security areas. The regulations are not intended to restrict agricultural operations, or changes to or expansions of agricultural operations in geographical areas where agriculture has traditionally been present.

The regulations of this District are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," the Act of June 30, 1981 (P.L. 128, No.43), known as the "Agricultural Area Security Law," or the Act of June 10, 1982 (P.L. 454, No.133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances" as mandated by the Act and any subsequent amendments thereto.

**200.B. AGRICULTURAL DISTRICT USE TABLE**

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural, including one single-family detached dwelling contained on site	200.C.1	Yes				5
Concentrated Animal Feeding Operations (CAFO) and Concentrated Animal Operations (CAO)	200.C.2	Yes				5
Forestry Uses	200.C.3	Yes				6
Fish hatcheries and/or fish farms	200.C.4	Yes				6
Single Family Detached Dwellings	200.C.5	Yes				6
Municipal and Governmental Uses	200.C.6	Yes				6
Co-location of Communication Antennas upon Existing Structures outside of the right-of-way	200.C.7	Yes				7
Communications Antennas and Towers in the Public Rights of Way	404.9.M	Yes				A4-80
Animal Hospitals and Veterinary Offices	200.C.8	Yes				7
Group Family Dwellings	200.C.9	Yes				7
Nursery and Garden Center	200.C.10	Yes				8
Churches and Related Uses	200.C.11	Yes				8
Cemeteries, including but not limited to Pet Cemeteries	200.C.12	Yes				9
Kennels	200.C.13	Yes				9
Public Schools	200.C.14	Yes				10
Private Schools on 0 to 5 acres of land	200.C.15	Yes				10
Exposition Overlay	200.C.16	Yes				10
Short Term Rentals	200.C.17	Yes				12
Agritourism	200.C.18	Yes				15
Accessory Occupations	319.A				Yes	A3-45
Alternative Energy Production Facilities	319.B				Yes	A3-45
Domestic Pets	319.C				Yes	A3-47
Domestic Compost	319.D				Yes	A3-47
ECHO Housing	319.E				Yes	A3-47
Family Day Care Homes	319.F				Yes	A3-48
Farm Occupations	319.G				Yes	A3-48
Fences and Freestanding Walls	319.H				Yes	A3-50

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Garage Yard and/or Moving Sale	113 - Definitions				Yes	A1-26
Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)	319.I				Yes	A3-51
Gardening and Raising of Plants for Personal Use	113 - Definitions				Yes	A1-26
Home Occupations	319.J				Yes	A3-51
Keeping of Carriage and Buggy Horses	319.L				Yes	A3-53
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
Manure Storage Facilities	319.N				Yes	A3-54
No-Impact Home Based Business	319.O				Yes	A3-55
Noncommercial Keeping of Livestock	319.P				Yes	A3-55
Ornamental Ponds and Wading Pools	319.Q				Yes	A3-56
Play Structures	113 - Definitions				Yes	A1-44
Play Structures - Inflatable	319.K				Yes	A3-52
Recycling Collection Facilities	319.R				Yes	A3-56
Residential Swimming Pools	319.S				Yes	A3-57
Roadside Stands	319.T				Yes	A3-58
Rural Occupations	319.U				Yes	A3-58
On Farm Agricultural Composting	319.V				Yes	A3-59
Outdoor Residential Athletic Courts	319.W				Yes	A3-59
Satellite Dish Antennas	319.X				Yes	A3-59
Outdoor Furnaces	319.Y				Yes	A3-60
Signs	See current Sign Ordinance				Yes	N/A
Airports and Heliports (Private and Public)	402.1		Yes			A4-7
Golf Courses and Driving Ranges	402.8		Yes			A4-27
Mining, Quarrying and Related Processing Operations	402.12		Yes			A4-35
Oil or Gas Well Sites, Natural Gas Compressor Stations, or Natural Gas Processing Plants	402.13		Yes			A4-39
Outdoor Shooting Ranges	402.14		Yes			A4-43



Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Wind and/or Solar Farms	402.18		Yes			A4-53
Adaptive Reuse of Agricultural Buildings	404.2			Yes		A4-60
Agriculturally Oriented Commercial Establishments including but not limited to Farm Implement Dealers, Feed Mills, Seed Stores, Butchering Shops	404.3			Yes		A4-61
Bed and Breakfasts	404.5			Yes		A4-65
Campgrounds	404.6			Yes		A4-65
Commercial Greenhouses	404.7			Yes		A4-67
Commercial Produce Operations	404.8			Yes		A4-68
Freestanding Communication and Wireless Communications Antennas and Freestanding Communication and Wireless Communications Facilities Support Structures	404.9			Yes		A4-70
Private Schools on Greater than 5 Acres	404.17			Yes		A4-91
Riding Stables	404.18			Yes		A4-91
Sale of Compost, Mulch, Woodchips, and Coal	404.20			Yes		A4-93
Saw Mills	404.21			Yes		A4-93
Semi-Public or Private Recreational Areas, Camps and Structures	404.22			Yes		A4-94
Septage and Spent Mushroom Compost Processing and/or Commercial Mushroom Operations	404.23			Yes		A4-94
Wholesale Commercial Yard Waste Based Mulching and Composting, Agricultural Animal Based Composting, and Topsoil Screening	404.25			Yes		A4-97

#### **200.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

1. **Agricultural and Horticultural, including one single-family detached dwelling contained on site**

Subject to the following:

A. No Special Conditions.

2. **Concentrated Animal Feeding Operations (CAFO) and Concentrated Animal Operations (CAO)**

Subject to the following:

A. Approval for such operations shall be granted by the Pennsylvania Department of Environmental Protection, as required by the Nutrient Management Act Regulations, Title 25, Chapter 83, as amended, and any other agency required to review said operations under the said act and related regulations.

B. Facilities constructed for such operations, including, but not limited to, structures and manure storage facilities related to the use, except reception pits and transfer pipes, shall not be constructed:

1. Within 100 feet of a stream, river, spring, lake, pond or reservoir.
2. Within 100 feet of a private water well or open sinkhole.
3. Within 100 feet of a wetland delineated on the National Wetlands Inventory Maps, if the wetland is within the 100-year floodplain of an exceptional value stream.
4. Within 100 feet of an active public drinking water well, water source surface intake, or both, unless other state or federal laws require a greater distance.
5. Within 100 feet (200 feet for new operations) of a property line, unless the adjacent landowners within 100 feet (200 feet for new operations) from the facility otherwise agree and execute a waiver in a form acceptable to the Township Solicitor.
6. Within 200 feet of a perennial stream, river, lake, pond, reservoir, wetland (as described above), or any water well where such facilities (except permanent stacking and composting facilities) are located on slopes exceeding 8 percent or have a capacity of 1.5 million gallons or greater.
7. Within 200 feet (300 feet for new operations) of any property line where such facilities (except permanent stacking and composting facilities) are located on slopes exceeding 8 percent where the slope is toward the property line or have a capacity of 1.5 million gallons or greater, unless the adjacent landowners within 200 feet (300 feet for new operations) from the facility otherwise agree and execute a waiver in a form acceptable to the Township Solicitor.

8. Within 200 feet of any property in the R-1, R-2, or OI Zoning Districts.
  - C. The applicant shall furnish evidence from the local field office of the Natural Resources and Conservation Service (NRCS) that the proposed use has a certified conservation plan that meets NRCS standards and specifications. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the (NRCS) that the amended plan has been approved.
  - D. The applicant shall furnish evidence from the Lebanon County Conservation District that the proposed use has an approved Nutrient Management Plan. All subsequent operations and activities shall be conducted in accordance with such Nutrient Management Plan. If, at any time, the Nutrient Management Plan is amended, the applicant must again furnish evidence from the Lebanon County Conservation District that the amended plan has been approved.
  - E. On-site manure storage facilities shall not be permitted until such time as compliance with the Nutrient Management Act Regulations, Title 25, Chapter 83, as amended, is demonstrated by the applicant in writing. The previously enacted provisions of the Township regarding the regulation of manure handling and facilities remain in full force and effect to the extent that they are not preempted by State or Federal law or as modified by this subsection.
  - F. The property whereupon the CAO or CAFO is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water unless properly managed in accordance with the Township's Stormwater Management Ordinance.
3. **Forestry Uses**  
Subject to the following:
    - A. In accordance with Article 5 of this ordinance.
  4. **Fish Hatcheries and/or Fish Farms**  
Subject to the following:
    - A. No Special Conditions
  5. **Single Family Detached Dwellings**  
Subject to the following:
    - A. No Special Conditions
  6. **Municipal and Governmental Uses**  
Subject to the following:

A. No Special Conditions.

7. **Co-location of Communication Antennas upon Existing Structures outside of the Right-of-Way**

Subject to the following:

A. Communication antennas that are co-located upon existing structures (e.g. utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), are a use permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:

1. The height of the commercial communications antennas and apparatus attaching the commercial communications antennas thereto shall not exceed by more than twenty (20) feet the height of such existing structure.
2. When site conditions permit, the applicant shall use stealth technology or other appropriate measures to camouflage or conceal the antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose.
3. Up to five (5) metal boxes may be placed on a concrete pad not exceeding twenty-five (25) feet by thirty (30) feet in area housing the receiving and transmitting equipment necessary to the operation of the antennas provided that: the pad and boxes meet the applicable accessory yard setback for the district it is located in; the combined height of the pad and boxes does not exceed fifteen (15) feet; and an evergreen landscape buffer screen in accordance with Section 317 is planted and maintained.

8. **Animal Hospitals and Veterinary Offices**

Subject to the following:

A. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard and meet the principal setbacks for the district.

9. **Group Family Dwellings**

Subject to the following:

A. No Special Conditions

10. **Nursery and Garden Center**

Subject to the following:

- A. No Special Conditions

11. **Churches and Related Uses**

Subject to the following:

A. House of Worship

1. Minimum lot area - Two (2) acres.
2. Maximum lot area within the (A) District – Five (5) acres.
3. Minimum lot width - Two hundred (200) feet.
4. All houses of worship shall have vehicular access to an arterial or collector road.
5. Side yard setback - Forty (40) feet on each side.
6. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

B. Church-Related Residences (Rectories, Parsonages, and Convents)

1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.

C. Church-Related Educational or Day-Care Facilities

1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
2. An outdoor area shall be provided in accordance with State and Federal Regulations. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.

4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.

- D. The maximum permitted lot coverage for churches and related uses shall be sixty (60) percent.

**12. Cemeteries, including but not limited to Pet Cemeteries**

Subject to the following:

- A. Maximum lot area – Ten (10) acres.
- B. Minimum lot width - Two hundred (200) feet.
- C. All cemeteries shall have vehicular access to an arterial or collector road.
- D. Side yard setback - Fifty (50) feet on each side.
- E. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

**13. Kennels**

Subject to the following:

- A. Table 2.1 lists minimum required lot sizes and required setbacks based upon the number of animals kept:

**Table 2.1 - Minimum Required Lot Sizes**

<b>Type and Number of Animals Kept</b>	<b>Minimum Required Lot Area</b>	<b>Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line</b>
1 dog to 50 dogs	5 acres	150 feet
1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
1 dog to 50 dogs, plus 1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
More than 50 dogs	10 acres	300 feet
More than 50 dogs, and/or more than 200 animals, other than dogs	10 acres	300 feet

- B. The use shall comply with the applicable Township Noise Ordinance.

- C. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death.
- D. If applicable, the applicant must demonstrate evidence of compliance with the PA Dog Law.
- E. The applicant must document in writing measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.
- F. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations.

14. **Public Schools**

Subject to the following:

- A. No Special Conditions.

15. **Private Schools on 0 to 5 Acres of Land**

Subject to the following:

- A. No Special Conditions.

16. **Exposition Overlay**

Subject to the following:

- A. The land area as graphically shown on the Zoning Map shall be subject to the underlying Agricultural Districts requirements and the Exposition Overlay requirements.
- B. The Exposition Overlay is designed to accommodate the development of a planned indoor and outdoor exposition facility which is accessible and has adequate site area with a goal to permit quality design and sound economic value for the Township and the County of Lebanon.
- C. Permitted Uses in the Exposition Overlay Include:
  - 1. Animal shows, demonstrations and sales, both domestic and livestock including equestrian events.
  - 2. Any 4-H or FFA related activities.
  - 3. Accommodation of temporary overnight stays.
  - 4. Buildings and structures to house any permitted use.
  - 5. Concerts and other musical events.
  - 6. Conferences, conventions, banquets, receptions, and meeting.

7. Fairs, carnivals, circuses, and similar events.
  8. Flea markets and tabletop sales.
  9. Auto, truck, boat, tractor, and equipment shows; and sales of show related items at the time of the show.
  10. Sports and athletic events and competitions.
  11. Hobby and related events.
  12. Farmers' markets.
  13. Greenhouses.
  14. Exposition related administrative offices.
  15. Governmental offices.
  16. Motor sports demonstrations and races.
  17. Museums.
  18. Temporary parking or storing motor vehicles related to the event.
  19. Rental of any permitted facility to the public for a permitted use.
  20. Tractor and truck shows and pulls.
  21. Temporary emergency evacuation and/or staging site.
  22. Auctions.
  23. Food Truck Vendors
  24. Any use determined by the Zoning Officer to be of the same general character as those above-listed uses.
- D. Floor Space: An exposition facility must have at least seventy-five thousand (75,000) square feet of exposition floor area.
- E. Density – Total floor space of all building uses in gross square feet shall not exceed fifty (50) percent of the total lot area as measured in square feet. Where an addition is made to an existing structure the total space of the resulting structure shall be considered in computations.
- F. Minimum Required Lot Area – None.
- G. Minimum Required Lot Width – See Table 2.3.
- H. Required Minimum Yard Setbacks – See Table 2.3.
- I. Maximum Permitted Impervious Lot Coverage – See Table 2.3.



- J. Maximum Permitted Height – See Table 2.3.
- K. Signage – Signs shall be installed pursuant to the Sign Ordinance, No.296.
- L. All uses, except for off-street parking or loading/unloading space and outdoor functions shall be conducted within a completely enclosed building except that shipping or storage containers, pallets or other items related to an exposition function may be stored outside provided that areas for storage shall be screened by an opaque fence or wall from adjacent property, parking lots on site, and public rights-of-way. Recreational vehicles (RV's) and trucks used in transporting exhibit materials at scheduled exposition functions may be parked on site during the term of exposition and five days preceding or following the exposition.
- M. Temporary Structures – Tents, amusement rides, and similar temporary facilities shall not be erected more than fifteen (15) days prior to the event and shall be removed not more than fifteen (15) days after the event.
- N. All uses permitted within this District shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.
- O. All access drives shall be in accordance with Sections 301, 302, and 303 of this Ordinance except that no access drive shall be greater than twenty-two (22) feet wide.
- P. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups 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 back-ups on adjoining roads. If, at any time, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.
- Q. Off-street loading and parking shall be provided in accordance with Sections 309 and 310.

17. **Short-Term Rental**

Subject to the following:

- A. Licensing
  - 1. Owner(s) must obtain a license for all dwelling units intended for use as short-term rentals prior to renting out a dwelling unit as a short-term rental. Owners or their agents must complete the short-term rental license application and submit it to the Township Zoning Officer for processing. No property may be used as a short-term rental until a license has been granted by the Zoning Officer.
  - 2. Licenses are nontransferable. If ownership of a short-term rental changes, the new owner(s) must complete a new license application form before renting out any part of the dwelling unit for a short-term rental and must pay the annual fee.

3. Upon the submission of a complete application to operate a short-term rental, the Township will have thirty (30) business days to review the license application and inspect the property and either grant or deny the request for a license. If the application is denied due to the lack of information, the applicant will be given the opportunity to provide the requisite information and resubmit the application. The thirty (30) day review period will reset upon resubmission of an application to operate a short-term rental.

B. Licenses Requirements:

1. The short-term rental license shall only be issued in the name of the owner of the short-term rental property.
2. A separate license is required for each short-term rental property.
3. Each owner shall maintain a minimum of \$500,000 in liability insurance on the short-term rental for the full duration of the license term and provide proof of the same to the Township.
4. A copy of the current Lebanon County hotel room excise tax certificate and current Pennsylvania sales tax license.
5. A copy of the owner's short-term rental agreement which states the tenant(s) acknowledge that violation of the short-term rental agreement or this article may result in termination of the owner's short-term rental license.
6. All short-term rentals must be either owner-occupied or, if not owner-occupied, must designate a local person in charge. A person in charge, who may or may not be the owner, must reside in or have an office within 15 miles of the short-term rental property and be able to act as the legal agent for the owner(s). The Township must be notified, in writing, within fourteen (14) days of the change if there is a change of ownership or in the identity of the person in charge.
7. If the person in charge is not the owner, they shall immediately advise the owner of any notification of a violation. Owner(s) and person(s) in charge must maintain all short-term rental dwelling units under their ownership and/or control in compliance with all applicable Township ordinances and regulations as established by the Township. Owners, persons in charge, and tenants shall be liable for violations of laws and/or ordinances.
8. The condition of any short-term rental must fully comply with the International Residential Code currently in use as adopted by the Commonwealth of Pennsylvania and other relevant laws and codes and Township.
9. The owner shall limit overnight occupancy of the short-term rental to the specific number of tenants designated in their short-term rental license.

10. Overnight occupancy of a short-term rental dwelling unit shall be limited to no more than two persons per bedroom plus four additional persons per dwelling unit. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall not exceed 75% of the maximum overnight occupancy of the short-term rental.
11. A short-term rental shall be separated from another short-term rental by 1,000 feet measured from the two closest property line points.
12. A short-term rental shall be a minimum of two (2) acres.
13. No on-street or yard parking, or parking on unpaved areas of the property, will be permitted at any time. No tents are permitted. No recreational vehicles, campers, buses or other similar vehicles may be parked on the short-term rental property by owners or tenants at any time. Outdoor overnight sleeping of tenant guests is prohibited.
14. In addition to the required off-street parking for a single-family dwelling, short-term rentals shall provide one (1) additional off-street parking space for each bedroom designated to be rented as part of the short-term rental.
15. A short-term rental shall comply with the Pennsylvania Sewage Facilities Act, the Township's Act 537 Plan, and any other applicable regulations related to on-lot sewage planning and disposal.

C. License posting requirement:

Each short-term rental license granted will include a public notice placard. It is the owner's responsibility to post the notice on the inside of the front door of the dwelling unit. This notice shall always remain on the front door, and it is the owner's responsibility to ensure that it remains legible.

D. Term of license; fees; initial compliance:

1. The license term for a short-term rental run from January 1 to December 31. The initial licenses granted hereunder shall run until December 31 of the year this section was adopted, regardless of when the license was issued.
2. The annual short-term rental license fee is per dwelling regardless of the point in a calendar year that a license is obtained. Fee(s) are established by resolution and are set forth in the Township Fee Schedule, which may change from time to time. Fee(s) must be paid at the time the application is submitted for approval.
3. Short-term rentals existing on date of adoption of this article shall have 30 days after adoption of application to make application for short-term license.

E. License renewal

Each short-term rental license shall be renewed annually. Failure to pay the renewal license fee will immediately terminate the short-term rental license. Renewal fee(s) are established by resolution and are set forth in the Township Fee Schedule, which may change from time to time. Annual short-term rental license renewal will not be approved unless all required licensing conditions are met as set forth in Section 200.C.17. In addition, verification that all owed hotel and sales taxes have been paid shall be provided. License renewal applications must be filed on or before November 15 of the prior year.

F. Inspections

1. All short-term rental license and renewal applications shall be subject to inspection by the Zoning Officer and the Township's Code Official, or designated third party inspection agency, to verify application information and compliance with all ordinances, uniform construction code, license, license renewal and/or operating requirements.
2. The issuance of a short-term rental license or inspection is not a warranty that the premise is lawful, safe, habitable, or in compliance with this article or any other applicable ordinances. Rather, the license indicates that the premises is either set to be inspected on a routine basis or, if inspected, the premises met applicable ordinance requirements on the day and at the time of the inspection.
3. If there is reasonable cause to believe that any provision of this article is being violated, the Township may enter or may cause, through an authorized representative of the Township, entry onto the short-term rental property and into the short-term rental for the purpose of inspection for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or the person in charge to secure access thereof. Upon such request, the owner or person in charge shall provide access and be present during the inspection.

G. Owners severally responsible

If the premises are owned by more than one owner, each owner shall jointly and severally be subject to prosecution for a violation of this article.

18. **Agritourism**

Subject to the following:

A. Agritourism shall be subject to the following conditions:

1. Agritourism related uses include:
  - a. Ice cream / bakery facilities.

- b. Wineries / Breweries / Distilleries including tours and tastings.
  - c. Corn mazes.
  - d. Farm-related interpretive facilities and exhibits.
  - e. Agriculturally related education and learning experiences.
  - f. Farm stays.
  - g. Indoor and outdoor music entertainment.
  - h. Other Agritourism type uses that draw a significant number of visitors to a farm property may be determined on a case-by-case basis if the use meets the purpose and intent of the regulations.
- 2. "Pick Your Own" activities are not an Agritourism use, except when activities such as the following are added in addition to "Pick Your Own".
  - a. The sale of hot or cold beverages.
  - b. The sale of hot or cold ready to eat foods.
  - c. Live or recorded entertainment.
  - d. Educational activities that fall outside of instruction on how to properly "Pick Your. Own" to prevent damage to plants and grounds.
- B. The Agritourism use must be subordinate to the principal use of Farming.
- C. A minimum of fifty (50%) percent of the products offered for sale in conjunction with the agritourism use shall be raised/produced on the farm or shall be a like product to the items raised/produced on the farm.
- D. Agritourism enterprises are only permitted on farms with a lot size of ten (10) acres or more.
- E. Individuals wishing to engage in Agritourism activities must comply with the Township's Stormwater Management Ordinance, and all other applicable ordinances.
- F. Off-Street Parking and Loading shall be provided in accordance with Sections 309 and 310 of this Ordinance and shall provide off-street parking spaces in accordance with the specific agritourism use(s) proposed.
- G. Sanitary facilities shall be provided in accordance with PADEP regulations. A permit is required from the Township SEO for recurring events that utilize portable bathrooms.
- H. Agritourism enterprises, other than farm stays, shall not be operated earlier than 8 AM and shall be closed by 9 PM. Indoor activities are not time restricted.
- I. No commercial vendors shall be permitted on the property during Agritourism activities and events with the exception of food service vendors.

- J. Individuals wishing to engage in Agritourism activities shall consult with the Township's building code official to determine if a building permit is required for any building proposed as part of the agritourism enterprise.
  - K. Where an agritourism use adjoins a non-farm related residential use or dwelling, the activities and parking shall be setback two hundred (200) feet from side or rear lot lines and to create a buffer area. However, access roads, service drives, and utility easements not more than twenty (24) feet in width are permitted to cross the buffer zone. Minimum required front yard setback, maximum permitted building coverage, and maximum permitted height shall be in accordance with Section 200.H, Table 2.3 for Agriculture, Horticulture, Forestry, and other Principal Uses. No parking, including food service vendors, shall be permitted in the required front yard setback.
  - L. All agritourism related activities and parking not regulated by Section 200.C.18.K above shall meet minimum required yard setbacks, maximum permitted building coverage, and maximum permitted height in Section 200.H, Table 2.3 for Agriculture, Horticulture, Forestry, and other Principal Uses. No parking, including food service vendors, shall be permitted in the required minimum yard setbacks.
  - M. Live or other form of outdoor music entertainment shall end at 9:00 PM.
19. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses.**

**200.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

- 1. Accessory Occupations
- 2. Alternative Energy Production Facilities
- 3. Domestic Pets
- 4. Domestic Compost
- 5. ECHO Housing
- 6. Family Day Care Homes
- 7. Farm Occupations
- 8. Fences and Freestanding Walls
- 9. Garage Yard and/or Moving Sale
- 10. Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)
- 11. Gardening and Raising of Plants for Personal Use

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12. Home Occupations
13. Keeping of Carriage and Buggy Horses
14. Man-made Lakes, Dams, Ponds, and Impoundments
15. Manure Storage Facilities
16. No-Impact Home Based Business
17. Noncommercial Keeping of Livestock
18. Ornamental Ponds and Wading Pools
19. Play Structures
20. Residential Swimming Pools
21. Roadside Stands
22. Rural Occupation
23. On Farm Agricultural Composting
24. Outdoor Residential Athletic Courts
25. Satellite Dish Antennas
26. Outdoor Furnaces
27. Signs
28. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses.

### **200.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

#### Conditional Uses:

1. Airports and Heliports (Private and Public)
2. Mining, Quarrying and Related Processing Operations
3. Outdoor Shooting Ranges
4. Wind and/or Solar Farms
5. Oil or gas Well Sites, Natural Gas Compressor Stations, or Natural Gas Processing Plants

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6. Golf Courses and Driving Ranges
7. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses.

### **200.F. USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

#### Special Exceptions:

1. Adaptive Reuse of Agricultural Buildings
2. Bed and Breakfasts
3. Campgrounds
4. Commercial Produce Operations
5. Freestanding Communication Antennas, Towers, and Equipment
6. Agriculturally Oriented Commercial Establishments including but not limited to Farm Implement Dealers, Feed Mills, Seed Stores, Butchering Shops
7. Saw Mills
8. Semi-Public or Private Recreational Areas, Game and Wildlife Hunting and Gun Clubs, Camps and Structures
9. Riding Stables
10. Sale of Compost, Mulch, Woodchips, and Coal
11. Septage and Spent Mushroom Compost Processing and/or Commercial Mushroom Operations
12. Wholesale Commercial Yard Waste Based Mulching and Composting, Agricultural Animal Based Composting, and Topsoil Screening
13. Commercial Greenhouses
14. Private Schools on Greater than five (5) Acres
15. Any use determined by the Zoning Officer to be of the same general character as the above-listed special exemption uses.



**200.G. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT**

1. In order to preserve agricultural properties, it is the express intent of the Agricultural District regulations that large contiguous areas of farmland be protected. Therefore, the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Municipalities Planning Code to preserve prime agricultural land through the enactment of these regulations.
2. Table 2.2 shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this District. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural District held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on April 29, 2008 (original date of enactment of these specific regulations). If such land was not classified within the Agricultural District on April 29, 2008, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural District. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
  - A. Such land is divided into one or more lots, parcels, purparts, or tracts.
  - B. Such land was acquired by the landowner at different times or by different deeds or other means.
  - C. Such land is separated by public or private streets or rights-of-way.

**Table 2.2 – Permissible Number of Lots**

Lot Area (Acres)		Total number <sup>1</sup> of permitted lots and/or principal uses.
At least	Less than	
0	10	Lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of Table 2.3 in this Section
10	25	4
25	50	5
50	75	6
75	100	7
100	126	8
126 or more		8, plus 1 per each 25 acres in excess of 125 acres

<sup>1</sup> The total number of permitted lots and/or principal uses does not include the residual lot or existing use(s)

## Section 200

3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in Footnote #2 of Table 2.3 in Section 200.H. of this Ordinance.
4. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 200.G.2 of this Ordinance.
5. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 200.G.2 of this Ordinance.
6. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 200.G.2 of this Ordinance. Each deed shall clearly denote the property's future subdivision/land development rights under this Section. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under Section 200.G.2 of this Ordinance.
7. The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.

**200.H. AREA & DESIGN REQUIREMENTS WITHIN THE (A) DISTRICT** – All uses within the Agricultural District shall comply with those standards listed in Table 2.3.

**Table 2.3 - AREA & DESIGN REQUIREMENTS WITHIN THE (A) DISTRICT**

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width	Required Minimum Yard Setbacks				Maximum Permitted Building Coverage	Maximum Permitted Height <sup>6</sup>
				Front	One Side	Both Sides	Rear		
Agriculture, horticulture, forestry, and other principal uses <sup>3,4</sup>	1 acre <sup>3,7</sup>	N/A	150 ft.	50 ft. <sup>1</sup>	20 ft. <sup>1</sup>	40 ft. <sup>1</sup>	50 ft. <sup>1</sup>	20%	35 ft.
Municipal and governmental uses <sup>3</sup>	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings <sup>3</sup>	1 acre <sup>3</sup>	2 acres <sup>2,7</sup>	150 ft.	40 ft.	15 ft.	30 ft.	40 ft.	25%	35 ft.
Residential accessory structures <sup>5</sup>	Included in above	Included in above	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	5 ft.	10 ft.	5 ft.	Included in above	25 ft.

- <sup>1</sup> Special setback requirements - Except as provided for as follows, no compost area, new slaughter area, area for the storage or processing of garbage, agricultural byproducts or composted materials, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special

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setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

- 2 The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not contain 75% or more of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract; or a predetermined lot size is required due to DEP requirements to mitigate high levels of nitrates.
- 3 All uses relying upon on-lot sewers shall comply with Section 318 of this Ordinance.
- 4 Forestry uses involving only timber harvesting without the placement of structures on the site shall be exempt from minimum lot width requirements.
- 5 For the purpose of establishing setbacks, any accessory building larger than four hundred eighty (480) square feet shall comply with principal structure setbacks.
- 6 Exemptions to the Maximum Permitted Height is located in Section 307.
7. Properties less than 10 acres in area are subject to the Noncommercial Keeping of Livestock requirements in Article 3, Section 319.O, whether livestock is sold commercially or not.

**200.I. Flag Lots**

Subject to the following:

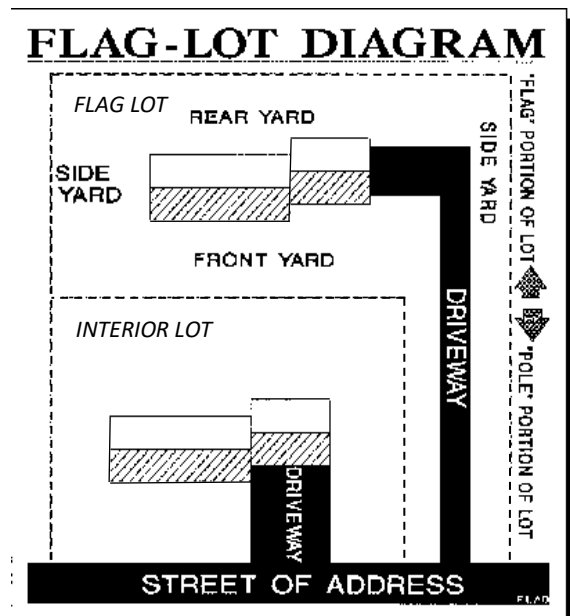
1. Within the (A) Zone, the use of flag lots for single family detached residences is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques.
2. For the purposes of this Section, a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

3. Requirements for the Flag:

- A. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

- B. For purposes of determining required yards and setbacks, the following shall apply:

1. Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.
2. Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.



3. Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

- C. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction.

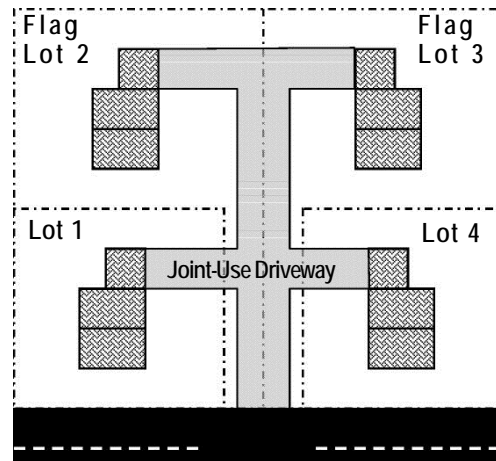
4. Requirements for the Pole:

- A. The pole shall maintain a minimum width of fifty (50) feet.
- B. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
- C. No part of the pole 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 to off-site facilities, mailboxes, and signs.
- D. The cartway contained on the pole shall be located at least five (5) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or on any adjoining property.
- E. No pole shall be located within one hundred twenty (120) feet of another on the same side of the street, unless adjoining poles share a joint-use driveway.

5. Joint Use Driveways:

- A. When one or more flag lots are proposed, such lots may rely upon a joint use driveway for vehicular access. Such joint use driveways shall comply with the following requirement:

- 1. A joint use driveway must serve at least one flag lot, but may also serve conventional lots, up to a maximum of four lots.
- 2. All joint use driveways shall have a minimum easement of width of fifty (50) feet and a minimum cartway width of sixteen (16) feet which shall be paved for the first twenty-five (25) feet from the edge of the public street.
- 3. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways. Such easements shall be recorded in the language acceptable to the Township Solicitor and depicted on the subdivision plan.



**200.J. DRIVEWAYS AND ACCESS DRIVES**

All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses **shall be exempt** from driveway

and access drive requirements in Sections 301 and 302, respectively, except those related to the clear-sight triangle listed in Sections 301.C and 304.C of this Ordinance.

**200.K. SENSITIVE NATURAL RESOURCES**

All uses permitted within this District shall also comply with the applicable Sensitive Natural Resources contained within Article 5 of this Ordinance.

**200.L. AGRICULTURAL NUISANCE DISCLAIMER**

All lands within the Agricultural District are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within the (A) District shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**200.M. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**200.N. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**200.O. OFF-STREET PARKING**

Off-Street loading and parking shall be provided as specified in Sections 309 and 310 of this Ordinance.

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## SECTION 201 - SUBURBAN RESIDENTIAL DISTRICT (R-1)

### 201.A. PURPOSE OF DISTRICT

The purpose of this District is to accommodate medium density residential uses in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of future developments in accordance with the Township's Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics.

This District coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.

Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site.

### 201.B. SUBURBAN RESIDENTIAL DISTRICT USE TABLE

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	201.C.1	Yes				3
Forestry Uses	201.C.2	Yes				4
Single-Family Detached Dwellings	201.C.3	Yes				4
Municipal and Governmental Uses	201.C.4	Yes				4
Parks and Playgrounds	201.C.5	Yes				4
Churches and Related Uses	201.C.6	Yes				5
Public Schools	201.C.7	Yes				6
Private Schools on 0 to 5 Acres	201.C.8	Yes				6
Group Family Dwelling	201.C.9	Yes				6
Cemeteries, including Pet Cemeteries	201.C.10	Yes				6
Stormwater Management Facilities (a.k.a – Structural Best Management Practices) owned and operated by a political subdivision, homeowner's association, conservancy, trust, or similar entity	201.C.11	Yes				6
Accessory Occupation	319.A				Yes	A3-45
Alternative Energy Production Facilities	319.B				Yes	A3-45
Domestic Pets	319.C				Yes	A3-47
Domestic Compost	319.D				Yes	A3-47
ECHO Housing	319.E				Yes	A3-47
Family Day Care Homes	319.F				Yes	A3-48

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Fences and Freestanding Walls	319.H				Yes	A3-50
Garage Yard and/or Moving Sale	113 - Definitions				Yes	A1-26
Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)	319.I				Yes	A3-51
Gardening and Raising of Plants for Personal Use	113 - Definitions				Yes	A1-26
Home Occupations	319.J				Yes	A3-51
Keeping of Carriage and Buggy Horses	319.L				Yes	A3-53
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
Manure Storage Facilities	319.N				Yes	A3-54
No-Impact Home Based Business	319.O				Yes	A3-55
Noncommercial Keeping of Livestock	319.P				Yes	A3-55
Ornamental Ponds and Wading Pools	319.Q				Yes	A3-56
Play Structures	113 - Definitions				Yes	A1-44
Play Structures - Inflatable	319.K				Yes	A3-52
Residential Swimming Pools	319.S				Yes	A3-57
On Farm Agricultural Composting	319.V				Yes	A3-59
Outdoor Residential Athletic Courts	319.W				Yes	A3-59
Satellite Dish Antennas	319.X				Yes	A3-59
Signs	See current Sign Ordinance				Yes	N/A
Conservation Design Development	402.5		Yes			A4-17
Bed and Breakfasts	404.5			Yes		A4-65
Nursing, Rest, or Retirement Home	404.15			Yes		A4-88
Private Schools on Greater than 5 Acres	404.17			Yes		A4-91z

**201.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to

demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

1. **Agricultural and Horticultural, including one single-family detached dwelling contained on site. The use shall expressly exclude CAFOs and CAOs as defined herein.**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:
  1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
  1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.
  3. **GROUP 3 Animals**  
Fifty (50) feet.
- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.

- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- F. Exemption - Properties being used in the R-1 district for the agricultural keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish and other similar animals for commercial distribution, on the date of adoption of this ordinance, are exempt from this section so long as the use will not be classified as a CAFO or CAO with any increase in Group 1, Group 2, and Group 3 animals.

2. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance.

3. **Single Family Detached Dwellings**

Subject to the following:

- A. No Special Conditions

4. **Municipal and Governmental Uses**

Subject to the following:

- A. No Special Conditions

5. **Parks and Playgrounds**

Subject to the following:

- A. Lots used exclusively for outdoor passive recreation do not need to meet minimum required lot area and minimum required lot width if:
  - 1. Such lots are restricted as non-building lots and cannot be further subdivided.
  - 2. Such lots are not offered for dedication to the Township.
  - 3. A non-building declaration shall be added to the subdivision or land development plan.
  - 4. If the lot does not have frontage along a public or private street, a minimum twenty (20) feet wide access strip to the public or private street shall be provided.

The access strip shall be designed to provide safe, convenient, all-weather and ADA compliant access for pedestrians and maintenance vehicles of all types.

- B. If the lot is part of a linear feature, such as a walking path or greenway, the lot shall be no less than twenty (20) feet wide.

**6. Churches and Related Uses**

Subject to the following:

- A. House of Worship
  - 1. Minimum lot area - Two (2) acres.
  - 2. Minimum lot width - Two hundred (200) feet.
  - 3. All houses of worship shall have vehicular access to an arterial or collector road.
  - 4. Side yard setback - Forty (40) feet on each side.
  - 5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
- B. Church-Related Residences (Rectories, Parsonages, and Convents)
  - 1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
  - 2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.
- C. Church-Related Educational or Day-Care Facilities
  - 1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
  - 2. An outdoor area shall be provided shall be in accordance with State and Federal Regulations. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
  - 3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
  - 4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.
- D. The maximum permitted lot coverage for churches and related uses shall be sixty (60) percent.

7. **Public Schools**

Subject to the following:

- A. No Special Conditions

8. **Private Schools on 0 to 5 Acres of Land**

Subject to the following:

- A. No Special Conditions

9. **Group Family Dwelling**

Subject to the following:

- A. No Special Conditions

10. **Cemeteries, including Pet Cemeteries**

Subject to the following:

- A. Maximum lot area – Ten (10) acres.
- B. Minimum lot width - Two hundred (200) feet.
- C. All cemeteries shall have vehicular access to an arterial or collector road.
- D. Side yard setback - Fifty (50) feet on each side.
- E. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

11. **Stormwater Management Facilities (a.k.a – Structural Best Management Practices) owned and operated by a political subdivision, homeowner’s association, conservancy, trust, or similar entity**

Subject to the following:

- A. Lots used for stormwater management do not need to meet minimum required lot area and minimum required lot width if:
  - 1. Such lots are restricted as non-building lots and cannot be further subdivided.
  - 2. A non-building declaration shall be added to the subdivision or land development plan.
  - 3. If the lot does not have frontage along a public or private street, a minimum twenty (20) feet wide access strip to the public or private street shall be provided. The access strip shall be designed to provide safe, convenient, all-weather and ADA compliant access for pedestrians and maintenance vehicles of all types.
- B. If the stormwater management lot is part of a linear feature, such as a walking path or greenway, the lot shall be no less than twenty (20) feet wide.

12. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses.**

**201.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

1. Alternative Energy Production Facilities
2. Accessory Occupations
3. Domestic Pets
4. Domestic Compost
5. ECHO Housing
6. Family Day Care Homes
7. Fences and Freestanding Walls
8. Garage Yard and/or Moving Sale
9. Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)
10. Gardening and Raising of Plants for Personal Use
11. Home Occupation
12. Keeping of Carriage and Buggy Horses
13. Man-made Lakes, Dams, Ponds, and Impoundments
14. Manure Storage Facilities
15. No-Impact Home Occupation
16. Noncommercial Keeping of Livestock
17. Ornamental Ponds and Wading Pools
18. Play Structures
19. Residential Swimming Pools
20. On Farm Agricultural Composting
21. Outdoor Residential Athletic Courts
22. Satellite Dish Antennas
23. Signs

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24. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses.

### **201.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Conditional Uses:

1. Conservation Design Development
2. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses.

### **201.F. USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Special Exceptions:

1. Bed and Breakfasts
2. Nursing, Rest, or Retirement Home
3. Private Schools on Greater than 5 Acres
4. Any use determined by the Zoning Officer to be of the same general character as the above-listed special exemption uses.

### **201.G. DRIVEWAYS AND ACCESS DRIVES**

All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses **shall be exempt** from driveway and access drive requirements in Sections 301 and 302, respectively, except those related to the clear-sight triangle listed in Sections 301.C and 304.C of this Ordinance.

### **201.H. SENSITIVE NATURAL RESOURCES**

All uses permitted within this District shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.



**201.I. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality, many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**201.J. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**201.K. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**201.L. OFF-STREET PARKING**

Off-Street parking shall be provided as specified in Section 310 of this Ordinance.

**201.M. AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) DISTRICT**

All uses within the Suburban Residential District shall comply with those standards listed in Table 2.4:

**Table 2.4 - AREA & DESIGN REQUIREMENTS WITHIN THE (R-1) DISTRICT**

Use	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Yard Setbacks				Maximum Permitted Building Coverage	Maximum Permitted Height <sup>3</sup>
			Front	One Side	Both Sides	Rear		
Municipal and governmental uses	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings with on-lot sewer and on-lot water	1 acre <sup>1</sup>	150 ft.	40 ft.	15 ft.	30 ft.	40 ft.	25%	35 ft.
Single-family detached dwellings with public sewer or public water that are <b>approved</b> after the effective date of this Ordinance.	20,000 sq. ft.	125 ft.	40 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Single-family detached dwellings with public sewer and public water that are <b>approved</b> after the effective date of this Ordinance.	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Single-family detached dwellings with public sewer and/or public water that <b>existed</b> on the effective date of this Ordinance.	10,000 sq. ft.	75 ft.	30 ft.	5 ft.	10 ft.	30 ft.	30%	35 ft.
Other principal uses	1 acre <sup>1, 4</sup>	150 ft. <sup>4</sup>	40 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Residential accessory structures <sup>2</sup>	Included in above	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	5 ft.	10 ft.	5 ft.	Included in above	22 ft.

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- 1 All uses relying upon on-lot sewers shall comply with Section 318 of this Ordinance.
- 2 For the purpose of establishing setbacks, any accessory building larger than four hundred eighty (480) square feet shall comply with principal structure setbacks.
3. Exemptions to the Maximum Permitted Height is located in Section 307.
4. The minimum required lot area and width do not apply to a lot used exclusively for outdoor passive recreation or stormwater management facilities, and the lot includes a minimum twenty (20) feet wide strip to provide access to a public or private street. A non-building declaration shall be included in the deed for all lots used exclusively for outdoor passive recreation or stormwater management facilities.

## SECTION 202 – MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

### 202.A. PURPOSE OF ZONE

The purpose of this District is to broaden the Township’s housing base and serve a greater variety of housing needs of its residents. This District provides for various types of residential dwelling units and residential living environments by right to promote the availability of a diverse and affordable housing stock. Selected locations provide for the accommodation of future developments in accordance with the Township’s Comprehensive Plan and acknowledge the location of existing land uses with similar characteristics.

This District coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.

Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site.

### 202.B. MULTI-FAMILY RESIDENTIAL DISTRICT USE TABLE

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	202.C.1	Yes				3
Forestry Uses	202.C.2	Yes				4
Single-Family Detached Dwellings	202.C.3	Yes				4
Duplex Dwellings and Two-Family Dwellings	202.C.4	Yes				4
Townhouse Dwellings	202.C.5	Yes				4
Multiple-Family Dwellings	202.C.6	Yes				4
Municipal and Governmental Uses	202.C.7	Yes				4
Parks and Playgrounds	202.C.8	Yes				5
Churches and Related Uses	202.C.9	Yes				5
Public Schools	202.C.10	Yes				6
Private Schools on 0 to 5 Acres	202.C.11	Yes				6
Group Family Dwelling	202.C.12	Yes				6
Two Family Conversions	202.C.13	Yes				6
Cemeteries, including Pet Cemeteries	202.C.14	Yes				7
Stormwater Management Facilities (a.k.a – Structural Best Management Practices) owned and operated by a political subdivision, homeowner’s association, conservancy, trust, or similar entity	202.C.15					7

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Accessory Occupation	319.A				Yes	A3-45
Alternative Energy Production Facilities	319.B				Yes	A3-45
Domestic Pets	319.C				Yes	A3-47
Domestic Compost	319.D				Yes	A3-47
ECHO Housing	319.E				Yes	A3-47
Family Day Care Homes	319.F				Yes	A3-48
Fences and Freestanding Walls	319.H				Yes	A3-50
Garage Yard and/or Moving Sale	113 - Definitions				Yes	A1-26
Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)	319.I				Yes	A3-51
Gardening and Raising of Plants for Personal Use	113 - Definitions				Yes	A1-26
Home Occupations	319.J				Yes	A3-51
Keeping of Carriage and Buggy Horses	319.L				Yes	A3-53
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
No-Impact Home Based Business	319.O				Yes	A3-55
Noncommercial Keeping of Livestock	319.P				Yes	A3-55
Ornamental Ponds and Wading Pools	319.Q				Yes	A3-56
Play Structures	113 - Definitions				Yes	A1-44
Play Structures - Inflatable	319.K				Yes	A3-52
Residential Swimming Pools	319.S				Yes	A3-57
On Farm Agricultural Composting	319.V				Yes	A3-59
Outdoor Residential Athletic Courts	319.W				Yes	A3-59
Satellite Dish Antennas	319.X				Yes	A3-59
Signs	See current Sign Ordinance				Yes	N/A
Conservation Design Development	402.5		Yes			A4-17
Bed and Breakfasts	404.5			Yes		A4-65
Manufactured Home Park	404.12			Yes		A4-85
Nursing, Rest, or Retirement Home	404.15			Yes		A4-88
Private Schools on Greater than 5 Acres	404.17			Yes		A4-91

**202.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

1. **Agricultural and Horticultural, including one single-family detached dwelling contained on site. The use shall expressly exclude CAFOs and CAOs as defined herein.**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:
  1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
  1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.
  3. **GROUP 3 Animals**

Fifty (50) feet.

- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

2. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance

3. **Single-Family Detached Dwellings**

Subject to the following:

- A. No Special Conditions

4. **Duplex Dwellings and Two-Family Dwellings**

Subject to the following:

- A. No Special Conditions

5. **Townhouse Dwellings**

Subject to the following:

- A. No Special Conditions

6. **Multiple-Family Dwellings**

Subject to the following:

- A. No Special Conditions

7. **Municipal and Governmental Uses**

Subject to the following:

- A. No Special Conditions

8. **Parks and Playgrounds**

Subject to the following:

- A. Lots used exclusively for outdoor passive recreation do not need to meet minimum required lot area and minimum required lot width if:
  - 1. Such lots are restricted as non-building lots and cannot be further subdivided.
  - 2. Such lots are not offered for dedication to the Township.
  - 3. A non-building declaration shall be added to the subdivision or land development plan.
  - 4. If the lot does not have frontage along a public or private street, a minimum twenty (20) feet wide access strip to the public or private street shall be provided. The access strip shall be designed to provide safe, convenient, all-weather and ADA compliant access for pedestrians and maintenance vehicles of all types.
- B. If the lot is part of a linear feature, such as a walking path or greenway, the lot shall be no less than twenty (20) feet wide.

9. **Churches and Related Uses Subject to the following:**

- A. House of Worship
  - 1. Minimum lot area - Two (2) acres.
  - 2. Minimum lot width - Two hundred (200) feet.
  - 3. All houses of worship shall have vehicular access to an arterial or collector road.
  - 4. Side yard setback - Forty (40) feet on each side.
  - 5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
- B. Church-Related Residences (Rectories, Parsonages, and Convents)
  - 1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
  - 2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.
- C. Church-Related Educational or Day-Care Facilities
  - 1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
  - 2. An outdoor area shall be provided in accordance with State and Federal Regulations. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties.



The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.

4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.

D. The maximum permitted lot coverage for churches and related uses shall be sixty (60%) percent.

10. **Public Schools**

Subject to the following:

A. No Special Conditions

11. **Private Schools on 0 to 5 Acres of Land**

Subject to the following:

A. No Special Conditions

12. **Group Family Dwelling**

Subject to the following:

A. No Special Conditions

13. **Two Family Conversions**

Subject to the following:

A. Only single-family detached dwellings that contained at least two thousand (2,000) square feet on the effective date of this Ordinance may be converted into a two-family dwelling.

B. The applicant shall furnish evidence of an approved means of sewage disposal.

C. No modifications to the external appearance of the building (except those required for safety), which would alter its residential character, shall be permitted.

D. No dwelling unit shall contain less than six hundred (600) square feet of habitable floor area and each unit shall require four thousand, five hundred (4,500) square feet of lot area.

E. A minimum of two (2) off-street parking spaces shall be provided for each unit of a two-family conversion.

14. **Cemeteries, including Pet Cemeteries**

Subject to the following:

- A. Maximum lot area – Ten (10) acres.
- B. Minimum lot width - Two hundred (200) feet.
- C. All cemeteries shall have vehicular access to an arterial or collector road.
- D. Side yard setback - Fifty (50) feet on each side.
- E. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

15. **Stormwater Management Facilities (a.k.a – Structural Best Management Practices) owned and operated by a political subdivision, homeowner’s association, conservancy, trust, or similar entity**

Subject to the following:

- A. Lots used for stormwater management do not need to meet minimum required lot area and minimum required lot width if:
  - 1. Such lots are restricted as non-building lots and cannot be further subdivided.
  - 2. A non-building declaration shall be added to the subdivision or land development plan.
  - 3. If the lot does not have frontage along a public or private street, a minimum twenty (20) feet wide access strip to the public or private street shall be provided. The access strip shall be designed to provide safe, convenient, all-weather and ADA compliant access for pedestrians and maintenance vehicles of all types.
- B. If the stormwater management lot is part of a linear feature, such as a walking path or greenway, the lot shall be no less than twenty (20) feet wide.

16. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses**

**202.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

- 1. Alternative Energy Production Facilities
- 2. Accessory Occupations
- 3. Domestic Pets
- 4. Domestic Compost
- 5. ECHO Housing
- 6. Family Day Care Homes

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7. Fences and Freestanding Walls
8. Garage Yard and/or Moving Sale
9. Garages and Sheds for Storage of Personal Vehicles and/or Personal Property (Residential Accessory Structures)
10. Gardening and Raising of Plants for Personal Use
11. Home Occupation
12. Keeping of Carriage and Buggy Horses
13. Man-made Lakes, Dams, Ponds, and Impoundments
14. No-Impact Home Occupation
15. Noncommercial Keeping of Livestock
16. Ornamental Ponds and Wading Pools
17. Play Structures
18. Residential Swimming Pools
19. On Farm Agricultural Composting
20. Outdoor Residential Athletic Courts
21. Satellite Dish Antennas
22. Signs
23. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses

### **202.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

#### Conditional Uses:

1. Conservation Design Development
2. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses

**202.F. USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Special Exceptions:

1. Bed and Breakfasts
2. Nursing, Rest, or Retirement Home
3. Manufactured Home Park
4. Private Schools on Greater than 5 Acres
5. Any use determined by the Zoning Officer to be of the same general character as the above-listed special exemption uses.

**202.G. DRIVEWAYS AND ACCESS DRIVES**

All driveways serving single-family and two-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses **shall be exempt** from driveway and access drive requirements in Sections 301 and 302, respectively, except those related to the clear-sight triangle listed in Sections 301.C and 304.C of this Ordinance.

**202.H. SENSITIVE NATURAL RESOURCES**

All uses permitted within this District shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.

**202.I. AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) DISTRICT**

All uses within the Multi-Family Residential District shall comply with those standards listed in the following Table 2.5.

**Table 2.5 - AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) DISTRICT**

Use	Maximum Permitted Density (DU/ Net Acre)	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Yard Setbacks				Maximum Permitted Building Coverage	Maximum Permitted Height <sup>6</sup>
				Front	One Side	Both Sides	Rear		
Municipal and governmental uses	None	None	None	None	None	None	None	100%	Unlimited
Other principal uses without both public sewer and public water <sup>1, 7</sup>	NA	1 acre	100 ft.	40 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Residential accessory structures <sup>5</sup>	NA	Included with dwelling	N/A	Not permitted	3 ft.	6 ft.	3 ft.	Same as principal use	15 ft.
Single-family detached dwellings with on-lot sewer and on-lot water <sup>1</sup>	NA	1 acre	150 ft.	40 ft.	15 ft.	30 ft.	40 ft.	25%	35 ft.
Single-family detached dwellings with either public sewer or public water <sup>1</sup>	NA	20,000	125 ft.	40 ft.			30 ft.	30 ft.	30%
The following uses all require the use of both public sewer and public water									
Single-family detached dwellings	4	10,000 sq. ft.	85 ft.	30 ft.	10 ft.	20 ft.	30 ft.	40%	35 ft.
Duplex dwellings	4	8,000 sq. ft.	80 ft.	30 ft.	10 ft.	NA	30 ft.	40%	35 ft.
Townhouses <sup>2,3</sup>	6	2,800 sq. ft.	28 ft. per unit	30 ft.	15 ft. end units		20 ft.	40%	35 ft.

## Section 202

Use	Maximum Permitted Density (DU/ Net Acre)	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Yard Setbacks				Maximum Permitted Building Coverage	Maximum Permitted Height <sup>6</sup>
				Front	One Side	Both Sides	Rear		
Two-family	4	8,000 sq. ft.	80 ft.	30 ft.	10 ft.	20 ft.	20 ft.	40%	35 ft.
Multiple-family dwellings <sup>3</sup>	6	2 acres	200 ft.	50 ft.	30 ft.	60 ft.	50 ft.	40%	60 ft. <sup>4</sup>
Other principal uses <sup>7</sup>	NA	10,000 sq. ft.	100 ft.	30 ft.	15 ft.	30 ft.	25 ft.	30%	35 ft.

- <sup>1</sup> All uses relying upon on-lot sewers shall comply with Section 318 of this Ordinance.
- <sup>2</sup> No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances, where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.
- <sup>3</sup> In those instances, where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:
  - a. Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten (10) feet at one end, if increased by similar or greater distance at the other end.
  - b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
  - c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- <sup>4</sup> Unless greater setbacks apply, any structure exceeding thirty-five (35) feet in height must be setback no less than its height from the closest property line.
- <sup>5</sup> For the purpose of establishing setbacks, any accessory building larger than four hundred eighty (480) square feet shall comply with principal structure setbacks.
- <sup>6</sup> Exemptions to the Maximum Permitted Height is located in Section 307.

## Section 202

- 7 The minimum required lot area and width do not apply to a lot used exclusively for outdoor passive recreation or stormwater management facilities, and the lot includes a minimum twenty (20) feet wide strip to provide access to a public or private street. A non-building declaration shall be included in the deed for all lots used exclusively for outdoor passive recreation or stormwater management facilities.

**202.J. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

**202.K. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**202.L. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**202.M. OFF-STREET PARKING**

Off-Street parking shall be provided as specified in Section 310 of this Ordinance.



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## SECTION 203 – HIGHWAY COMMERCIAL DISTRICT (C-1)

### 203.A. PURPOSE OF DISTRICT

This District acknowledges the historic and evolving commercialization that is occurring along US Route 422 on the western edge of the Township just outside of the City of Lebanon. Here the historic pattern of commercial development predates many of the Township's current community development objectives and environmental directives. This District acknowledges this existing pattern and attempts to adapt and/or convert existing uses with improved design.

### 203.B. HIGHWAY COMMERCIAL DISTRICT USE TABLE

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	203.C.1	Yes				4
Amusement Arcades	203.C.2	Yes				5
Service Stations, Including the Sale of Gasoline and Car Diesel	203.C.3	Yes				5
Auction Houses	203.C.4	Yes				6
Convenience Store with or without the Sale of Gasoline and Car Diesel	203.C.5	Yes				6
Banks and Similar Financial Uses	203.C.6	Yes				6
Barber, Beauty, Tanning, and Health Salons	203.C.7	Yes				6
Bed and Breakfast	203.C.8	Yes				6
Bookbinding, Printing, and Publishing Operations	203.C.9	Yes				7
Car Washes	203.C.10	Yes				7
Caterers, Delicatessens, Bakeries, Ice Cream Shops, and Confectioners	203.C.11	Yes				7
Churches and Related Uses	203.C.12	Yes				7
Commercial Day-Care Facilities	203.C.13	Yes				8
Commercial Recreation Uses	203.C.14	Yes				9
Commercial Wholesale Establishments	203.C.15	Yes				9
Communications Antennas and Towers in the Public Rights of Way	404.9.M	Yes				A4-80
Dance, Music, Art, Fashion and Photographic Studios and Galleries	203.C.16	Yes				9
Restaurants – Sit-down, Drive-thru, Fast-Food, Fast-Casual	203.C.17	Yes				10

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Dry Cleaner, Laundries, and Laundromats	203.C.18	Yes				10
Facilities devoted to entertainment and cultural activities	203.C.19	Yes				10
Forestry Uses	203.C.20	Yes				10
Funeral Home	203.C.21	Yes				10
Health, Fitness, Social, Fraternal, and other Private Club	203.C.22	Yes				10
Home Improvement, Equipment Rental and Building Supply Store	203.C.23	Yes				10
Hotels, Motels and similar Lodging Facilities	203.C.24	Yes				11
Laboratory – Health Network and Standalone	203.C.25	Yes				11
Laboratory – In-House – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices	203.C.26	Yes				11
Medical, Dental, Optical, and/or Counseling Clinics and Offices	203.C.27	Yes				11
Miniwarehouses	203.C.28	Yes				11
Municipal and Governmental Uses	203.C.29	Yes				12
Nightclubs and Taverns	203.C.30	Yes				12
Nursery and Garden Centers	203.C.31	Yes				12
Offices	203.C.32	Yes				12
Passenger Motor, Commercial Motor, and Recreational Vehicle Sales, Leasing, Service and Repair including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Painting, Brake, Muffler, Transmission, Windshield, Autobody, Detailing, Car Radio, and Upholstery Shops	203.C.33	Yes				12
Pharmacy – In Store and Standalone	203.C.34	Yes				13
Pharmacy – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices	203.C.35	Yes				13

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Public, Private and Commercial Schools	203.C.36	Yes				13
Retail Sales, Rental, or Repair of Goods	203.C.37	Yes				13
Multiple Commercial Use Complexes and Shopping Centers	203.C.38	Yes				13
Shops for Contractors, Plumbers, HVAC, Painting, and Upholstering	203.C.39	Yes				13
Tailors, Off-Site Dry Cleaning, and Shoe Repair Services	203.C.40	Yes				14
Tattoo Parlors	203.C.41	Yes				14
Taxi and Bus Stations	203.C.42	Yes				14
Veterinary Offices	203.C.43	Yes				14
General Commercial Accessory Uses, customarily incidental to the permitted uses					Yes	N/A
Fences and Freestanding Walls	319.H				Yes	A3-50
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
Satellite Dish Antennas	319.X				Yes	A3-59
Signs	See current Sign Ordinance				Yes	N/A
Amusement, Theme and/or Zoo Parks	402.2		Yes			A4-7
Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering	402.3		Yes			A4-12
Convention and/or Conference Centers	402.6		Yes			A4-26
Farmers and/or Flea Markets	402.7		Yes			A4-27
Adult Uses	404.1			Yes		A4-59
Medical Marijuana Dispensary	404.26			Yes		A4-98
Day Reporting Center	404.27			Yes		A4-99
Blood/Plasma Donor Center – Standalone	404.28			Yes		A4-100

**203.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

1. **Agricultural and Horticultural, including one single-family detached dwelling contained on site. The use shall expressly exclude CAFOs and CAOs as defined herein.**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:
  1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
  1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.
  3. **GROUP 3 Animals**

Fifty (50) feet.

- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

2. **Amusement Arcades**

Subject to the following:

- A. All activities shall take place within a completely enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade.

3. **Service Stations, Including the Sale of Gasoline and Car Diesel**

Subject to the following:

- A. The subject property shall have a minimum width of one hundred twenty-five (125) feet.
- B. The subject property shall front on an arterial or collector road. (See Section 316)
- C. Any structure shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home.
- D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited.
- E. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line.
- F. No outdoor storage of auto parts shall be permitted.
- G. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any land within an R-1 or R-2 District.
- H. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

4. **Auction Houses**

Subject to the following:

- A. All auction activities shall be conducted within a completely enclosed building.
- B. No permanent outdoor storage or display is permitted; however, a temporary outdoor storage or display area is permitted three weeks prior to the date of the auction at which items will be auctioned.
- C. Temporary outdoor storage or display area shall meet the required setbacks for the Highway Commercial (C-1) district and cannot be located in an area that is part of the required vehicle parking area.

5. **Convenience Store with or without the Sale of Gasoline and Car Diesel**

Subject to the following:

- A. All uses must comply with applicable standards contained throughout this Ordinance. Table 2.6 lists some of those typically associated with convenience stores and their respective requirements:

**Table 2.6 – Common Convenience Store Use**

Use	Use No.
Amusement Arcade	2
Car Wash	10
Drive-thru or Fast Food Restaurant	17

- B. The applicant shall comply with Section 308 of this Ordinance.

6. **Banks and Similar Financial Uses**

Subject to the following:

- A. No Special Conditions

7. **Barber, Beauty, Tanning, and Health Salons**

Subject to the following:

- A. No Special Conditions

8. **Bed and Breakfast**

Subject to the following:

- A. No Special Conditions

9. **Bookbinding, Printing, and Publishing Operations**

Subject to the following:

- A. No Special Conditions

10. **Car Washes**

Subject to the following:

- A. Public sewer and water facilities shall be utilized, and grey water recycling is encouraged.
- B. There shall be an on-site stacking lane with a minimum length of eighty (80) feet for each self-service washing bay; automatic car wash bays shall have an on-site stacking lane with a minimum length of two hundred (200) feet. The design of the facility shall include an escape lane from the stacking area.
- C. All structures housing washing apparatuses, stacking lanes, self-service vacuum devices and post-wash drying areas shall be set back twenty (20) feet from any side lot line.
- D. Trash receptacles and recycling containers, where applicable, shall be provided and routinely emptied to prevent the scattering of litter.
- E. The subject property shall front on an arterial or collector road.

11. **Caterers, Delicatessens, Bakeries, Ice Cream Shops, and Confectioners**

Subject to the following:

- A. No Special Conditions

12. **Churches and Related Uses**

Subject to the following:

- A. House of Worship
  - 1. Minimum lot area - Two (2) acres.
  - 2. Minimum lot width - Two hundred (200) feet.
  - 3. All houses of worship shall have vehicular access to an arterial or collector road.
  - 4. Side yard setback - Forty (40) feet on each side.
  - 5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.



- B. Church-Related Residences (Rectories, Parsonages, and Convents)
  - 1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
  - 2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.
- C. Church-Related Educational or Day-Care Facilities
  - 1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
  - 2. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
  - 3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
  - 4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.
- D. The maximum permitted lot coverage for churches and related uses shall be sixty (60) percent.

**13. Commercial Day-Care Facilities**

Subject to the following:

- A. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned or developed properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- B. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
- C. Passenger “drop-off” and “pick-up” areas shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

**14. Commercial Recreation Uses**

Subject to the following:

- A. If the subject property contains more than two acres, it shall front on an arterial or collector road.
- B. 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.
- C. Maximum permitted height for structures regulated by this Section can exceed thirty-five (35) feet provided:
  - 1. That such structures shall not be used for occupancy.
  - 2. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - 3. The applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available.
- D. The applicant shall comply with Section 308 of this Ordinance.
- E. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 310 of this Ordinance.
- F. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups 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 back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.

**15. Commercial Wholesale Establishments**

Subject to the following:

- A. No Special Conditions

**16. Dance, Music, Art, Fashion and Photographic Studios and Galleries**

Subject to the following:

- A. No Special Conditions

**17. Restaurants – Sit-down, Drive-thru, Fast-Food, Fast-Casual**

Subject to the following:

- A. No part of the drive-thru and/or fast food restaurant building shall be located within 200 feet of any existing or proposed residential building.

18. **Dry Cleaner, Laundries, and Laundromats**

Subject to the following:

- A. Public sewer and water shall be used.
- B. All activities shall be conducted within a completely enclosed building.
- C. During times of operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining property within the R-1 and R-2 Districts shall be kept closed.
- D. Ventilation exhausts shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least fifty (50) feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences or property within the R-1 and R-2 Districts.

19. **Facilities Devoted to Entertainment and Cultural Activities**

- A. Including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.

20. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance.

21. **Funeral Home**

Subject to the following:

- A. No Special Conditions

22. **Health, Fitness, Social, Fraternal, and other Private Clubs**

Subject to the following:

- A. No Special Conditions

23. **Home Improvement, Equipment Rental and Building Supply Store**

Subject to the following:

- A. No Special Conditions

24. **Hotels, Motels and similar Lodging Facilities**

Subject to the following:

A. No Special Conditions

25. **Laboratory – Health Network and Standalone**

Subject to the following:

A. No Special Conditions

26. **Laboratory – In-House – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

A. No Special Conditions

27. **Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

A. No Special Conditions

28. **Miniwarehouses**

Subject to the following:

- A. External storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the R-1 and R-2 Districts 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.
- B. Except as noted above in Section A, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- D. No door openings for any mini-warehouse storage unit shall be constructed facing any adjoining property within the R-1 and R-2 Districts.
- E. Miniwarehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:
  - 1. Auctions, commercial wholesale or retail sales, or garage sales.

2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  4. The establishment of a transfer and storage business.
  5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
- F. The miniwarehouses will be surrounded by a six (6) foot to eight (8) foot high fence.
- G. All outdoor lights shall comply with Section 308 of this Ordinance.
29. **Municipal and Governmental Uses**  
Subject to the following:
  - A. No Special Conditions
30. **Nightclubs and Taverns**  
Subject to the following:
  - A. No Special Conditions
31. **Nursery and Garden Center**  
Subject to the following:
  - A. No Special Conditions
32. **Offices**  
Subject to the following:
  - A. No Special Conditions
33. **Passenger Motor, Commercial Motor, and Recreational Vehicle Sales, Leasing, Service and Repair including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Painting, Brake, Muffler, Transmission, Windshield, Autobody, Detailing, Car Radio, and Upholstery Shops** Subject to the following:
  - A. All service and/or repair activities shall be conducted within a completely enclosed building.
  - B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
  - C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted unless the storage is confined within a minimum six (6) foot high screened enclosure and stored materials

are not piled higher than the top of the enclosure. Enclosures height shall not exceed eight (8) feet.

- D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties and roads.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the R-1 and R-2 Zones.
- F. All vehicles shall be repaired and removed from the premises promptly.
- G. The demolition or junking of automobiles is prohibited.

34. **Pharmacy – In Store and Standalone**

Subject to the following:

- A. No Special Conditions

35. **Pharmacy – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

- A. No Special Conditions

36. **Public, Private and Commercial Schools**

Subject to the following:

- A. No Special Conditions

37. **Retail Sales, Rental, or Repair of Goods**

Subject to the following:

- A. No Special Conditions

38. **Multiple Commercial Use Complexes and Shopping Centers**

Subject to the following:

- A. No Special Conditions

39. **Shops for Contractors, Plumbers, HVAC, Painting, and Upholstering**

Subject to the following:

- A. No Special Conditions

40. **Tailors, Off-Site Dry Cleaning, and Shoe Repair Services**

Subject to the following:

A. No Special Conditions

41. **Tattoo Parlors**

Subject to the following:

A. No Special Conditions

42. **Taxi and Bus Stations**

Subject to the following:

A. No Special Conditions

43. **Veterinary Offices**

Subject to the following:

A. No Special Conditions

44. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted use**

**203.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

1. General Commercial Accessory Uses, customarily incidental to the permitted uses
2. Non-Residential Fences and Freestanding Walls
3. Man-made Lakes, Dams, Ponds, and Impoundments
4. Satellite Dish Antennas
5. Signs
6. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses

**203.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Conditional Uses:

1. Amusement, Theme and/or Zoo Parks

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2. Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering
3. Convention and/or Conference Centers
4. Farmers and/or Flea Markets
5. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses

### **203.F USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Special Exceptions:

1. Adult Uses
2. Blood/Plasma Donor Center – Standalone
3. Day Reporting Center
4. Medical Marijuana Dispensary

### **203.G. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS**

Lot Area, Lot Width, and Lot Coverage for uses within the Commercial Highway (C-1) District shall comply with those standards listed in the following Table 2.7.

**Table 2.7 - Lot Area, Lot Width, and Lot Coverage**

Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage
Minimum lot area will be the area needed to meet the requirements of this Ordinance.	150 ft.	The maximum building coverage will be determined by meeting the requirements of this Ordinance.



**203.H. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) and off-street parking lots shall be set back at least ten (10) feet from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs), off-street parking lots, and off-street loading spaces shall be set back at least ten (10) feet from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings and structures (except permitted signs), off-street parking lots, and off-street loading spaces shall be set back at least ten (10) feet from the rear lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.

**203.I. MAXIMUM PERMITTED HEIGHT**

Thirty-five (35) feet, provided a structure may extend up to forty-five (45) feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

**203.J. OFF-STREET LOADING SPACES**

Off-street loading spaces shall be provided as specified in Section 309 of this Ordinance.

**203.K. OFF-STREET PARKING**

Off-street parking shall be provided as specified in Section 310 of this Ordinance.

**203.L. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**203.M. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**203.N. ACCESS DRIVE REQUIREMENTS**

All driveways serving single-family and two-family dwellings shall be provided in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

**203.O. SCREENING**

A visual screen must be provided along any adjoining residentially developed property, or lands within an R-1 or R-2 District, regardless of whether or not the R-1 or R-2 District property is developed (see Section 317 of this Ordinance).

**203.P. LANDSCAPING**

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings in accordance with Section 317.

**203.Q. WASTE PRODUCTS**

Dumpsters and recycling containers, where applicable, may be permitted within the side or rear yard, provided such dumpsters and recycling containers, where applicable, are screened from any adjoining roads or properties. All dumpsters and recycling containers, where applicable, shall be set back a minimum of fifty (50) feet from any adjoining R1 or R-2 zoned properties. All waste receptacles and recycling containers, where applicable, shall be completely enclosed within masonry, wood or framed structures with a gate/door which is self-closing that must be kept closed when not in use.

**203.R. OUTDOOR STORAGE & DISPLAY**

Within this District, outdoor storage and display is permitted provided such areas are setback at least ten (10) feet from the street line and adjoining properties and such areas are setback at least fifty (50) feet and screened from any land within the R-1 or R-2 Districts. In addition, Section 317 of this Ordinance lists additional requirements.

**203.S. SENSITIVE NATURAL RESOURCES**

All uses permitted within this District shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.

**203.T. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

**SECTION 204 – GENERAL COMMERCIAL DISTRICT (C-2)****204.A. PURPOSE OF DISTRICT**

This District acknowledges the evolving commercialization that is occurring in the Township. This District acknowledges this existing pattern and attempts to adapt and/or convert existing uses with improved design.

**204.B. GENERAL COMMERCIAL DISTRICT USE TABLE**

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	204.C.1	Yes				4
Amusement Arcades	204.C.2	Yes				5
Service Stations, Including the Sale of Gasoline and Car Diesel	204.C.3	Yes				5
Auction Houses	204.C.4	Yes				6
Convenience Store with or without the Sale of Gasoline and Car Diesel	204.C.5	Yes				6
Banks and Similar Financial Uses	204.C.6	Yes				6
Barber, Beauty, Tanning, and Health Salons	204.C.7	Yes				6
Bed and Breakfast	204.C.8	Yes				7
Bookbinding, Printing, and Publishing Operations	204.C.9	Yes				7
Car Washes	204.C.10	Yes				7
Caterers, Delicatessens, Bakeries, Ice Cream Shops, and Confectioners	204.C.11	Yes				7
Churches and Related Uses	204.C.12	Yes				7
Commercial Day-Care Facilities	204.C.13	Yes				8
Commercial Recreation Uses	204.C.14	Yes				9
Commercial Wholesale Establishments	204.C.15	Yes				9
Communications Antennas and Towers in the Public Rights of Way	404.9.M	Yes				A4-80
Dance, Music, Art, Fashion and Photographic Studios and Galleries	204.C.16	Yes				9
Restaurants – Sit-down, Drive-thru, Fast-Food, Fast-Casual	204.C.17	Yes				10

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Dry Cleaner, Laundries, and Laundromats	204.C.18	Yes				10
Facilities Devoted to Entertainment and Cultural Activities	203.C.19	Yes				10
Forestry Uses	204.C.20	Yes				10
Funeral Home	204.C.21	Yes				10
Health, Fitness, Social, Fraternal, and other Private Club	204.C.22	Yes				10
Home Improvement, Equipment Rental and Building Supply Store	204.C.23	Yes				10
Hotels, Motels and similar Lodging Facilities	204.C.24	Yes				11
Laboratory – Health Network and Standalone	204.C.25	Yes				11
Laboratory – In-House – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices	204.C.26	Yes				11
Medical, Dental, Optical, and/or Counseling Clinics and Offices	204.C.27	Yes				11
Miniwarehouses	204.C.28	Yes				11
Movie Theater	204.C.29	Yes				12
Municipal and Governmental Uses	204.C.30	Yes				12
Nightclubs and Taverns	204.C.31	Yes				12
Nursery and Garden Centers	204.C.32	Yes				12
Offices	204.C.33	Yes				12
Passenger Motor, Commercial Motor, and Recreational Vehicle Sales, Leasing, Service and Repair including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Painting, Brake, Muffler, Transmission, Windshield, Autobody, Detailing, Car Radio, and Upholstery Shops	204.C.34	Yes				13
Pharmacy – In Store and Standalone	204.C.35	Yes				13

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Pharmacy – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices	204.C.36	Yes				13
Public, Private and Commercial Schools	204.C.37	Yes				13
Retail Sales, Rental, or Repair of Goods	204.C.38	Yes				13
Multiple Commercial Use Complexes and Shopping Centers	204.C.39	Yes				14
Shops for Contractors, Plumbers, HVAC, Painting, and Upholstering	204.C.40	Yes				14
Tailors, Off-Site Dry Cleaning, and Shoe Repair Services	204.C.41	Yes				14
Tattoo Parlors	204.C.42	Yes				14
Taxi and Bus Stations	204.C.43	Yes				14
Veterinary Offices	204.C.44	Yes				14
General Commercial Accessory Uses, customarily incidental to the permitted uses					Yes	N/A
Fences and Freestanding Walls	319.H				Yes	A3-50
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
Satellite Dish Antennas	319.X				Yes	A3-59
Signs	See current Sign Ordinance				Yes	N/A
Amusement, Theme and/or Zoo Parks	402.2		Yes			A4-7
Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering	402.3		Yes			A4-12
Convention and/or Conference Centers	402.6		Yes			A4-26
Farmers and/or Flea Markets	402.7		Yes			A4-27
Medical Marijuana Dispensary	403.26			Yes		A4-98
Day Reporting Center	403.27			Yes		A4-99
Blood/Plasma Donor Center – Standalone	403.28			Yes		A4-100

**204.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

1. **Agricultural and Horticultural, including one single-family detached dwelling contained on site. The use shall expressly exclude CAFOs and CAOs as defined herein.**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:
  1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
  1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.

3. **GROUP 3 Animals**

Fifty (50) feet.

- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

2. **Amusement Arcades**

Subject to the following:

- A. All activities shall take place within a completely enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade

3. **Service Stations, Including the Sale of Gasoline and Car Diesel**

Subject to the following:

- A. The subject property shall have a minimum width of one hundred twenty-five (125) feet.
- B. The subject property shall front on an arterial or collector road. (See Section 316)
- C. Any structure shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home.
- D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited
- E. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line.
- F. No outdoor storage of auto parts shall be permitted.
- G. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any land within an R-1 or R-2 District.
- H. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

4. **Auction Houses**

Subject to the following:

- A. All auction activities shall be conducted within a completely enclosed building.
- B. No permanent outdoor storage or display is permitted; however, a temporary outdoor storage or display area is permitted three weeks prior to the date of the auction at which items will be auctioned.
- C. Temporary outdoor storage or display area shall meet the required setbacks for the General Commercial (C-2) district and cannot be located in an area that is part of the required vehicle parking area.

5. **Convenience Store with or Without the Sale of Gasoline and Car Diesel**

Subject to the following:

- A. All uses must comply with applicable standards contained throughout this Ordinance. Table 2.8 lists some of those typically associated with convenience stores and their respective requirements:

**Table 2.8 – Common Convenience Store Use**

Use	Use No.
Amusement Arcade	2
Car Wash	10
Drive-thru or Fast Food Restaurant	17

- B. The applicant shall comply with Section 308 of this Ordinance.

6. **Banks and Similar Financial Uses**

Subject to the following:

- A. No Special Conditions

7. **Barber, Beauty, Tanning, and Health Salons**

Subject to the following:

- A. No Special Conditions



8. **Bed and Breakfast**

Subject to the following:

- A. No Special Conditions

9. **Bookbinding, Printing, and Publishing Operations**

Subject to the following:

- A. No Special Conditions

10. **Car Washes**

Subject to the following:

- A. Public sewer and water facilities shall be utilized, and grey water recycling is encouraged.
- B. There shall be an on-site stacking lane with a minimum length of eighty (80) feet for each self-service washing bay; automatic car wash bays shall have an on-site stacking lane with a minimum length of two hundred (200) feet. The design of the facility shall include an escape lane from the stacking area.
- C. All structures housing washing apparatuses, stacking lanes, self-service vacuum devices and post-wash drying areas shall be set back twenty (20) feet from any side lot line.
- D. Trash receptacles and recycling containers, where applicable, shall be provided and routinely emptied to prevent the scattering of litter.
- E. The subject property shall front on an arterial or collector road.

11. **Caterers, Delicatessens, Bakeries, Ice Cream Shops, and Confectioners**

Subject to the following:

- A. No Special Conditions

12. **Churches and Related Uses**

Subject to the following:

- A. House of Worship
  - 1. Minimum lot area - Two (2) acres.
  - 2. Minimum lot width - Two hundred (200) feet.
  - 3. All houses of worship shall have vehicular access to an arterial or collector road.
  - 4. Side yard setback - Forty (40) feet on each side.
  - 5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

B. Church-Related Residences (Rectories, Parsonages, and Convents)

1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.

C. Church-Related Educational or Day-Care Facilities

1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
2. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.

- D. The maximum permitted lot coverage for churches and related uses shall be sixty (60) percent.

13. **Commercial Day-Care Facilities**

Subject to the following:

- A. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned or developed properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- B. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
- C. Passenger “drop-off” and “pick-up” areas shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

**14. Commercial Recreation Uses**

Subject to the following:

- A. If the subject property contains more than two acres, it shall front on an arterial or collector road.
- B. 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.
- C. Maximum permitted height for structures regulated by this Section can exceed thirty-five (35) feet provided:
  - 1. That such structures shall not be used for occupancy.
  - 2. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - 3. The applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available.
- D. The applicant shall comply with Sections 310 of this Ordinance.
- E. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 310 of this Ordinance.
- F. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups 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 back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.

**15. Commercial Wholesale Establishments**

Subject to the following:

- A. No Special Conditions

**16. Dance, Music, Art, Fashion and Photographic Studios and Galleries**

Subject to the following:

- A. No Special Conditions

**17. Restaurants – Sit-down, Drive-thru, Fast-Food, Fast-Casual**

Subject to the following:

- A. No part of the drive-thru and/or fast food restaurant building shall be located within 200 feet of any existing or proposed residential building.

18. **Dry Cleaner, Laundries, and Laundromats**

Subject to the following:

- A. Public sewer and water shall be used.
- B. All activities shall be conducted within a completely enclosed building.
- C. During times of operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining property within the R-1 and R-2 Districts shall be kept closed.
- D. Ventilation exhausts shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least fifty (50) feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences or property within the R-1 and R-2 Districts.

19. **Facilities Devoted to Entertainment and Cultural Activities**

- A. Including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.

20. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance.

21. **Funeral Home**

Subject to the following:

- A. No Special Conditions

22. **Health, Fitness, Social, Fraternal, and other Private Clubs**

Subject to the following:

- A. No Special Conditions

23. **Home Improvement, Equipment Rental and Building Supply Store**

Subject to the following:

- A. No Special Conditions

24. **Hotels, Motels and similar Lodging Facilities**

Subject to the following:

A. No Special Conditions

25. **Laboratory – Health Network and Standalone**

Subject to the following:

A. No Special Conditions

26. **Laboratory – In-House – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

A. No Special Conditions

27. **Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

A. No Special Conditions

28. **Miniwarehouses**

Subject to the following:

- A. External storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the R-1 and R-2 Districts 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.
- B. Except as noted above in Section A, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- D. No door openings for any mini-warehouse storage unit shall be constructed facing any adjoining property within the R-1 and R-2 Districts.
- E. Miniwarehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:
  - 1. Auctions, commercial wholesale or retail sales, or garage sales.

2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  4. The establishment of a transfer and storage business.
  5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
- F. The miniwarehouses will be surrounded by a six (6) foot to eight (8) foot high fence.
- G. All outdoor lights shall comply with Section 308 of this Ordinance.
29. **Movie Theaters**  
Subject to the following:
  - A. No Special Conditions
30. **Municipal and Governmental Uses**  
Subject to the following:
  - A. **No Special Conditions**
31. **Nightclubs and Taverns**  
Subject to the following:
  - A. No Special Conditions
32. **Nursey and Garden Center**  
Subject to the following:
  - A. No Special Conditions
33. **Offices**  
Subject to the following:
  - A. No Special Conditions

34. **Passenger Motor, Commercial Motor, and Recreational Vehicle Sales, Leasing, Service and Repair including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Painting, Brake, Muffler, Transmission, Windshield, Autobody, Detailing, Car Radio, and Upholstery Shops**

Subject to the following:

- A. All service and/or repair activities shall be conducted within a completely enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted unless the storage is confined within a minimum six (6) foot high screened enclosure and stored materials are not piled higher than the top of the enclosure. Enclosures height shall not exceed eight (8) feet.
- D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties and roads.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the R-1 and R-2 Zones.
- F. All vehicles shall be repaired and removed from the premises promptly.
- G. The demolition or junking of automobiles is prohibited.

35. **Pharmacy – In Store and Standalone**

Subject to the following:

- A. No Special Conditions

36. **Pharmacy – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices**

Subject to the following:

- A. No Special Conditions

37. **Public, Private and Commercial Schools**

Subject to the following:

- A. No Special Conditions

38. **Retail Sales, Rental, or Repair of Goods**

Subject to the following:

- A. No Special Conditions

39. **Multiple Commercial Use Complexes and Shopping Centers**

Subject to the following:

- A. No Special Conditions

40. **Shops for Contractors, Plumbers, HVAC, Painting, and Upholstering**

Subject to the following:

- A. No Special Conditions

41. **Tailors, Off-Site Dry Cleaning, and Shoe Repair Services**

Subject to the following:

- A. No Special Conditions

42. **Tattoo Parlors**

Subject to the following:

- A. No Special Conditions

43. **Taxi and Bus Stations**

Subject to the following:

- A. No Special Conditions

44. **Veterinary Offices**

Subject to the following:

- A. No Special Conditions

45. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses.**

**204.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

1. General Commercial Accessory Uses, customarily incidental to the permitted uses
2. Non-Residential Fences and Freestanding Walls
3. Man-made Lakes, Dams, Ponds, and Impoundments
4. Satellite Dish Antennas
5. Signs



6. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses.

**204.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Conditional Uses:

1. Amusement, Theme and/or Zoo Parks
2. Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering
3. Convention and/or Conference Centers
4. Farmers and/or Flea Markets
5. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses.

**204.F USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Special Exceptions:

1. Blood/Plasma Donor Center – Standalone
2. Day Reporting Center
3. Medical Marijuana Dispensary

**204.G. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS**

Lot Area, Lot Width, and Lot Coverage for uses within the General Commercial (C-2) District shall comply with those standards listed in the following Table 2.9.

**Table 2.9 - Lot Area, Lot Width, and Lot Coverage**

Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage
Minimum lot area will be the area needed to meet the requirements of this Ordinance.	150 ft.	The maximum building coverage will be determined by meeting the requirements of this Ordinance.

**204.H. MINIMUM SETBACK REQUIREMENTS** (Principal and Accessory Uses)

1. **Front yard setback** – All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the street right-of-way. Off-street parking lots shall be set back a minimum of ten (10) feet from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the side lot lines. Off-street parking lots and off-street loading spaces shall be set back at least ten (10) feet from the side lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the rear lot line. Off-street parking lots and off-street loading spaces shall be set back at least ten (10) feet from the rear lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. **Residential buffer strip** – Any lot adjoining land within an R-1 or R-2 District shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots and off-street loading areas. Such areas shall be used for a landscape strip and screen.

**204.I. MAXIMUM PERMITTED HEIGHT**

Thirty-five (35) feet, provided a structure may extend up to forty-five (45) feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

**204.J. OFF-STREET LOADING SPACES**

Off-street loading spaces shall be provided as specified in Section 309 of this Ordinance.

**204.K. OFF-STREET PARKING**

Off-street parking shall be provided as specified in Section 310 of this Ordinance.

**204.L. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**203.M. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**204.N. ACCESS DRIVE REQUIREMENTS**

All driveways serving single-family and two-family dwellings shall be provided in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

**204.O. SCREENING**

A visual screen must be provided along any adjoining residentially developed property, or lands within an R-1 or R-2 District, regardless of whether or not the R-1 or R-2 Zoned property is developed (Section 317 of this Ordinance).

**204.P. LANDSCAPING**

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings in accordance with Section 317.

**204.Q. WASTE PRODUCTS**

Dumpsters and recycling containers, where applicable, may be permitted within the side or rear yard, provided such dumpsters and recycling containers, where applicable, are screened from any adjoining roads or properties. All dumpsters and recycling containers, where applicable, shall be set back a minimum of fifty (50) feet from any adjoining R1 or R-2 Zone properties. All waste receptacles and recycling containers, where applicable, shall be completely enclosed within masonry, wood or framed structures with a gate/door which is self-closing that must be kept closed when not in use.

**204.R. OUTDOOR STORAGE & DISPLAY**

Within this District, outdoor storage and display is permitted provided such areas are setback at least ten (10) feet from the street line and adjoining properties and such areas are setback at least fifty (50) feet and screened from any land within the R-1 or R-2 Districts. In addition, Section 317 of this Ordinance list additional requirements.

**204.S. SENSITIVE NATURAL RESOURCES**

All uses within this District shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.

**204.T. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

**SECTION 205 – OFFICE / INSTITUTIONAL DISTRICT (OI)****205.A. PURPOSE OF DISTRICT**

The purpose of this District is to provide for the orderly development of office and institutional uses in areas where public utilities are readily available or can be extended and where adequate vehicular access exists. This District also provides for a range of health care facilities and long-term care campuses.

**205.B. OFFICE / INSTITUTIONAL DISTRICT USE TABLE**

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	205.C.1	Yes			2
Banks and Similar Financial Uses	205.C.2	Yes			3
Churches and Related Uses	205.C.3	Yes			3
Commercial Day-Care Facilities	205.C.4	Yes			4
Communications Antennas and Towers in the Public Rights of Way	404.9.M	Yes			A4-80
Forestry Uses	205.C.5	Yes			5
Health, Fitness, Social, Fraternal, and other Private Clubs	205.C.6	Yes			5
Medical, Dental, Optical, and/or Counseling Clinics and Offices, Laboratories and Associated Pharmacies	205.C.7	Yes			5
Municipal and Governmental Uses	205.C.8	Yes			5
Nursing, Rest, and Retirement Homes	205.C.9	Yes			5
Offices	205.C.10	Yes			6
Outpatient Health Services	205.C.11	Yes			6
Public, Private, and Commercial Schools	205.C.12	Yes			6
Accessory Uses customarily incidental to the permitted uses, which shall maintain open, internal access to the principal use and not be contained within a stand-alone building or unit; the following uses shall be permitted as accessory uses: bakeries, coffee shops, ice cream shops and	205.D.1.			Yes	6

Use	Section Number	Permitted By Right	Conditional Use	Accessory	Page
confectioners, which can include retail sales of food, products, and/or merchandise associated with the accessory use business, as long as the sales area is no more than 25% of the total building area or three thousand (3,000) square feet, whichever is less.					
Fences and Freestanding Walls	319.H			Yes	A3-50
Man-made Lakes, Dams, Ponds, and Impoundments	319.M			Yes	A3-53
Satellite Dish Antennas	319.X			Yes	A3-59
Signs	See current Sign Ordinance			Yes	N/A
Private Helicopter Pad	402.1		Yes		A4-7
Hospitals and Related Uses	402.10		Yes		A4-31
Medical Residential Campus	402.11		Yes		A4-34

### 205.C. USES PERMITTED BY RIGHT

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

#### 1. **Agricultural and Horticultural (Excluding CAFO and CAO)**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:

1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.
  3. **GROUP 3 Animals**  
Fifty (50) feet.
- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
2. **Banks and Similar Financial Uses**  
Subject to the following:
- A. No Special Conditions.
3. **Churches and Related Uses**

Subject to the following:

A. House of Worship

1. Minimum lot area - Two (2) acres.
2. Minimum lot width - Two hundred (200) feet.
3. All houses of worship shall have vehicular access to an arterial or collector road.
4. Side yard setback - Forty (40) feet on each side.
5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

B. Church-Related Residences (Rectories, Parsonages, and Convents)

1. All residential uses shall be accessory and located upon the same lot, or directly adjacent to a lot containing a house of worship.
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-2 District.

C. Church-Related Educational or Day-Care Facilities

1. All educational or day-care uses shall be accessory and located upon the same lot as a house of worship.
2. An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.
4. All educational or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the underlying District.

D. The maximum permitted lot coverage for churches and related uses shall be sixty (60) percent.

4. **Commercial Day-Care Facilities**

Subject to the following:

A. No Special Conditions.



5. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance.

6. **Health, Fitness, Social, Fraternal, and other Private Clubs**

Subject to the following:

- A. No Special Conditions.

7. **Medical, Dental, Optical, and/or Counseling Clinics and Offices, Laboratories and Associated Pharmacies**

Subject to the following:

- A. No Special Conditions.

8. **Municipal and Governmental Uses**

Subject to the following:

- A. No Special Conditions.

9. **Nursing, Rest, and Retirement Homes**

Subject to the following:

- A. Minimum Lot Area - One (1) acre.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. Off-street parking lots and loading areas shall be screened from adjoining lands within the R-1 and R-2 Districts.
- D. Accessory uses are limited to services that serve the residents and guests of residents of the home, including, but not limited to:
  - 1. Health, fitness and recreation clubs
  - 2. Medical and dental offices
  - 3. Administrative offices
  - 4. Lodging facilities for guests of residents
  - 5. Restaurants
  - 6. Grocery and Pharmacies

7. Beauty Salons and Barbers

10. **Offices**

Subject to the following:

- A. No Special Conditions.

11. **Outpatient Health Services**

Subject to the following:

- A. No Special Conditions.

12. **Public, Private, and Commercial Schools**

Subject to the following:

- A. No Special Conditions.

13. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses**

**205.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

1. Accessory Uses customarily incidental to the permitted uses, which shall maintain open, internal access to the principal use and not be contained within a stand-alone building or unit; the following uses shall be permitted as accessory uses: bakeries, coffee shops, ice cream shops and confectioners, which can include retail sales of food, products, and/or merchandise associated with the accessory use business, as long as the sales area is no more than 25% of the total building area or three thousand (3,000) square feet, whichever is less.
2. Fences and Freestanding Walls
3. Man-made Lakes, Dams, Ponds, and Impoundments
4. Satellite Dish Antennas
5. Signs
6. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses

**205.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to

demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Conditional Uses:

1. Private Helicopter Pad
2. Hospitals and Related Uses
3. Medical Residential Campus
4. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses

**205.F. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS**

Lot Area, Lot Width, and Lot Coverage for uses within the Office and Institutional District shall comply with those standards listed in the following Table 2.10.

**Table 2.10 - Lot Area, Lot Width, and Lot Coverage**

Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage
Minimum lot area will be the area needed to meet the requirements of this Ordinance.	150 ft.	The maximum building coverage will be determined by meeting the requirements of this Ordinance.

**205.G. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)**

1. **Front yard setback** – All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the right-of-way. Off-street parking lots shall be set back a minimum of ten (10) feet from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten (10) feet from the side lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, and outdoor storage and display areas shall be set back at least twenty-five (25) feet from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least ten (10) feet from the rear lot line unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.

**205.H. MAXIMUM PERMITTED HEIGHT**

The maximum permitted height is thirty-five (35) feet provided a structure may extend up to ninety (90) feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

**205.I. OFF-STREET LOADING SPACES**

Off-street loading spaces shall be provided as specified in Section 309 of this Ordinance.

**205.J. OFF-STREET PARKING**

Off-street parking shall be provided as specified in Section 310 of this Ordinance.

**205.K. ACCESS DRIVE REQUIREMENTS**

All driveways serving single-family and two-family dwellings shall be provided in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.

**205.L. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**205.M. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**205.N. SCREENING**

A visual screen must be provided along any adjoining lands which lie within an R-1 or R-2 District regardless of whether such adjoining property is developed. (see Section 317 of this Ordinance).

**205.O. LANDSCAPING**

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings in accordance with Section 317.

**205.P. WASTE PRODUCTS**

Dumpsters and recycling containers, where applicable, may be permitted within the side or rear yard, provided such dumpsters and recycling containers, where applicable, are screened from any adjoining roads or properties. All dumpsters and recycling containers, where applicable, shall be set back a minimum of fifty (50) feet from any adjoining R-1 or R-2 Zone properties. All waste receptacles and recycling containers, where applicable, shall be completely enclosed within masonry, wood or framed structures with a gate/door which is self-closing that must be kept closed when not in use.

**205.Q. OUTDOOR STORAGE & DISPLAY**

Within this District, outdoor storage and display is not permitted.

**205.R. SENSITIVE NATURAL RESOURCES**

All uses within this District shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.

**205.S. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this section, and which must be transferred to the purchaser by the seller.

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## SECTION 206 – INDUSTRIAL (I)

### 206.A. PURPOSE OF ZONE

This Zone provides key locations for a mix of various types of light industries to diversify the Township's economy and offer valuable employment opportunities. This Zone will principally permit light and small-scale industries as permitted uses but require special exception or conditional use approval for larger uses that pose the potential for greater impact.

Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. These areas have been located near existing public utility service areas, other industrial uses and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

### 206.B. INDUSTRIAL ZONE USE TABLE

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Agricultural and Horticultural (Excluding CAFO and CAO)	206.C.1	Yes				4
Bookbinding, Printing, and Publishing Operations	206.C.2	Yes				5
Co-location of Communication Antennas upon Existing Structures outside of the Right-of-Way	206.C.3	Yes				5
Commercial Day-Care Facilities	206.C.4	Yes				6
Communications Antennas and Towers in the Public Rights of Way	404.9.M	Yes				A4-80
Forestry Uses	206.C.5	Yes				6
Municipal and Governmental Uses	206.C.6	Yes				6
Laboratories for Medical, Scientific, or Industrial Research and Development	206.C.7	Yes				6
Machine, Tool and Die, and Metal Fabrication	206.C.8	Yes				6
Manufacturing, Packaging, Storage and/or Warehousing	206.C.9	Yes				6
Miniwarehouses	206.C.10	Yes				6
Passenger Motor and Recreational Vehicle Sales, Leasing, Service and Repair Facilities Including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto	206.C.11	Yes				7

Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Detailing, Car Radio and Upholstery Shop						
Private Recreation Centers, and Parks and Playgrounds	206.C.12	Yes				8
Processing, Packaging, Bottling, Storage and/or Warehousing of Food Products	206.C.13	Yes				8
Offices not Affiliated with the Principal Use	206.C.14	Yes				8
Repair Shops for Products Permitted to be Manufactured in the Zone	206.C.15	Yes				8
Shops, Offices and Showrooms for Contractors	206.C.16	Yes				8
Sign Manufacturers	206.C.17	Yes				8
Small Engine Repair	206.C.18	Yes				8
Vocational, Technical and Mechanical Trade Schools	206.C.19	Yes				9
Welding Shops	206.C.20	Yes				9
Warehousing and Wholesale Trade Establishments	206.C.21	Yes				9
Accessory Uses, customarily incidental to the permitted uses, including accessory retail sales of products produced on-site so long as the sales area is no more than ten (10) percent of the total building area or three thousand (3,000) square feet, whichever is less.					Yes	N/A
Alternative Energy Production Facilities	319.B				Yes	A3-45
Fences and Freestanding Walls	319.H				Yes	A3-50
Man-made Lakes, Dams, Ponds, and Impoundments	319.M				Yes	A3-53
Recycling Collection Facilities as an Accessory Use	319.R				Yes	A3-56
Satellite Dish Antennas	319.X				Yes	A3-59
Athletic Fields and Courts and Recreation Facilities	N/A				Yes	N/A
Signs	See current Sign Ordinance				Yes	N/A



Use	Section Number	Permitted By Right	Conditional Use	Special Exception	Accessory	Page
Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering	402.3		Yes			A4-12
Casino, Off-Track Betting Parlors and/or Slot Machine Parlors	402.4		Yes			A4-16
Heavy Industrial Uses	402.9		Yes			A4-31
Private Helicopter Pads	402.1		Yes			A4-7
Oil or Gas Well Sites, Natural Gas Compressor Stations, or Natural Gas Processing Plants	402.13		Yes			A4-39
Power Generation Facilities	402.15		Yes			A4-44
Slaughtering, Processing, Rendering, and Packaging of Food Products and their By-Products	402.16		Yes			A4-49
Truck or Motor Freight Terminals	402.17		Yes			A4-51
Automobile Auction and/or Storage Yards	404.4			Yes		A4-63
Freestanding Communication and Wireless Communications Antennas and Freestanding Communication and Wireless Communications Facilities Support Structures	404.9			Yes		A4-70
Heavy Equipment Leasing, Rental, Sales, Service, and/or Repair Facilities	404.10			Yes		A4-83
Junkyards	404.11			Yes		A4-84
Mass Transit and/or Taxicab Terminals	404.13			Yes		A4-87
Methadone Treatment Facility	404.14			Yes		A4-88
Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities	404.16			Yes		A4-89
Recycling Facilities for Electronics, paper, Plastic, Glass, and Metal Products	404.19			Yes		A4-92
Saw Mills	404.21			Yes		A4-93
Truck Stops, with or without the Sale of Gasoline, Car and Truck Diesel	404.24			Yes		A4-96

**206.C. USES PERMITTED BY RIGHT**

For uses permitted by right, the following standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Permitted Uses:

**1. Agricultural and Horticultural (Excluding CAFO and CAO)**

Subject to the following:

- A. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case, shall a lot contain more than fifty (50) total animals:
  - 1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
  - 2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
  - 3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
  - 1. **GROUP 1 Animals**  
Up to 25 animals, a twenty-five (25) foot setback.  
Above 25 animals, a fifty (50) foot setback.
  - 2. **GROUP 2 Animals**  
Up to 2 animals; a twenty-five (25) foot setback.  
Above 2 animals; a fifty (50) foot setback.
  - 3. **GROUP 3 Animals**

Fifty (50) feet.

- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

2. **Bookbinding, Printing, and Publishing Operations**

Subject to the following:

- A. No Special Conditions.

3. **Co-Location of Communication Antennas upon Existing Structures outside of the Right-of-Way**

Subject to the following:

- A. Communication antennas that are co-located upon existing structures (e.g. utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), are a use permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
  - 1. The height of the commercial communications antennas and apparatus attaching the commercial communications antennas thereto shall not exceed by more than twenty (20) feet the height of such existing structure.
  - 2. When site conditions permit, the applicant shall use stealth technology or other appropriate measures to camouflage or conceal the antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose.
  - 3. Up to five (5) metal boxes may be placed on a concrete pad not exceeding twenty-five (25) feet by thirty (30) feet in area housing the receiving and transmitting equipment necessary to the operation of the antennas provided that: the pad and boxes meet the applicable accessory yard setback for the district it is located in;

the combined height of the pad and boxes does not exceed fifteen (15) feet; and an evergreen landscape buffer screen in accordance with Section 317 is planted and maintained.

4. **Commercial Day-Care Facilities**

Subject to the following:

- A. No Special Conditions.

5. **Forestry Uses**

Subject to the following:

- A. In accordance with Article 5 of this ordinance.

6. **Municipal and Governmental Uses**

Subject to the following:

- A. No Special Conditions.

7. **Laboratories for Medical, Scientific, or Industrial Research and Development**

Subject to the following:

- A. No Special Conditions

8. **Machine, Tool and Die, and Metal Fabrication**

Subject to the following:

- A. No Special Conditions.

9. **Manufacturing, Packaging, Storage and/or Warehousing**

Subject to the following:

- A. No Special Conditions.

10. **Miniwarehouses**

Subject to the following:

- A. External storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the R-1 and R-2 Zones 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
- B. Except as noted above in Section A, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous

chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above

- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
  - D. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the R-1 and R-2 Zones.
  - E. Miniwarehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:
    - 1. Auctions, commercial wholesale or retail sales, or garage sales.
    - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
    - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
    - 4. The establishment of a transfer and storage business.
    - 5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
  - F. The miniwarehouses will be surrounded by a six (6) foot to eight (8) foot high fence.
  - G. All outdoor lights shall comply with Section 308 of this Ordinance.
11. **Passenger Motor and Recreational Vehicle Sales, Leasing, Service and Repair Facilities Including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Detailing, Car Radio and Upholstery Shop**
- Subject to the following:
- A. All service and/or repair activities shall be conducted within a completely enclosed building.
  - B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
  - C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted unless the storage is confined within a minimum six (6) foot high screened enclosure and stored materials are not piled higher than the top of the enclosure. Enclosures height shall not exceed eight (8) feet.

- D. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining property within the R-1 and R-2 Zones.
- F. All vehicles shall be repaired and removed from the premises promptly.
- G. The demolition or junking of automobiles is prohibited.

12. **Private Recreation Centers, and Parks and Playgrounds**

Subject to the following:

- A. No Special Conditions.

13. **Processing, Packaging, Bottling, Storage and/or Warehousing of Food Products**

Subject to the following:

- A. No Special Conditions.

14. **Offices not Affiliated with the Principal Use**

Subject to the following:

- A. Permitted in principal buildings in existence at the time of adoption of this ordinance.
- B. The gross floor area dedicated to a Office(s) shall not exceed twenty-five (25) percent of the existing principal building at the time of adoption of this ordinance.

15. **Repair Shops for Products Permitted to be Manufactured in the Zone**

Subject to the following:

- A. No Special Conditions.

16. **Shops, Offices and Showrooms for Contractors**

Subject to the following:

- A. No Special Conditions.

17. **Sign Manufacturers**

Subject to the following:

- A. No Special Conditions.

18. **Small Engine Repair**

Subject to the following:

- A. No Special Conditions.

19. **Vocational, Technical and Mechanical Trade Schools**

Subject to the following:

- A. No Special Conditions.

20. **Welding Shops**

Subject to the following:

- A. No Special Conditions.

21. **Warehousing and Wholesale Trade Establishments**

Subject to the following:

- A. No Special Conditions.

22. **Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses**

**206.D. ACCESSORY USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES**

The following Accessory Uses, which are customarily incidental to a Permitted Use, are permitted in accordance with specific use criteria that can be found in Article 3, Section 319.

1. Accessory Uses, customarily incidental to the permitted uses, including accessory retail sales of products produced on-site so long as the sales area is no more than ten (10) percent of the total building area or three thousand (3,000) square feet, whichever is less.
2. Alternative Energy Production Facilities
3. Fences and Freestanding Walls
4. Man-made Lakes, Dams, Ponds, and Impoundments
5. Satellite Dish Antennas
6. Recycling Collection Facilities as an Accessory Use
7. Athletic Fields and Courts and Recreation Facilities
8. Signs
9. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory uses

**206.E. USES PERMITTED BY CONDITIONAL USE**

In addition to the general criteria listed in Article 4, Section 401.B of this Ordinance, specific use standards can be found in Article 4, Section 402. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors. The applicant shall be required to

demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Conditional Uses

1. Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering
2. Casino, Off-Track Betting Parlors and/or Slot Machine Parlors
3. Heavy Industrial Uses
4. Private Helicopter Pads
5. Oil or Gas Well Sites, Natural Gas Compressor Stations, or Natural Gas Processing Plants
6. Power Generation Facilities
7. Slaughtering, Processing, Rendering, and Packaging of Food Products and their By-Products
8. Truck or Motor Freight Terminals
9. Any use determined by the Zoning Officer to be of the same general character as the above-listed conditional uses

**206.F. USES PERMITTED BY SPECIAL EXCEPTION**

In addition to the general criteria listed in Article 4, Section 403.A.2 of this Ordinance, specific use standards can be found in Article 4, Section 404. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

Special Exceptions

1. Automobile Auction and/or Storage Yards
2. Freestanding Communication Towers and Equipment that is not Co-Located Upon an Existing Structure
3. Heavy Equipment Leasing, Rental, Sales, Service, and/or Repair Facilities
4. Junkyards
5. Mass Transit and/or Taxicab Terminals
6. Methadone Treatment Facility
7. Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities
8. Recycling Facilities for Electronics, paper, Plastic, Glass, and Metal Products
9. Saw Mills



10. Truck Stops, with or without the Sale of Gasoline, Car and Truck Diesel
11. Passenger Motor and Recreational Vehicle Sales, Leasing, Service and Repair Facilities Including, but not limited to, Auto Mechanics, Drive-thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Detailing, Car Radio and Upholstery Shop
12. Any use determined by the Zoning Officer to be of the same general character as the above-listed special exception uses.

**206.G. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS**

Lot Area, Lot Width, and Lot Coverage for uses within the Industrial Zone shall comply with those standards listed in the following Table 2.11.

**Table 2.11 - Lot Area, Lot Width, and Lot Coverage**

Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage
Minimum lot area will be the area needed to meet the requirements of this Ordinance.	150 ft.	The maximum building coverage will be determined by meeting the requirements of this Ordinance.

**206.H. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)**

1. Front yard setback – All buildings and structures (except permitted signs) shall be setback at least thirty-five (35) feet from the street right-of-way. Off-street parking lots shall be set back at least ten (10) feet from the street right-of-way.
2. Side yard setbacks – All buildings and structures (except permitted signs) shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage and display areas shall be set back at least ten (10) feet from the side lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks are eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
3. Rear yard setback – All buildings, structures, and outdoor storage and display areas shall be set back at least twenty-five (25) feet from the rear lot line. Off-street parking lots and off-street loading spaces shall be set back at least ten (10) feet from the rear lot line unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the rear yard setback is eliminated solely to accommodate the shared off-street parking lots and/or off-street loading spaces.
4. Residential buffer strip – Any lot adjoining land within an R-1 and R-2 Zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and

outdoor storage and display areas, from the R-1 and R-2 Zone parcels. Such areas shall be used for a landscape strip and screen.

**206.I. MAXIMUM PERMITTED HEIGHT**

The maximum permitted height is thirty-five (35) feet provided a structure may extend up to ninety (90) feet if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

**206.J. OFF-STREET LOADING SPACES**

Off-street loading spaces shall be provided as specified in Section 309 of this Ordinance.

**206.K. OFF-STREET PARKING**

Off-street parking shall be provided as specified in Section 310 of this Ordinance.

**206.L. SIGNS**

All signs shall be provided in accordance with the current North Cornwall Township Sign Ordinance.

**203.M. NOISE**

Noise shall be regulated in accordance with the current North Cornwall Township Nuisance Ordinance.

**206.N. ACCESS DRIVE REQUIREMENTS**

All access drives shall be in accordance with Section 301 of this Ordinance.

**206.O. SCREENING**

A visual screen must be provided along any adjoining lands within an R-1 and R-2 Zone, regardless of whether or not the R-1 and R-2 Zoned property is developed (see Section 317 of this Ordinance).

**206.P. LANDSCAPING**

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings in accordance with Section 317.

**206.Q. WASTE PRODUCTS**

Dumpsters and recycling containers, where applicable, may be permitted within the side or rear yard, provided such dumpsters and recycling containers, where applicable, are screened from any adjoining roads or properties. All dumpsters and recycling containers, where applicable, shall be set back a minimum of fifty (50) feet from any adjoining R1 or R-2 Zone properties. All waste receptacles and recycling containers, where applicable, shall be completely enclosed within masonry, wood or framed structures with a gate/door which is self-closing that must be kept closed when not in use.

**206.R. OUTDOOR STORAGE & DISPLAY**

Within this District, outdoor storage and display is permitted provided such areas are setback at least ten (10) feet from the street line and adjoining properties and such areas are setback at least fifty (50) feet and screened from any land within the R-1 or R-2 Districts. The outdoor storage and display areas for vehicles sales need not be screened from adjoining roads. In addition, Section 317 of this Ordinance list additional requirements.

**206.S. SENSITIVE NATURAL RESOURCES**

All uses within this Zone shall also comply with the applicable Sensitive Natural Resources Standards contained within Article 5 of this Ordinance.

**206.T. AGRICULTURAL NUISANCE DISCLAIMER**

As a rural municipality, many lands within North Cornwall Township are located within an area used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

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## Article 3

### GENERAL PROVISIONS AND ACCESSORY USES

The regulations contained within Article 3 shall apply to all uses within the Township.

#### **SECTION 301 - ACCESS DRIVE REQUIREMENTS, ALL USES EXCEPT SINGLE-FAMILY AND TWO-FAMILY DWELLINGS**

##### **301.A. NUMBER PER LOT**

Except as specified elsewhere this Ordinance, and in Sections 3.3, 3.4, and 3.12 of the North Cornwall Township Access Management Ordinance, the number of access drives intersecting with a street may not exceed the equivalent of one (1) two-way access drive per each three hundred (300) feet along each street abutting the lot, and no more than a total of the equivalent of two (2) two-way access drives along each street abutting the lot. The Township may restrict access to right turn only ingress and egress to ensure safe and efficient movements. The Township Board of Supervisors may permit additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

##### **301.B. SETBACKS**

All access drives shall be set back in accordance with Sections 3.12 and 3.13 of the North Cornwall Township Access Management Ordinance and as necessary so the point of tangency between the driveway arc and street does not extend beyond the property line extended, and as follows:

1. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.

##### **301.C. CLEAR-SIGHT TRIANGLE (ALL USES EXCEPT SINGLE-FAMILY AND TWO-FAMILY DWELLINGS)**

1. Access to Arterial Roads – One hundred (100) feet as measured along the Arterial street centerline and measured from the Arterial street centerline one hundred (100) feet along the access drive centerline is maintained. (Refer to figure 3.1)
2. Access to Collector Roads – One hundred (100) feet as measured along the Collector street centerline and measured from the Collector street center line along the access drive centerline fifty (50) feet along the access drive centerline is maintained. (Refer to figure 3.1)
3. Access to Local Roads – Seventy-five (75) feet as measured along the Local street centerline and measured from the Local street centerline along the access drive centerline five (5) feet beyond the street right-of-way line is maintained. (Refer to figure 3.1)
4. For Agricultural Driveways to any Roadway - Seventy-five (75) feet as measured along the street centerline and measured from the street centerline along the access drive centerline five (5) feet beyond the street right-of-way line is maintained. (Refer to figure 3.1)

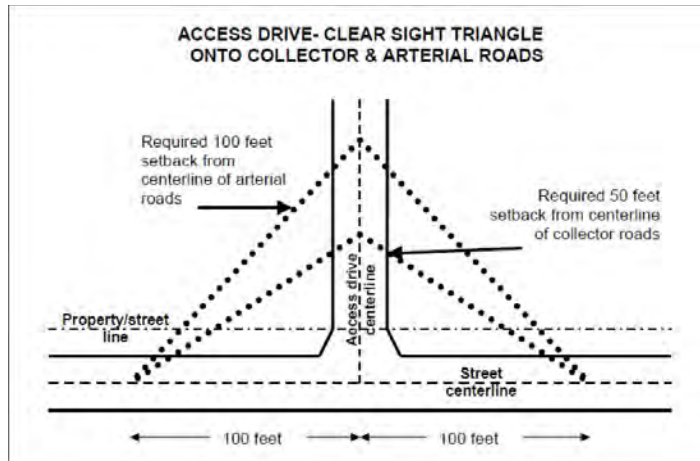


Figure 3.1

### 301.D. ACCESS MANAGEMENT ALONG ARTERIAL ROADS

Where possible, vehicular access for nonresidential land uses along arterial roads (See Section 316) shall incorporate shared access drives among adjoining land uses with interconnected off-street parking lots. Such shared access drives shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor.

### 301.E. ACCESS DRIVE THROAT WIDTH

1. Minimum and maximum dimensions for the width of driveways in the throat are provided below. Driveways shall be designed that such opening at the street/curbline is no larger than necessary to accommodate driveway radii.
2. The dimensions in the Table 3.1 below assume one lane in each direction; engineering judgment should be used to accommodate appropriate dimensions for multi-lane driveways with three or more lanes.

**Table 3.1**  
**Access Drive Throat Width**

	One Way	Two Way
<b>Minimum</b>	10 Feet	20 Feet
<b>Maximum</b>	24 Feet	28 Feet

### 301.F. ACCESS DRIVE THROAT LENGTH & RADIUS

1. Driveway Radius
  - a. Following are the minimum and maximum driveway radii (in feet), as related to the posted speeds on the accessed street. Table 3.2 pertains to land uses with infrequent

service by buses and combination trucks. Table 3.3 pertains to land uses which are regularly serviced by buses and combination trucks.

**Table 3.2**

	Posted Speed Limit of Street Being Accessed			
	Less than 45 mph		45 mph and greater	
	Min.	Max	Min.	Max.
Minimum Use	5	15	10	25
Low Volume	10	15	15	25
Medium Volume	15	30	15	50
High Volume	30	30	40	50

**Table 3.3**

	Posted Speed Limit of Street Being Accessed			
	Less than 45 mph		45 mph and greater	
	Min.	Max	Min.	Max.
Minimum Use	35	50	40	55
Low Volume	35	50	45	55
Medium Volume	45	55	50	55
High Volume	45	55	50	55

- b. In areas with regular pedestrian activity, landowners should use the minimum driveway radius provided.
- c. Notwithstanding any of the above, the applicant shall prepare a truck circulation plan to document that the largest truck what will regularly service the site can be accommodated by the site circulation design and the access design.

## 2. Driveway Throat Width

- a. Minimum and maximum dimensions for the width of driveways in the throat are provided in Table 3.4. Driveways shall be designed such that the opening at the curbline is no larger than necessary. The maximum desirable curbline opening is fifty (50) feet.
- b. The dimensions in Table 3.4 assume one lane in each direction; engineering judgment should be used to determine appropriate dimensions for multi-lane driveways.

**Table 3.4**

	One-way	Two-way
Min.	10 feet	20 feet
Max.	24 feet	28 feet

**3. Driveway Throat Length**

- a. The minimum length of driveway from the public street to an internal driveway or intersection is provided in Table 3.5.

**Table 3.5**

Driveway	Length
Minimum Use	25 feet
Low Volume	50 feet
Medium Volume	120 feet
High Volume	150 feet

**301.G. SIGHT DISTANCE**

Sight Distance – Adequate sight distance shall be provided for all access drives on any road classification (e.g. local, collector, arterial) in accordance with Section 3.11 of the North Cornwall Township Access Management Ordinance as pertaining to driveways. Sight distance shall be measured from a point at least ten (10) feet behind the curb line or edge of cartway of the intersecting street.

**SECTION 302 - ACCESS TO PROPERTIES & STRUCTURES**

- 302.A.** Every new principal use created and/or building hereafter erected or moved shall be on a lot with frontage along a public street or approved private street.
- 302.B.** Outparcel lots are also permitted provided that they have adequate vehicular access in accordance with the SALDO and such uses shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor. Outparcels relying upon an internal vehicular road network shall be designed to avoid excessive queuing across parking aisles.
- 302.C.** All structures shall be sited on lots in such manner to provide for safe and convenient access for servicing, fire protection, waste collection and recycling, where applicable, required off-street parking and loading spaces. The creation of new principal uses and the erection of buildings without approved access shall not be permitted.
- 302.D.** Approved access shall be defined in terms of the Subdivision and Land Development Ordinance of North Cornwall Township, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family and two-



family dwellings, and farms shall be via driveways (see Section 304); access to lots containing other uses shall be via access drives (see Section 301).

### **SECTION 303 - CLEAR SIGHT TRIANGLE (GENERAL REQUIREMENTS)**

- 303.A.** On corner lots, there shall be provided and maintained a clear sight triangle of at least seventy-five (75) feet, as measured along the centerline of each local street, one hundred (100) feet, as measured along the centerline of each collector street, and at least one hundred-fifty (150) feet, as measured along the centerline of any arterial streets from the intersecting roads.
- 303.B.** No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than thirty (30) inches within such clear sight triangle. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. If the clear sight triangle is not contained entirely within the public right-of-way, all recorded plans with access drives shall include a note granting the Township access to remove any visual obstruction within the clear sight triangle.
- 303.C.** In addition, any vegetative material that creates a visual obstruction and is greater than thirty (30) inches in height, that existed on the effective date of this Ordinance, and that is located within the above-described clear sight triangle shall be considered nonconforming. Such vegetation may continue for a period not to exceed six (6) months from the effective date of this Ordinance. After six (6) months, such vegetation must be trimmed so as not to create a visual obstruction or be removed by the owner. Utility poles, mailboxes, and other utility and essential services are exempt from the clear sight triangle regulations.
- 303.D.** Clear sight-triangles for single-family and two-family dwellings driveways are regulated by Section 304.C of this Ordinance. Clear sight-triangles for all other access drives are regulated by Section 301.C of this Ordinance.

### **SECTION 304 - DRIVEWAY REQUIREMENTS (SINGLE-FAMILY, TWO-FAMILY DWELLINGS & FARMS)**

#### **304.A. NUMBER PER LOT**

No more than two (2) driveway connections per lot shall be permitted unless otherwise restricted by Section 3.3 of the North Cornwall Township Access Management Ordinance.

#### **304.B. SETBACKS**

Except as regulated by Section 3.13 of the North Cornwall Township Access Management Ordinance, which can be waived or modified by the Board of Supervisors, driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 316 of this Ordinance directly opposite another local street or access drive. Driveways shall not connect with a public street within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 304.F., 304.G., 304.H., and 304.I of this Ordinance.

**304.C. CLEAR-SIGHT TRIANGLE (SINGLE-FAMILY & TWO-FAMILY DWELLINGS)**

Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet as measured along the street centerline and measured from the street centerline along the access drive centerline five (5) feet beyond the street right-of-way line is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area (See Figure 3.2).

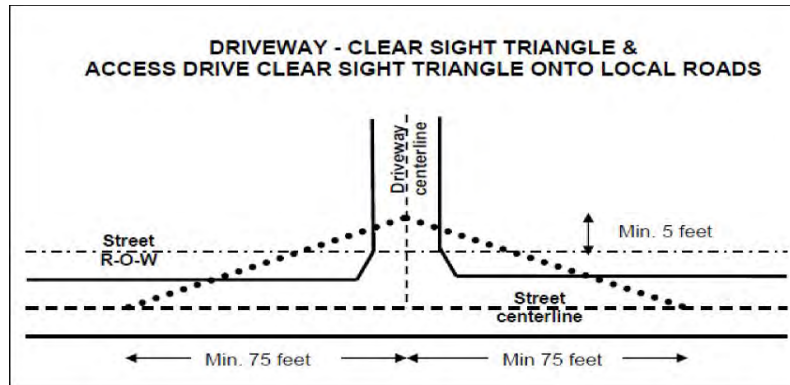


Figure 3.2

**304.D. SIGHT DISTANCE**

Adequate sight distance shall be provided for all driveways on any road classification (e.g. local, collector, arterial) in accordance with Section 3.11 of the North Cornwall Township Access Management Ordinance as pertaining to driveways. Sight distance shall be measured from a point at least ten (10) feet behind the curb line or edge of cartway of the intersecting street.

**304.E. DRIVEWAY SURFACE, WIDTH & APRON**

No driveway shall be less than ten (10) feet wide or more than twenty-four (24) feet wide between the abutting street cartway and the street right-of-way. All driveways shall be paved or be constructed with a paved apron that extends from the street cartway to a depth of at least twenty (20) feet onto the subject property. Beyond the paved apron all driveways shall be provided with a dust free surface or in the alternative a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding paved apron to help collect any mud that may have attached to a vehicle's wheels.

**304.F. TOWNHOMES – FRONT YARD DRIVEWAYS AND GARAGES ON INDIVIDUAL LOTS**

Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following regulations as depicted in Figure 3.3:

1. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least forty (40) feet in length when single-width driveways are used without a garage (see LOT 7).

3. Such driveway shall be at least thirty (30) feet in length when double-width driveways are used with or without a garage (see LOT 3 & LOT 4).
4. Such driveways must be set back at least:
  - a. Three (3) feet from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6 and see the inset in the following Figure).
  - b. Thirty (30) feet from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1).
  - c. Fifteen (15) feet from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7).
  - d. Ten (10) feet from the closest point of any building other than a garage (see LOT 1).
5. No individual driveway shall be narrower than ten (10) feet (see LOT 7).
6. Garages must be attached to, and rely upon, a driveway as permitted above.
7. Garages must be be set back at least:
  - a. Thirty (30) feet from the street right-of-way (see LOT 4).
  - b. Five (5) feet from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOTS 4 & 5).
  - c. Five (5) feet from the townhouse building when the garage is a freestanding building (see LOTS 3 & 4).
  - d. Fifteen (15) feet from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7).

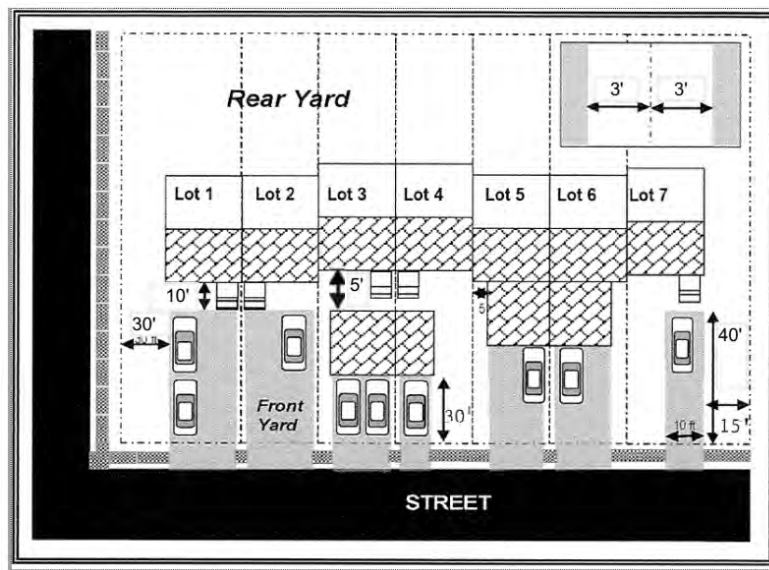


Figure 3.3

**304.G. TOWNHOUSES – REAR YARD DRIVEWAYS AND GARAGES ON INDIVIDUAL LOTS**

Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages comply with the following requirements as depicted in Figure 3.4:

1. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least forty (40) feet in length when single-width driveways are used without a garage (see LOT 7).
3. Such driveway shall be at least thirty (30) feet in length when double-width driveways are used with or without a garage (see LOT 3).
4. Such driveways must be set back at least:
  - a. Three (3) feet from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6).
  - b. Thirty (30) feet from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1).
  - c. Fifteen (15) feet from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7).
  - d. Five (5) feet from the closest point of any building other than a garage.
5. No individual driveway shall be narrower than ten (10) feet (see LOT 7).
6. Garages must be attached to, and rely upon, a driveway as permitted above.
7. Garages must be set back at least:
  - a. Thirty (30) feet from the rear lot line or alley cartway whichever provides the greater setback (see LOT 4).
  - b. Five (5) feet from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOT 5).
  - c. Five (5) feet from the townhouse building when the garage is a freestanding building (see LOT 6).
  - d. Fifteen (15) feet from the lot line of an end unit that abuts another end unit or a non-townhouse use (see LOT 7).

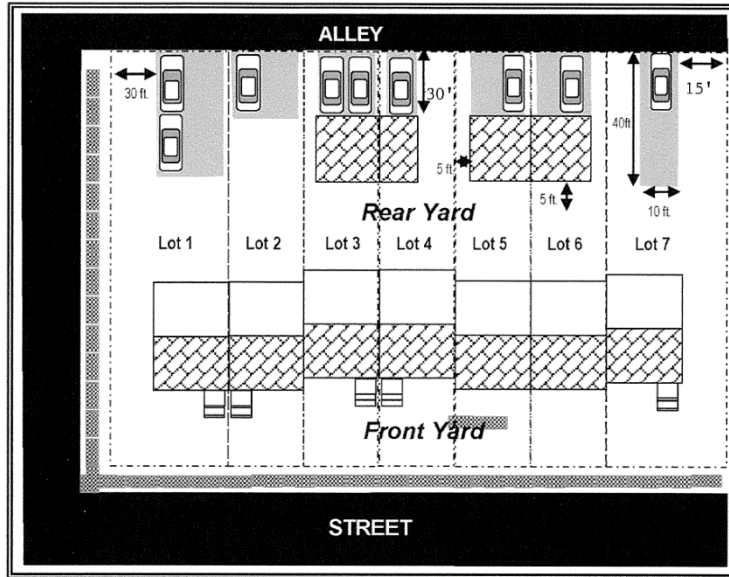


Figure 3.4

#### 304.H. TOWNHOUSES – FRONT YARD DRIVEWAYS AND GARAGES ON COMMON PROPERTY

Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in Figure 3.5:

1. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least forty (40) feet in length when single-width driveways are used without a garage (see UNIT 7).
3. Such driveway shall be at least thirty (30) feet in length when double-width driveways are used with or without a garage (see UNIT 3).
4. Such driveways must be set back at least:
  - a. Six (6) feet from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 in the following Figure).
  - b. Thirty (30) feet from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1).
  - c. Fifteen (15) feet from a property line or a non-townhouse use or thirty (30) feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).
  - d. Ten (10) feet from the closest point of any building other than a garage (see UNIT 1).
5. No individual driveway shall be narrower than ten (10) feet (see UNIT 7).
6. Garages must be attached to, and rely upon, a driveway as permitted above.

7. Garages must be set back at least:
  - a. Thirty (30) feet from the street right-of-way (see UNIT 4).
  - b. Ten (10) feet from any garage of an adjoining townhouse that does not share an attached garage (see UNITS 4 & 5).
  - c. Five (5) feet from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4).
  - d. Fifteen (15) feet from a property line or a non-townhouse use or thirty (30) feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).

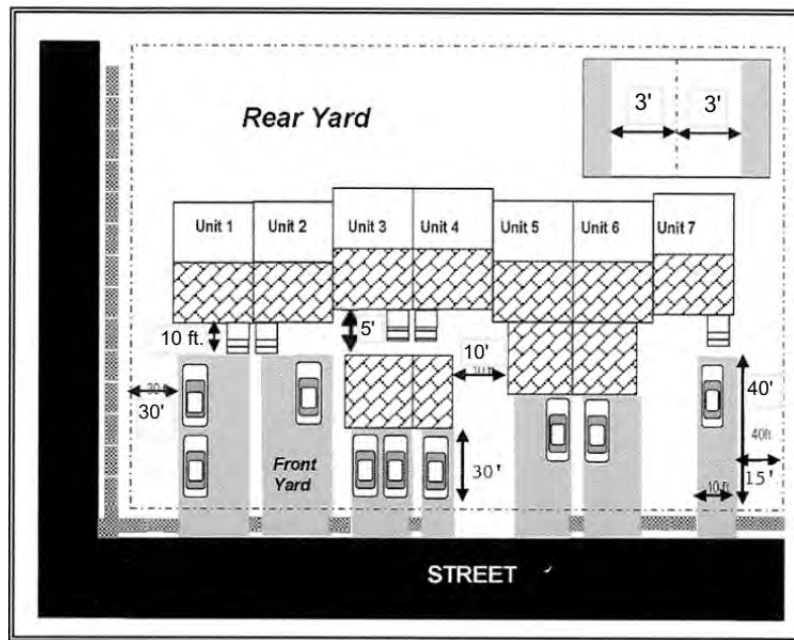


Figure 3.5

#### 304.I. TOWNHOUSES – REAR YARD DRIVEWAYS AND GARAGES ON COMMON PROPERTY

Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to comply with the following requirements depicted in Figure 3.6:

1. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces.
2. Such driveway shall be at least forty (40) feet in length when single-width driveways are used without a garage (see UNIT 7).
3. Such driveway shall be at least thirty (30) feet in length when double-width driveways are used with or without a garage (see UNITS 2 & 3).
4. Such driveways must be set back at least:

- a. Six (6) feet from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 and see the inset in the above Figure).
  - b. Thirty (30) feet from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1).
  - c. Fifteen (15) feet from a property line or a non-townhouse use or thirty (30) feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).
  - d. Five (5) feet from the closest point of any building other than a garage (see UNIT 6).
5. No individual driveway shall be narrower than ten (10) feet (see UNIT 7).
  6. Garages must be attached to, and rely upon, a driveway as permitted above.
  7. Garages must be set back at least:
    - a. Thirty (30) feet from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4).
    - b. Ten (10) feet from any garage of an adjoining townhouse that does not share an attached garage.
    - c. Five (5) feet from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4).
    - d. Fifteen (15) feet from a property line or a non-townhouse use or thirty (30) feet from any other driveway of an end unit that abuts another end unit (see UNIT 7).

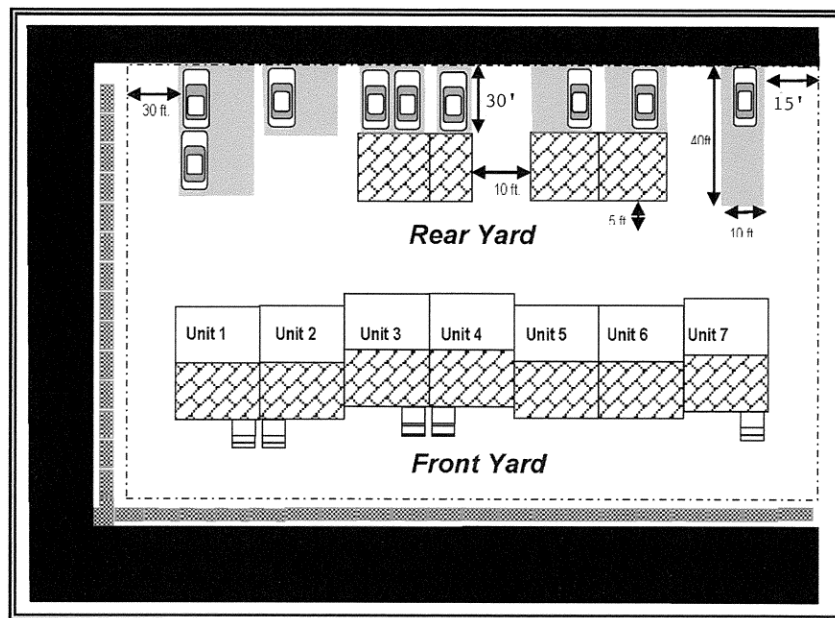


Figure 3.6

### **SECTION 305 - ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT**

- 305.A.** More than one principal use may be established on a single lot only when each use complies with all of the lot area, yard and other requirements of this Ordinance as though it were on an individual lot, and a plan has been recorded in compliance with the SALDO.
- 305.B.** An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this Section (e.g. ghost property lines, and related setbacks, respective ghost lot coverage calculations and etc.)
- 305.C** Multiple Commercial Use Complexes and Shopping Centers are exempt from Section 305.A.

### **SECTION 306 - FRONT YARD EXCEPTIONS**

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the District, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than twenty (20) feet from an abutting street right-of-way line.

### **SECTION 307 - HEIGHT LIMIT EXCEPTIONS**

- 307.A.** The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with applicable FAA regulations and are constructed in accordance with the prevailing Uniform Construction Code:
1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dishes, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors, signs, and other similar structures;
  2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances;
  3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,
  4. Church or school roofs.
- 307.B.** In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use; and,
- 307.C.** In lieu of this Section, telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Section 404.9 of this Ordinance.



## **SECTION 308 - OUTDOOR LIGHTING**

**308.A. PURPOSES** - This Section is enacted for the following purposes:

1. To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting.
2. To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways.
3. To prohibit outdoor lighting installations which are of excessive intensity such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways.

**308.B. APPLICABILITY** - The requirements of this Section shall apply to all outdoor lighting installations as follows:

1. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance;
2. Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
3. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new fixture must meet the standards of this Section.
4. Whenever a use changes or whenever an existing use makes renovations to more than fifty (50) percent of its exterior improvements, existing lighting systems and fixtures shall be brought into conformance with this Section.

**308.C. NON-APPLICABILITY** – Except as required in Section 308.B.4 of this Ordinance, the requirements of this Section shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Ordinance. Routine maintenance of said existing outdoor lighting installations shall not be required to comply with the requirements of this Section. Routine maintenance activities include the following:

1. Replacement of lamps that are burned-out or inoperative.
2. Replacement/repair of damaged or inoperative fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.

**308.D. PERFORMANCE STANDARDS**

1. Any lighting used to illuminate lawfully conducted activities associated with a single residential or agricultural use (including accessory uses) shall be arranged so as to deflect light away from any adjoining property or from the public street. The light source shall be hooded, shielded or controlled so as not to light adjacent property.

2. Any lighting used to illuminate lawfully conducted activities associated with any use other than a single residential or agricultural use shall be arranged so as to deflect light away from any adjoining property or from the public street. Proper mounting height, shielding, setback and aiming rather than vegetative screening shall be used to serve as the primary means of controlling light trespass.
3. No light source or combination thereof which cast light on a public street shall exceed a meter reading of one (1) footcandle as measured from the centerline of said street. No light source or combination thereof shall cast light on adjacent residential property that exceeds one tenth (0.1) footcandle as measured at an adjacent property's side and rear lot lines or one (1) footcandle on an adjacent non-residential property.
4. Method of Measurement – Except for signs, the footcandle level of a light source shall be taken after dark with the light meter placed on the ground and directed straight upward. For signs, the footcandle level of a light source shall be taken after dark with the light meter held 6 inches away from the brightest spot on the face of the sign with the meter aimed at the brightest spot on the face of the sign. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
5. Height - The maximum height above the ground grade permitted for light sources mounted on a pole is twenty (20) feet except in the case where a parking lot contains at least one hundred contiguous parking spaces and/or when the light source serves an off-street loading space and related maneuvering area, in which cases the maximum permitted height shall be twenty-five (25) feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached, and no light sources shall be located on the roof unless said light's intended purpose is solely to enhance the architectural features of the building.
6. Location – Except for lights mounted on an individual residence, the light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case, less than ten (10) feet from a street right of way and five (5) feet from all side or rear lot lines.
7. Hours - Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one-half (1/2) hour after closing except for, approved security lighting in accordance with the following Section 308.D.8. For those commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting. Programmable controllers shall be required to automatically control outdoor lighting. These regulations shall not apply to the use's sign(s).
8. Security Lighting - In all Districts, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail upon grounds and parking lots. Security lighting for buildings/structures shall be directed toward the face of the

building/structure, rather than the area around it. The illumination levels shall not exceed a maximum average illumination of twenty-five (25) percent that level required in the North Cornwall Township Subdivision and Land Development Ordinance. Unenclosed outdoor storage and display areas for commercial uses are exempt from the standards within this Section.

**308.E. PROHIBITIONS** - No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

**308.F EXEMPTIONS** - The lighting standards of this Section shall not apply to the following:

1. Temporary holiday lighting. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
2. Civic Event Lighting. This Section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
3. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
4. Outdoor lighting fixtures required by public works, law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.

## **SECTION 309 - OFF-STREET LOADING**

### **309.A. WHEN REQUIRED**

Off-street loading shall be required in accordance with this Section prior to the occupancy of any building or use that requires off-street loading. Off-street loading shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

1. A new use is established.
2. The use of a property or building is changed such that more loading space is required.
3. An existing use is enlarged such that more loading space is required.

### **309.B. SITE PLAN APPROVAL**

1. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
2. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

### **309.C. SURFACING**

All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface or similar dust-free hard surface (e.g. compacted stone), as defined herein.

**309.D. LOCATION & ORIENTATION**

No off-street loading space is permitted within a required front yard. No exterior portion of an off-street loading space (including access drives) shall be located within fifty (50) feet of any R-1 or R-2 District; off-street loading space located on the face of a building facing any adjoining land in these Districts shall be screened in accordance Section 309.J.

**309.E. CONNECTION TO STREET**

Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters.

**309.F. SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS**

Off-street loading spaces shall be designed so that there will be no need for service vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street.

**309.G. REQUIRED OFF-STREET LOADING SPACE SIZES**

Off-street loading spaces shall have a rectangular shape with not less than the following dimensions; excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale and Storage Uses and Shopping Centers	75 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

**309.H. ACCESS**

Off-street loading spaces shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.

**309.I. LIGHTING**

Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall comply with Section 308 of this Ordinance.

**309.J. LANDSCAPING AND SCREENING REQUIREMENTS**

Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading facilities shall be screened from adjoining areas in the R-1 or R-2 Districts. All landscaping and screening shall be provided in accordance with the standards listed in Section 317 of this Ordinance.

**309.K. LOADING SPACE MARKINGS**

All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior aisles. As a minimum, the lines of all off-street loading spaces and interior aisles (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.

**309.L. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES**

The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Hotel	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None 1.0 +1.0	First 2,000 square feet 2,000 to 25,000 square feet Each additional 40,000 square feet (or fraction)
Office building, including banks	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Retail sales and services, per use	None 1.0 2.0 +1.0	First 2,000 square feet 2,000 to 10,000 square feet 10,000 to 40,000 square feet Each additional 100,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area
Shopping centers – Up to 75,000 sq. ft. of Gross Floor Area	1 per 25,000 sq. ft., or fraction thereof of Gross Floor Area	
Shopping centers – Between 75,000 sq. ft. and 150,000 sq. ft. of Gross Floor Area	1 per 20,000 sq. ft., or fraction thereof of Gross Floor Area	
Shopping centers – Over 150,000 sq. ft. of Gross Floor Area	8, plus 1 per 50,000 sq. ft., or fraction thereof of Gross Floor Area	
Theater, auditorium, bowling alley, or other recreational establishment	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None 1.0 +1.0	First 3,000 square feet 3,000 to 5,000 square feet Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except miniwarehousing)	None 1.0 +1.0	First 1,500 square feet 1,500 to 10,000 square feet Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None 1.0 +1.0	Less than 100 dwelling units 100 to 300 dwelling units Each additional 200 dwelling units (or fraction)

## SECTION 310 - OFF-STREET PARKING

### 310.A. WHEN REQUIRED

Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:

1. A building is constructed or a new use is established.
2. The use of an existing building is changed to a use requiring more parking facilities.
3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

### 310.B. REDUCTION OF EXISTING PARKING

Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under Section 310.U of this Ordinance.

**310.C. PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS**

Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces that are each rectangular and a minimum of nine (9) feet wide and eighteen (18) feet long. Such spaces must be provided behind the street right-of-way line and may be within garages, carports, and/or driveways. Additional regulations pertaining to driveways are contained in Section 304 of this Article. The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family dwelling.

**310.D. SITE PLAN APPROVAL.**

1. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required here below.
2. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

**310.E. SURFACING**

All parking lots shall be constructed and maintained with a paved surface, as defined herein.

**310.F. DRAINAGE & SLOPES**

1. Parking lots shall be graded to a minimum slope of one (1) percent and a maximum slope of five (5) percent to provide for drainage.
2. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township under the terms of the Stormwater Management Ordinance.

**310.G. PARKING SPACE SIZES**

1. Within an off-street parking lot, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.
2. Where parallel parking is proposed, parking spaces shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of twenty-three (23) feet as measured along the curb or cartway edge with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.

**310.H. PARKING SPACES FOR DISABLED PERSONS.**

All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede any conflicting requirements of this Section.

**310.I. INTERIOR AISLES**

1. Interior aisles between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Aisle:	Width of Aisle:
	One-Way Traffic	Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	18 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

2. Interior or exterior aisles with only one row of adjacent parking spaces shall be a minimum of 20 feet wide for one-way or two-way traffic.
3. All interior aisle drive in areas where there is no parking permitted shall be at least ten (10) feet wide for each lane of traffic.
4. The maximum permitted length of interior aisles drives between rows of parking spaces shall be two hundred (200) feet.

**310.J. MARKINGS OF PARKING SPACES AND INTERIOR AISLES**

1. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior aisles prior to occupancy. As a minimum, the lines of all parking spaces and interior aisles (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent.
2. In the event parking lots are not marked as required by this section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

**310.K. REQUIRED HORIZONTAL RADII**

Not less than a four and one half (4.5) feet radius of curvature shall be permitted for horizontal curves in parking areas.

**310.L. DEAD END PARKING SPACES**

All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

**310.M. LIGHTING**

Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 308 of this Ordinance.



**310.N. ACCESS DRIVE REQUIREMENTS**

1. Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least ten (10) feet wide for each lane, exclusive of curb return and gutters.
2. Sections 301, 302, and 304 specifies other requirements for access drives.

**310.O. JOINT PARKING LOTS**

Parking lots may be designed to serve a more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purposes of determining required landscape strips and interior landscaping required by Section 317 of this Ordinance, all parking spaces within a joint parking lot shall be combined.

**310.P. PROHIBITED USES OF A PARKING LOT**

Parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance.
2. Parking vehicles accessory to the use.
3. Performing services (including services to vehicles).
4. The placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials.
5. Loading and unloading purposes except during hours when business operations are suspended.

**310.Q. VEHICULAR & PEDESTRIAN ACCESS**

1. Except in the case of valet parking, parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
2. All commercial, industrial, and office and institutional use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.
3. All parking lots shall incorporate adequate means of safe and convenient pedestrian access with designated crosswalks at key access drive intersections and building entrances.

**310.R. LOCATION**

All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board may permit such spaces to be provided on another property in accordance with the standards for special exception applications in Section 403 of this Ordinance. To approve the use, the Board must find that the applicant has met his/her burden of

proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 403.A.2 of this Ordinance and specifically as follows:

1. The proposed off-site location for the off-street parking spaces is located within the same District as the principal use.
2. The proposed off-site location for the off-street parking spaces is located within one hundred fifty (150) feet of the premises containing the principal use.
3. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board.
4. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces.
5. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.

#### **310.S. BUS STOP**

Where provided, bus stops shall be located and designed to permit the safe discharge and collection of occupants of the bus at the use within the lot. Bus stops shall be linked with a safe means of pedestrian access to the principal use of the property.

#### **310.T. LANDSCAPING AND SCREENING REQUIREMENTS**

Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, the following landscaping and screening requirements shall apply to all parking lots:

1. Front Yard Landscape Strip – In all Zoning Districts when a parking lot is located in a yard which abuts a street, a ten (10) foot landscaped strip shall be provided on the property between the parking lot and the street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip to the edge of the parking lot closest to the street line. The strip may be located within any other landscaped strip required to be located along a street.
2. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots shall be surrounded by a ten (10) foot wide landscape strip.
3. Interior Landscaping
  - a. Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing twenty (20) or more parking spaces, shall devote a minimum of five (5) percent of the total area of the lot to interior landscaping.

## Section 310

- b. Such interior landscaping shall be used:
    - 1) At the end of parking space rows and to break up continuous rows of parking spaces at least every ten (10) parking spaces.
    - 2) Adjoining and to help visually define travel lanes through or next to the parking lot.
  - c. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
  - d. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces, interior aisles, islands, and curbed areas.
  - e. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.
  - f. Parked vehicles may not overhang interior landscaped areas more than two and one-half ( $2\frac{1}{2}$ ) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
  - g. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.
4. Screening - When a parking lot is located on property which is adjacent to an R- 1 or R-2 District, the parking lot shall be screened from the adjoining property in accordance with Section 317.D of this Ordinance.

### **310.U. SCHEDULE OF REQUIRED PARKING SPACES**

- 1. Except as provided for in Sections 310.U.2. and 310.U.4, the minimum number of off-street parking spaces to be provided for each land use type shall be as indicated on following chart. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each individual use. When a calculation results in a fraction, any fraction below one-half ( $\frac{1}{2}$ ) may be disregarded, and any fraction of one-half ( $\frac{1}{2}$ ) or more shall require an additional full space.

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Automobile, Truck, Trailer, Bus, and Recreational Vehicle Repair	$\frac{1}{4}$ service bay (i.e. 4 per bay)
Automobile, Boat, and Trailer Sales	200 square feet of gross indoor display area and Section 310.U.3 of this Ordinance shall not apply
Auction House	Two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time. Oversized off-street parking shall be provided at the rate of one (1) space per each fifteen (15) persons of legal occupancy within the auction house
Auditorium, Banquet, Conference, and Meeting Facilities; Theater, and Other Such Places of Public Assembly	Three (3) seats. For uses without permanent seats, 50 square feet of area used for assembly purposes
Automobile, Truck, Trailer, Bus, and Recreational Vehicle Washing Facility	Two (2) stacking spaces for each washing module, plus one (1) parking space for each washing module. A washing module is not a parking space
Banks, Credit Unions, and Other Similar Financial Uses	200 square feet of gross floor area
Bed and Breakfast	One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit
Carpeting, Drapery, Floor Covering, and Wall Covering Sales	500 square feet of gross floor area
Convenience Stores	150 sq. ft. of gross floor area plus any exterior accessory uses (e.g. auto filling station, washing facility, etc.) shall also require parking to be provided in accordance with this schedule. For convenience stores with food preparation service, one (1) parking space is required for each 80 sq. ft. of gross floor area plus any exterior accessory uses shall also require parking to be provided
Drive-Thru and/or Fast-Food Restaurants	Two seats and one per each two employees
Dry Cleaner, Laundries, and Laundromats	Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area
Family Day Care Homes	A minimum of three off-street parking spaces shall be provided for the residence and the family day care
Food Markets and Grocery Stores	200 square feet of gross floor area

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Fuel Dispensing Use as a Principal or Accessory Use	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location
Funeral Homes	100 square feet of gross floor area
Furniture Sales	500 square feet gross floor area
Hotels and Motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement)
Kennels and Horse Boarding Stables	10 animals of occupancy plus and one per each employee on two largest shifts
Mini-Warehouses and Storage Facilities	One per 250 square feet of office space, plus two per any resident manager, with a minimum of three (3) total spaces required regardless of size
Nightclubs	Two seats of legal occupancy plus one per each employee on site at one time with a minimum of three (3) total spaces required regardless of size
Office Buildings and Blood/Plasma Donor Centers	4.5 spaces per 1,000 sq. ft. of gross floor area
Offices and clinics of Veterinarians, Physicians, Dentists, Opticians, and Counselors; Laboratory – In-House – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices; Day Reporting Centers; Pharmacy – Associated with Medical, Dental, Optical, and/or Counseling Clinics and Offices, etc.	200 sq. ft. of gross floor area
Personal Services (e.g. Barbers, Beauticians, Masseuse, Tanning Salon, Tattoo Parlor, Photographer, etc.)	4 spaces per practitioner or 2 spaces per service station whichever produces the greater number

<b>COMMERCIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Retail Stores or Shops (except those listed above), Personal Service Uses, Laboratory – Health Network and Standalone, and Medical Marijuana Dispensary, Pharmacy – In Store and Standalone	4.5 spaces per 1,000 sq. ft. of gross floor area
Restaurants and Taverns	Three seats plus one per each employee on largest shift
Roadside Stand	2 Spaces per stand
Shopping Centers or Malls	4.5 spaces Per 1,000 Sq. Ft. of Gross Floor Area
Other Commercial Buildings	400 square feet of gross floor area

<b>INDUSTRIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Automobile Auction and/or Storage Yards	One off-street parking space shall be provided for each 1,000 square feet of total interior and exterior display, sales and storage area for vehicles. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site
Industrial and Heavy Manufacturing Establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts
Other Industrial Uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number

RECREATION USES	
Type of Use	Minimum Required, or Minimum of One Passenger Parking Space for Each
Amusement Arcades	80 square feet of gross floor area. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided, in accordance with the schedule listed in Section 310.U of this Ordinance
Baseball, Soccer, Field Hockey, Lacrosse, Rugby, Football and other Athletic Fields without Spectator Seating	1/12 field (12 per field)
Baseball, Soccer, Field Hockey, Lacrosse, Rugby, Football and other Athletic Fields with Spectator Seating	1/12 field (12 per field) plus one (1) per each four (4) seats of spectator seating
Basketball and Volleyball Courts without Spectator Seating	1/8 court (8 per court)
Basketball and Volleyball Courts with Spectator Seating	1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating.
Bowling Alleys and Billiards Rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf Courses	1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf Driving Ranges	One per tee and one per employee
Gymnasiums without Spectator Seating	1/8 court (8 per court)
Gymnasiums with Spectator Seating	1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating.
Miniature Golf Courses	1/2 hole (i.e., 2 per hole) and one per employee
Riding Schools or Horse Stables	Two stalls plus one per every four seats of spectator seating
Picnic Areas	Per table
Skating Rinks	Four persons of legal occupancy
Swimming Pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or Racquetball Clubs	1/4 court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses

<b>RESIDENTIAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Single-Family Detached Dwellings and Two-Family Conversions	1/2 dwelling unit (i.e., two spaces Per dwelling unit)
Duplex, Two-Family, Townhouse and Multiple-Family Dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served
Group Homes, Orphanages, Dormitories, Rectories, etc.	Bedroom

<b>SOCIAL AND INSTITUTIONAL USES</b>	
<b>Type of Use</b>	<b>Minimum Required, or Minimum of One Passenger Parking Space for Each</b>
Auditorium, Banquet, Conference, and Meeting Facilities; Church, Theater, and other Such Places of Public Assembly	Three (3) seats. For uses without permanent seats, 50 sq. ft. of area used for assembly purposes
Clubs, Lodges and Other Similar Places	Two seats but not less than one space per 100 square feet of gross floor area and one per each employee on two largest shifts
Hospitals and Sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, Art Galleries, Cultural Centers, Libraries	400 sq. ft. of gross floor area
Nursing, Rest or Retirement Homes	Four accommodations (beds) in addition to those needed for doctors and support staff
Rehabilitation Centers (without overnight accommodations)	200 sq. ft. pf gross floor area
Schools (below grade ten), including Principal Day-Care and Kindergarten	Six students enrolled
Schools (tenth grade and above), including colleges with on-site housing for a majority of students enrolled	Three students enrolled



SOCIAL AND INSTITUTIONAL USES	
Type of Use	Minimum Required, or Minimum of One Passenger Parking Space for Each
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students enrolled
Vocational Training and Adult Education Facilities	1.5 students enrolled

2. All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business, and/or resident upon the premises at any given time.
3. For commercial and industrial uses, no off-street parking area shall accommodate more than one hundred twenty (120) percent of the minimum requirement, regardless of whether such additional spaces are provided with pervious surfacing, except as provided for below by Section 310.U.4 of this Ordinance.
4. Alternative off-street parking standards to those provided in this Section may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 404. of this Ordinance. The applicant shall establish by credible evidence that adequate parking is provided for all uses within the development. Such evidence shall include, but not necessarily be limited to, the following:
  - a. Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.
  - b. Analysis of shared parking facilities with other uses that routinely experience peak parking demands at different times of the day, week, or season, and where the parking spaces required by one use can also accommodate another nearby use.
  - c. Analysis of the possible use of permeable surfaces for overflow parking where such overflow parking area would be used sparingly and where the applicant can show that the permeable surfaces will be constructed of stable materials and will be environmentally beneficial to the community.
  - d. Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.
  - e. Any other specific characteristics of the proposed use that, in the opinion of the Zoning Hearing Board, justifies a different required parking ratio.

### **310.V. RECREATIONAL VEHICLES, BOATS, CAMPERS, AND PERSONAL CARGO TRAILERS**

Except as noted in Section 310.W of this Ordinance, within any (R-1 or R-2) District, or upon any property used principally for residential purposes, the parking and/or storage of recreational vehicles, travel

trailers, boats, and personal cargo trailers used solely for the transport of the residents' personal property is permitted only according to the following requirements:

1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and personal cargo trailers used solely for the transport of the residents' personal property are divided into two separate categories, as follows:

Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other personal cargo trailers used solely for the transport of the residents' personal property that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other personal cargo trailers used solely for the transport of the residents' personal property that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

2. The temporary parking of one Class I or Class II vehicle for periods not exceeding seven (7) days during any thirty (30) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines. Under special circumstances, the duration of temporary parking may be extended by the Township.
3. The storage of one Class I vehicle shall be permitted per lot behind the front yard building line, so long as the unit is set back no less than five (5) feet from any adjoining side and rear lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
4. The storage of one Class II vehicle on any property within the (R-1 or R-2) Districts, or a parcel used for a principal residence, is permitted, subject to the following requirements:
  - a. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
  - b. All vehicles shall be set back a horizontal distance equal to twice the vehicle's height from every side and rear lot line.

- c. No vehicle shall be stored in front of the building line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.
  - d. Screening, as described in Section 317.D of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot, and stores the vehicle on an adjacent vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley.
  - e. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
5. In addition to that permitted above in Sections 310.V.1 through 4, upon any property used for a principal residence, the parking and/or storage of one personal cargo trailer shall be permitted as an accessory use within the rear yard. Such trailer shall be setback no less than two (2) feet from any adjoining side or rear lot line.

**310.W. PARKING OF COMMERCIAL TRUCKS**

Within the Agricultural District, the parking of no more than one (1) commercial truck with a gross vehicle weight in excess of 10,000 pounds where the use of such vehicle is not incidental to the use of the premises is permitted upon farms and residential properties, subject to the following conditions:

- 1. The parking of a commercial truck upon a residential property is limited to a vehicle operated by the occupant of the residence and must be located within a completely enclosed garage unless the site has at least two (2) acres. No such parking space therein shall be leased to a non-resident of the lot.
- 2. No business, occupation, or service shall be conducted therein.
- 3. Any driveway used for commercial truck access shall have a minimum inside turning radius of thirty (30) feet.
- 4. The driveway upon which a commercial vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
- 5. The commercial truck must be parked behind the front building line or at least one hundred (100) feet from the right-of-way line, whichever is the lesser distance.
- 6. Any driveway used for commercial truck access shall have a minimum one hundred (100) foot paved apron as measured from the street right-of-way.

**310.X. PROHIBITION OF PARKING OF UNLICENSED / UNINSPECTED VEHICLES**

Except upon property used for the sale and service of motor vehicles or trailers or upon property used for a junkyard, motor vehicles or trailers of any kind or type without current license plates and current

inspection stickers shall not be parked or stored upon any property other than in a completely enclosed garage or other accessory building. This requirement shall not apply to implements and other vehicles not normally used as conveyances on the public streets.

## **SECTION 311 - OPERATIONS AND PERFORMANCE STANDARDS**

### **311.A. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS**

1. All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Districts of North Cornwall Township.
2. No use, or premises in any District shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas as described herein.
3. Notwithstanding the laws and regulations of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and any other State and/or Federal regulations, the standards contained herein shall be utilized by North Cornwall Township as regulatory controls on land use.
4. These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
5. These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer.
6. Property owners and/or proprietors who have been cited for any violation(s) of the performance standards identified herein shall be responsible for all costs and fees (including but not limited to reasonable attorney's fees) incurred by the Township through its professional consultants and administrative staff in their performance of background investigations, legal proceedings, retributions, and rectification measures.

### **311.B. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL**

1. All uses must properly dispose of wastes and recyclables, where applicable, in accordance with all applicable laws and regulations. The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
2. Outdoor stockpiling - In all Districts, no outdoor stockpiling of any material or outdoor storage of trash and recyclables is permitted in the front yard. In the R-1, R-2, and OI Districts, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.

Upon residential properties, the outdoor stockpiling of materials (including firewood) shall provide for a minimum five (5) foot setback from each side and rear lot line.

3. Upon any property used for a principal residence, the use of dumpsters and recycling containers, where applicable, and or other portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of
4. dumpsters and recycling containers, where applicable, and or other portable storage containers and pods for permanent storage and/or waste containment is expressly prohibited. The use of dumpsters and recycling containers, where applicable, and or other portable storage containers and pods shall not exceed thirty (30) days during any calendar year and only following the issuance of a zoning permit. Such containers must be located so as not to block any required clear sight triangles and be at least ten (10) feet from all lot lines. The Zoning Officer may issue one-time extension to the zoning permit, if the applicant can demonstrate that the nature of the proposed activity:
  - a. Is ongoing.
  - b. Is making reasonable progress.
  - c. Requires additional time.
  - d. Has a definitive ending date identified by the applicant beyond which the use shall cease.

### **312. SEASONAL SIDEWALK DISPLAYS**

For commercial uses, seasonal sidewalks display related to retail sales are permitted subject to the following:

1. The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building/storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide.
2. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
3. Signage for seasonal sidewalk sales shall comply with the applicable Township requirements.

### **313 SPECIAL EVENT SALES**

For commercial uses, special events are permitted subject to the applicant obtaining a permit in accordance with the Township's Solicitation Ordinance.

## **SECTION 314 - PROJECTIONS INTO YARDS**

- 314.A.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size, lot coverage, or building coverage.

1. Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, windowsills, and similar features) provided that any single such feature does not exceed ten (10) square feet in external area, when viewed in plan view.
2. Roof overhangs may extend two (2) feet into the required yard.
3. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height, or forty-eight (48) inches in width.
4. Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor come within three (3) feet of any property line.
5. Sidewalks, stormwater inlets and/or stormwater outlets.

#### **SECTION 315 - REQUIRED TRAFFIC STUDY STANDARDS**

- 315.A.** Where a traffic study is required elsewhere in this Ordinance, it shall be provided in accordance with the SALDO as may be amended.
- 315.B.** Deviations from the requirements of the SALDO that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 8.03 of the SALDO.
- 315.C.** Deviations from the requirements of Section 5.10.H of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 804.D of this Zoning Ordinance.

#### **SECTION 316 - ROADWAY CLASSIFICATIONS**

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

<b>Principal Arterial Roads</b>	<b>Minor Arterials Roads</b>	<b>Major Collector Roads</b>	<b>Local Roads</b>
<ul style="list-style-type: none"> <li>• Quentin Road (PA Route 72)</li> <li>• Cumberland Street (US Route 422)</li> </ul>	<ul style="list-style-type: none"> <li>• Cornwall Road (SR 2001)</li> <li>• Colebrook Road (PA Route 241)</li> </ul>	<ul style="list-style-type: none"> <li>• Rocherty Road (East of PA Route 72)</li> <li>• Oak Street</li> <li>• Mill Street</li> <li>• Walnut Street</li> </ul>	All other roads not listed in other three categories.

#### **SECTION 317 - SCREENING AND LANDSCAPING REQUIREMENTS**

##### **317.A. REQUIRED LANDSCAPE PLAN**

For uses with off-street parking lots, screening and/or landscape strips that require the approval of a land development plan, the applicant shall submit a landscape plan prepared by a Pennsylvania Certified Horticulturalist, landscape architect, professional engineer, or Professional Land Surveyor registered

within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Ordinance and the SALDO. Such plans shall include, but not be limited to, details depicting:

1. Landscape buffers and screens used to protect adjoining properties, residential Districts and streets.
2. Screening used to prevent the spillage of headlights onto adjoining properties.
3. Typical interior landscape island treatments including rain gardens, if applicable.
4. Typical landscape strip treatments including rain gardens, if applicable.
5. Typical screening treatments.
6. Landscape treatments at access drives' intersections with streets.

**317.B. YARD GROUNDCOVER**

Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors (e.g., grass, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

**317.C. LANDSCAPING REQUIREMENTS**

1. Existing plant materials shall be preserved, wherever possible, during development. Such existing plants shall be credited toward required plantings. Where topographic, vegetative or engineering features on or adjacent to the site may provide desired conservation and environmental protection, the landscape plan may be adjusted to credit use of the alternate protective features, provided the Township approves of the design during the land development process.
2. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty (80) percent of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.
3. For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have a mixture of landscaping materials distributed along the entire length of the lot line abutting the yard;
4. Interior landscaping within off-street parking lots shall be provided in accordance with Section 310.T.3 of this Ordinance. For every three hundred (300) square feet of interior landscaping

required (parking lots), at least one deciduous shade tree shall be provided. Such trees shall have a clear trunk at least five (5) feet above finished grade; and,

5. Those landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear sight-triangle as regulated in Sections 301.C, 303 and 304.C of this Ordinance.

#### **317.D. SCREENING**

1. Screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining, the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening location with assistance from the Township engineer.
2. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within five (5) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 317.E.3 of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:
  - a. Screening may consist of a minimum of two rows of evergreen trees that are a minimum of six (6) feet in height at the time of planting. Each row of evergreen trees shall be located at least twenty (20) feet apart with plants arranged twenty (20) feet on center, staggered alternately as depicted in Figure 3.7.

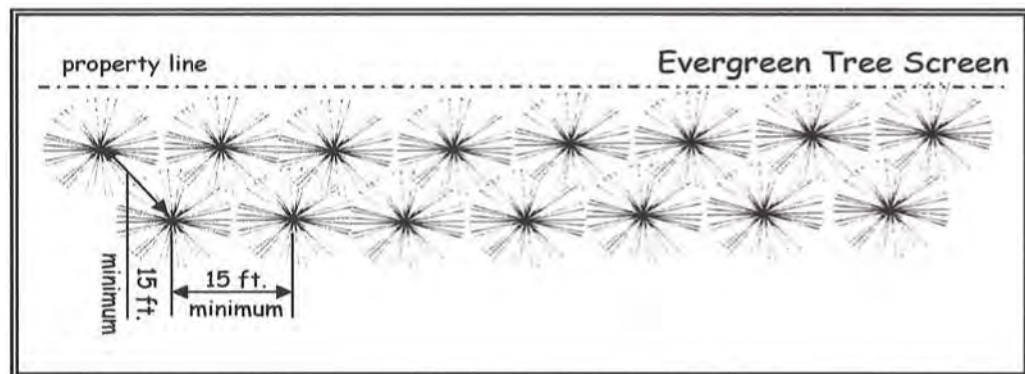


Figure 3.7



- b. Screening may consist of a minimum of two rows of vegetation (e.g. *Aesculus x carnea* “Brioti” trees with *Ilex x meserveae* “Prince” and “Princess” evergreen shrubs). Deciduous trees shall have a minimum two (2) inch diameter clear trunk at least five (5) feet above finished grade that are planted a maximum of forty (40) feet apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four (4) feet with a minimum mature height of six (6) feet. Evergreen shrubs shall be planted no more than five (5) feet apart on center. See Figure 3.8.

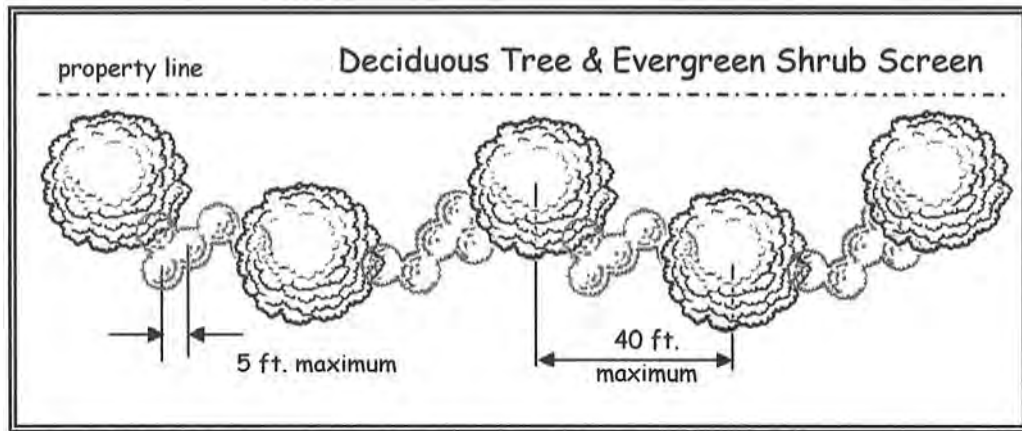


Figure 3.8

- c. Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Each row of evergreen trees shall be located at least twenty (20) feet apart with plants arranged twenty (20) feet on center, staggered alternatively. Deciduous trees shall have a minimum two (2) inch diameter clear trunk at least five (5) feet above finished grade that are planted a maximum of forty (40) feet apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four (4) feet with a minimum mature height of six (6) feet. Evergreen shrubs shall be planted no more than five (5) feet apart on center. See Figure 3.9.

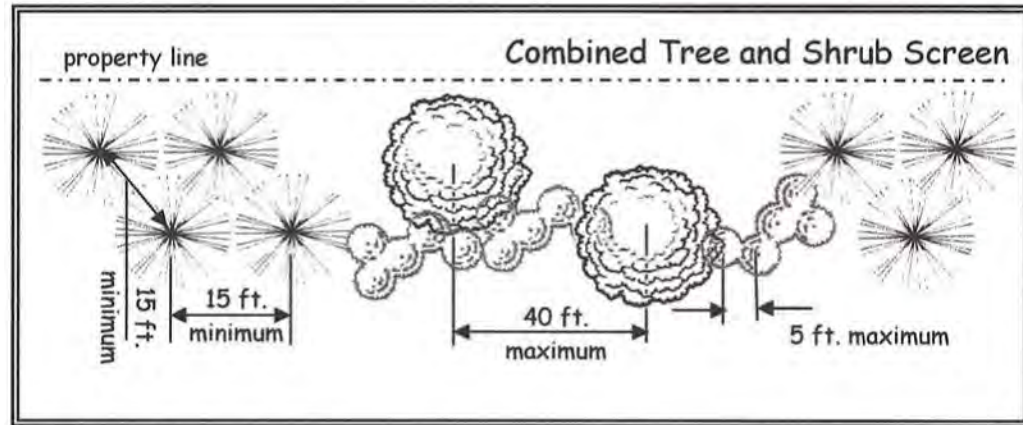


Figure 3.7

- d. As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:
  - 1) Will result in an equally effective blockage of ground-level views between the subject and adjoining properties;
  - 2) Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance; and,
  - 3) Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
  - 4) Alternate screening arrangements shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township engineer.
- e. Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip along with its required shade trees as specified in the above Section 317.C.2 of this Ordinance.

### 317.E. SELECTION OF PLANT MATERIALS

1. No vegetation shall include any noxious or invasive species as defined herein except that the use of invasive species may be permitted by the Township if expert information is submitted that demonstrates that the use of such invasive species is necessary for vegetation to be sustained at the proposed location for the proposed use. Trees and shrubs shall be native and typical of their species and variety; have normal growth habits, well-developed branches, densely foliated,

vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Applicants shall select a mix of native diverse plant materials to protect against a catastrophic loss due to a disease or insect damage. "Salt tolerant" species shall be selected for locations near streets.

2. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.
3. The following lists the types of vegetation pre-approved for specific required uses by this Ordinance within the Township. The applicant can select different plant species provided that the person preparing the required landscape plan shall demonstrate that the species proposed are equally suited for the proposed use.

PRE-APPROVED SHADE TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Acer rubrum</i>	Red Maple (N)	75
<i>Acer saccharum</i>	Sugar Maple (N)	100
<i>Aesculus x carnea 'Briorti'</i>	Red Horse Chestnut	45-55
<i>Betula nigra</i>	River Birch (N)	70
<i>Carpinus betulus</i>	European Hornbeam	60
<i>Celtis occidentalis</i>	Common Hackberry (N)	120
<i>Cercidiphyllum japonicum</i>	Katsura Tree	35
<i>Fagus grandifolia</i>	American Beech (Native)	50-60
<i>Fagus sylvatica</i>	European Beech	50-60
<i>Ginko biloba</i> (males only)	Ginko, Maidenhair Tree	120
<i>Gleditsia tricanthos</i>	Common Honeylocust	120
<i>Gymnocladus dioicus</i>	Kentucky Coffee-tree (N)	90
<i>Koelreutaria Paniculata</i>	Panicked Goldenraintree	30-40
<i>Liquidambar styraciflua</i>	Sweet Gum (N)	75
<i>Liriodendron tulipifera</i>	Tulip Tree (N)	150
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	75-100
<i>Nyssa sylvatica</i>	Black Gum (N)	50
<i>Plantanus xacerifolia</i>	London Planetree	50
<i>Quercus palustris</i>	Pin Oak	70
<i>Quercus rubra</i>	Red Oak(N)	75
<i>Quercus prinus</i>	Chestnut Oak (N)	70
<i>Sophora japonica</i>	Japanese Pagodatree	40-60
<i>Taxodium Distichum</i>	Bald Cypress	50-70
<i>Tilia tomentosa</i>	Silver Linden	70
<i>Tilia cordata</i>	Littleleaf Linden	90

Ulmus americana	American Elm (N)	120
Zelkova serrata	Japanese Zelkova	80

PRE-APPROVED SMALL DECIDUOUS TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
Acer buergeranum (tree form)	Trident Maple	30
Acer campestre	Hedge Maple	45
Acer ginnala	Amur Maple	15-20
Acer griseum	Paper Bark Maple	40
Acer miyabei	Miyabe Maple	30-40
Acer tartaricum	Tartarian Maple	20
PRE-APPROVED SMALL DECIDUOUS TREES (cont.)		
Acer truncatum	Shantung Maple	30-35
Aesculus pavia	Red Buckeye	12-15
Amelanchier Uanadensis (tree form)	Serviceberry (N)	30
Betula populifolia	Gray Birch (N)	30
Carpinus caroliniana	Ironwood, American	35
Cercis Uanadensis	Eastern Redbud (N)	36
Chionanthus virginicus	Fringetree (N)	30
Cladrastis lutea	American Yellow-wood (N)	50
Cornus alternifolia	Pagoda Dogwood	25
Cornus florida (varieties)	Flowering Dogwood (N)	40
Cornus kousa	Kousa Dogwood	25
Cornus mas	Cornelian Cherry	24
Crataegus viridis var. 'Winter King'	Green Hawthorn	15
Halesia carolina	Carolina Silverbell (N)	40
Magnolia liliflora 'Jane'	Jane Magnolia	10-15
Magnolia stellata	Star Magnolia	20
Magnolia virginiana	Sweet Bay Magnolia (N)	20
Malus floribunda*	Japanese Flowering Crab*	30*
Malus 'Prairefire'	Prariefire Crabapple	20'
Malus 'Red Barron'	Red Barron Flowering	20
Malus spp. Var. "Spring Snow"	Spring Snow Crabapple	25-30
Ostrya virginiana	Hop-hornbeam (N)	40
Oxydendrum arboretum	Sourwood (N)	30
Parrotia persica	Persian Parrotia	40
Prunus sargentii	Sargent Cherry	50
Prunus sargentii var. 'Columaris'	Columnar Sargent Cherry	50
Prunus serrulata	'Kwanzan' Kwanzan Cherry	25
Prunus yedoensis	Yoshino Cherry	35-45

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Stewartia pseudocamellia	Japanese Stewartia	40
Syringa amurensis japonica	Japanese Tree Lilac	30
Syringa patula 'Miss Kim'	Lilac 'Miss Kim'	4-9
Syringa reticulate 'Ivory Silk'	Lilac Ivory Silk	20-25
Ulmus parvifolia	Chinese Elm	40
Weigela florida 'Bristol Ruby'	Bristol Ruby	6-9
Weigela florida 'Red Prince'	Red Prince	6

PRE-APPROVED EVERGREEN TREES FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Abies concolor</i>	White Fir (N)	90
<i>Cedrus Atlatic 'glauca'</i>	Blue Atlas Cedar	60-100
<i>Cedrus Atlatic 'glauca fastigiata'</i>	Blue Atlas Cedar	40-60
<i>Chamaecyparis nootkatensis</i>	Weeping Nootka False-Cypress	35
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (N)	50
<i>Ilex opaca</i>	American Holly (N)	45
<i>Juniperus virginiana</i>	Eastern Red Cedar (N)	90
<i>Picea abies</i>	Norway Spruce	120
<i>Picea omorika</i>	Serbian Spruce	90
<i>Picea pungens</i>	Colorado Spruce (N)	100
<i>Pinus flexilis</i>	Limber Pine (N)	50
<i>Pinus flexilis 'Vanderwolf Pyramid'</i>	Limber Pine (N)	20-30
<i>Pinus strobus</i>	Eastern White Pine (N)	100
<i>Pinus strobus 'Fastigiata'</i>	Pyramidal White Pine (N)	40
<i>Pinus thunbergi</i>	Japanese Black Pine	90
<i>Pseudotsuga taxifolia</i>	Douglas Fir (N)	100
<i>AThuja occidentalis 'pyramidalis'</i>	Pyramidal Arborvitae (N)	15
<i>Thuja occidentalis</i>	'Emerald Emerald Arborvitae (N)	15
<i>Thuja plicata</i>	Arborvitae "Green Giant"	50-70
<i>Tsuga canadensis</i>	Canadian Hemlock (N)	90

PRE-APPROVED DECIDUOUS SHRUBS		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Aesculus parviflora</i>	Bottlebrush Buckeye (N)	12
<i>Aronia arbutifolia</i>	Red Chokeberry (N)	8
<i>Aronia melanocarpa</i>	Black Chokeberry (N)	8
<i>Calycanthus floridus</i>	Common Sweetshrub	9
<i>Cephalanthus occidentalis</i>	Buttonbush (N)	10
<i>Chaenomeles speciosa</i>	Common Flowering Quince	10
<i>Clethra alnifolia</i> and cultivars	Summersweet Clethra	8
<i>Cornus alba</i> and cultivars	Tatarian Dogwood	10
<i>Cornus amomum</i>	Silky Dogwood (N)	10
<i>Cornus racemosa</i>	Gray Dogwood (N)	15
<i>Cornus sericea</i>	Red Oosier Dogwood (N)	9
<i>Cotinus coggygria</i> and cultivars	Smokebush	15
<i>Fothergilla major</i>	Large Fothergilla (N)	10
<i>Hamamelis virginiana</i>	Common Witchazel (N)	20

PRE-APPROVED DECIDUOUS SHRUBS (cont.)		
Hydrangea quercifolia	Oakleaf Hydrangea (N)	6
Ilex verticillata	Common Winterberry (N)	10
Itea virginica	Virgina Sweetspire (N)	6
Lindera benzoin	Spicebush (N)	10
Myrica pennsylvanica	Northern Bayberry (N)	12
Philadelphus virginialis	Sweet Mockorange	12
Physocarpus opulifolius	Common Ninebark (N)	9
Sambucus canadensis	American Elder (N)	12
Spiraea x vanhouttei	Van Houtte Spiraea	10
Symphoricarpos albus	Common Snowberry (N)	6
Syringa vulgaris and hybrids	Common Lilac	15
Vaccinium corymbosum	Highbush Blueberry (N)	12
Viburnum acerifolium	Mapleleaf Viburnum (N)	6
Viburnum carlesii	Korean Spice Viburnum	5
Viburnum dentatum	Arrow Wood Viburnum (N)	12
Viburnum lentago	Nannyberry Viburnum (N)	18
Viburnum prunifolium	Black Haw Viburnum (N)	15

PRE-APPROVED EVERGREEN SHRUBS FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
Chamaecyparis obtuse var.	Japanese Cypress	---
Chamaecyparis pisifera 'Boulevard'	Boulevard False Cypress	12
Chamaecyparis pisifera var.	Dwarf False Cypress	---
Ilex glabra	Inkberry (N)	8
Ilex x meserveae 'Blue Princess'	Holly Blue Princess	10-15
Ilex x meserveae 'Blue Prince'	Holly Blue Prince	8-12
Juniperus chinensis shrub cultivars	Chinese Juniper	3-15
Kalmia latifolia	Mountain Laurel (N)	15
Leucothoe jontanesiana	Drooping Leucothoe (N)	6
Picea glauca 'conica'	Dwarf Alberta Spruce	10
Pieris floribunda	Mountain Pieris	6
Pinus mugo	Mugho Pine	6
Rhododendron catawbiense &	Catawba Rhododendron (N)	10
Rhododendron 'P.J.M' and cultivars	P.J.M. Rhododendrons	6
Taxus x media and cultivars	Yew	3-12
Thuja occidentalis 'Techny'	Mission Arborvitae	8

PRE-APPROVED GROUNDCOVERS		
Botanical Name	Common Name (N–Native)	Mature Height (in.)
Ajuga reptans	Ajuga/Carpet Bugleweed	4-6
Hedera helix	English Ivy	6-8
Juniperus horizontalis	Creeping Juniper	8-24
Liriope muscari	Lilyturf	12-24
Liriope spicata	Lilyturf	12
Microbiata decussate	Russian arborvitae	---
numerous genera, species, cultivars	Ornamental Grasses	12-60
Ophiopogon japonicus	Mondo Grass	4-6
Pachysandra terminalis	Japanese Spurge	12
Sarcococca hookeriana var. 'humilis'	Sweetbox	---
Vinca minor	periwinkle/vinca	4-6

## **SECTION 318. - ZONING REQUIREMENTS FOR USE OF ON-LOT SEWAGE DISPOSAL SYSTEMS**

### **318.A. TWO DISPOSAL SITES REQUIRED**

As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to comply with the North Cornwall Township On-Lot Sewage Management Ordinance or specifically test for and secure one primary absorption area and another replacement absorption area. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site;

### **318.B. MINIMUM LOT AREA**

Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PA DEP and/or the Delegated Local Agency, through its sewage planning module review process. In those cases, where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection.

### **318.C. DISPOSAL PLUME EASEMENT**

In the Agricultural District and in lieu of the increased lot size described in the previous Section 318.B, an applicant who intends to make use of an on-lot sewage disposal system may secure and protect a sewage disposal plume easement to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such easement shall be in a form acceptable to the Township Solicitor and the size and extent of the sewage plume easement shall be approved by the PA DEP and/or the Delegated Local Agency, through its sewage planning module review process.



**318.D. REQUIRED MAINTENANCE**

Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

**SECTION 319. - ACCESSORY USES**

Accessory permitted uses, buildings and structures customarily incidental to the principal permitted uses are as follows:

**319.A. ACCESSORY OCCUPATIONS**

In accordance with the Definition of Accessory Occupation

**319.B. ALTERNATIVE ENERGY PRODUCTION FACILITIES**

Subject to the following:

1. The maximum energy generated for a residential use shall not exceed 1.5 times the annual energy needs of the principal residential use upon whose site the alternate energy production facility is located.
2. The maximum energy generated for a commercial use shall not exceed 2.0 times the annual energy needs of the principal commercial use upon whose site the alternate energy production facility is located.
3. The maximum energy generated for an agricultural, horticultural or industrial use shall not exceed 3.0 times the annual energy needs of the consumer use upon whose site the alternate energy production facility is located.
4. The maximum energy generated for a governmental, school, hospital, church and/or other similar institutional use shall not exceed 4.0 times the annual energy needs of the consumer of the principal use upon whose site the alternate energy production facility is located.
5. The maximum energy generated for a municipal use shall not exceed 5.0 times the annual energy needs of the consumer of the municipal use upon whose site the alternate energy production facility is located.
6. Except as specifically permitted by Section 11 below, alternate energy production facilities may be erected as detached accessory structures or attached to a building provided that the structural components of such systems do not exceed the permitted height requirements of the District in which it is located.
7. Alternate energy production facilities may be erected as detached accessory structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the District in which it is located.
8. Alternate energy production facilities may be erected as detached accessory structures or attached to a building provided that the structural components of such systems comply with all

applicable accessory setbacks of the District in which it is located. Systems attached to a principal structure will be required to comply with principal use setbacks.

9. Under special circumstances, the Board of Supervisors may allow the maximum energy generated to exceed the stipulated energy limits so long as the structural components of such systems do not exceed the maximum permitted building coverage requirements.
10. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road.
11. The following provisions shall specifically apply to wind turbines:
  - a. Wind turbines shall be setback from the nearest occupied building upon the subject property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the occupied building.
  - b. Wind turbines shall be setback from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.
  - c. All wind turbines shall be setback from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This Section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective District.
  - d. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
  - e. The maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
  - f. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
  - g. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
12. The following provisions shall specifically apply to geothermal systems:
  - a. Only closed loop geothermal systems shall be permitted.

- b. The geothermal system shall conform to the International Ground Source Heat Pump Association (IGSHPA) installation standards, as same may be amended and updated from time.
  - c. The vertical geothermal system well (or wells) installation will be made only by a Pennsylvania-licensed well driller.
  - d. No geothermal system sub-surface loops will be located closer than twenty (20) feet from any existing or planned drinking water wells.
  - e. The vertical loop in a geothermal system well (or wells) shall be pressure-grouted bottom to top with a bentonite-based or cement-based material of 0.0000001 centimeter per second or lower permeability.
13. Manure digester facilities shall only be permitted as an accessory use to an agricultural or horticultural use.

**319.C. DOMESTIC PETS**

The noncommercial keeping of no more than four (4) adult non-farm animals that are locally available for purchase as pets, as an accessory use to a primary residential use. Domestic pets shall not include any species identified as "exotic animals" and "livestock," both as defined herein.

**319.D. DOMESTIC COMPOST**

- 1. The placement of framed enclosure for composting is permitted, subject to all accessory use setbacks.
- 2. Only waste materials from the residential site shall be deposited within the compost enclosure, and in no case shall meat or meat by-products be composted.

**319.E. ECHO HOUSING**

- 1. The elder cottage may not exceed one thousand, two hundred (1,200) square feet of gross floor area, including any enclosed garage and/or any basement. A recreational vehicle cannot be used for ECHO Housing.
- 2. The total lot coverage shall not exceed twenty (20) percent.
- 3. The elder cottage shall be occupied by:
  - a. One person who is at least 50 years of age and/or handicapped and/or a disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or,
  - b. The caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling, or an unrelated care giver who provides for care on a full-time basis.
- 4. The elder cottage shall be occupied by a maximum of two (2) people.

5. Utilities:

- a. Sewage disposal, water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility standards.
  - b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.
6. A minimum of one (1) all-weather off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.
  7. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.
  8. The elder cottage shall be removed from the property within twelve (12) months after it is no longer occupied by a person who qualifies for the use.
  9. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary Zoning Certificate of Use.

**319.F. FAMILY DAY CARE HOMES**

1. The family day care must be operated within a single-family detached dwelling having a minimum lot size of ten thousand (10,000) square feet.
2. All family day-care facilities with enrollment of more than three (3) minors shall comply with the applicable regulations of the Pennsylvania Department of Human Services.
3. An outdoor area shall be provided in accordance with state law. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining property within the R-1 and R-2 Districts or residential uses. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

**319.G. FARM OCCUPATIONS**

1. No subdivision of the farm occupation shall be permitted.
2. A farm occupation may only be conducted on actively farmed parcels containing at least twenty-five (25) acres. A "farm" shall be considered to include an area of land operated as a single

economic agricultural enterprise, regardless of the number of contiguous parcels, plots, or tracts comprising such an enterprise.

3. Farm occupations may involve one of the following uses:
  - a. Retail sales of agricultural products principally produced on the farm (with a display area not to exceed 600 square feet).
  - b. Facilities for the service and repair of farm machinery and equipment, and small engines.
  - c. Facilities contributing to the agrarian lifestyle characteristic of the residents of the Township. Such facilities include but are not limited to:
    - 1) Arts and crafts manufacturing, with a retail sales display area not to exceed six hundred (600) square feet.
    - 2) Blacksmith and tool sharpening shops.
    - 3) Carriage, buggy, wagon and related appurtenances manufacturing, sales and service;
    - 4) Carpenters.
    - 5) Woodworking, furniture, and cabinet making shops.
    - 6) Metalworking shops.
    - 7) Country housewares, hardware and dry goods stores with a retail display area not exceeding one thousand (1,000) square feet.
    - 8) Tailor and shoe shops.
    - 9) Bake shops with no more than six hundred (600) square feet of retail sales display area.
    - 10) Any use determined by the Zoning Officer to be of the same general character as those above-listed uses.
4. No more than one (1) acre of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm occupation and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm occupation.
5. At least one owner of the farm occupation must live on the property on which the use is conducted.
6. No farm occupation shall be located within three hundred (300) feet of any property used principally for residential purposes (except for dwellings located upon the same parcel as the farm occupation), nor any lands within the R-1 or R-2 Districts. Such distances shall be measured as a straight line between the closest points of the property containing the farm occupation and the residentially used or zoned properties.

7. All farm occupations shall be conducted upon the same lot as an actively farmed parcel.
8. No more than two (2) nonresidents of the farm parcel shall be employed by the farm occupation.
9. The use must be conducted within one completely enclosed building. In no case shall such use occupy more than four thousand (4,000) square feet of gross floor area.
10. Any outbuilding used for such farm occupation shall be located behind the principal farm residence on the site or, as an alternative, at least three hundred (300) feet from the street right-of-way.
11. Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties.
12. Any activities that produce excessive dust, odor, light or noise, perceptible at the property line are prohibited.
13. Manufactured homes are permitted but not for habitation.
14. The applicant shall submit written evidence from the SEO that the proposed use has an approved means of sewage disposal.
15. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.

**319.H. FENCES AND FREESTANDING WALLS**

1. Upon properties used for residential purposes, no fence or freestanding wall (except athletic court walls or fences, or a retaining wall as noted below in Section 3 shall be erected to a height of more than:
  - a. Three (3) feet in a front yard; except that, fences and freestanding walls erected upon reverse frontage and corner lots may extend up to height of six (6) feet within those yards that do not contain vehicular access onto an adjoining road.
  - b. Six (6) feet in any side or rear yard.
  - c. On corner lots, fences shall be setback five (5) feet from the right-of-way line.
2. No fence or freestanding wall shall interfere with the required clear sight triangle as listed in Sections 301.C, 303, and 304.C. of this Ordinance.
3. The use of freestanding retaining walls higher than four (4) feet up to a maximum height of twelve (12) feet is permitted, subject to the following findings:
  - a. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site.

- b. The retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way.
  - c. That the applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety.
  - d. That the base of the retaining wall is setback a horizontal distance at least five (5) feet from each property line.
  - e. Handrails/guardrails are required if the retaining wall is over four (4) feet tall and a pedestrian path is closer than two (2) feet to the top of the wall.
- 4. Retaining walls higher than twelve (12) feet are permitted provided the applicant submits written evidence the retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way.
  - 5. Upon properties used for non-residential purposes, no fence or freestanding wall (except agricultural, required junkyard, athletic court, outdoor shooting range walls or fences, or a retaining wall, as noted above in Sections 3 and 4, shall be erected to a height of more than ten (10) feet in any yard.
  - 6. The use of an electric fence is expressly prohibited except in the case of agricultural fences used to contain livestock.

**319.I. GARAGES AND SHEDS FOR STORAGE OF PERSONAL VEHICLES AND/OR PERSONAL PROPERTY (RESIDENTIAL ACCESSORY STRUCTURES)**

Subject to the following:

- 1. As regulated in Section 200.H, Section 201.M, and Section 202.I

**319.J. HOME OCCUPATIONS**

- 1. No more than one (1) nonresident employee shall be employed on-site. For the purposes of this section, employees shall be those regularly engaged on the premises; off-site employees who only occasionally visit the site shall not be limited.
- 2. Only one home occupation shall be conducted per dwelling unit, and such home occupation shall be incidental to the principal residential use.
- 3. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided. Sufficient off-street parking, as required by the use shall be provided in accordance with Section 310.U.
- 4. No storage or display of goods shall be visible from outside of the dwelling and the exterior residential appearance of the dwelling shall be maintained.

5. The area used for the conduct of a home occupation shall occupy no more five hundred (500) square feet of habitable floor area. All home occupation activities shall be conducted within the dwelling building.
6. No external storage of materials or products shall be permitted.
7. Retail sales are not permitted as a home occupation, with the following exceptions:
  - a. The sale of items is subordinate to the conduct of the home occupation or items used in the home occupation, such as the sale of beauty supplies used by the proprietor of a beauty salon conducted as a home occupation.
  - b. Orders previously made by telephone, by appointment, or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above. Parties or other invited or advertised gatherings for the purpose of selling merchandise or taking orders shall not be held more than one (1) time in any thirty (30) day period at the site of the home occupation.
8. No explosive or highly combustible materials shall be used or stored on the premises.
9. The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.
10. A home occupation shall only generate waste products or material of a quality or quantity normally associated with a residential use.
11. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation, and is responsible to ensure that on-lot systems are functioning correctly and will continue to function correctly with the addition of the home occupation.

**319.K. INFLATABLE PLAY STRUCTURES**

1. No more than two (2) inflatable play structures shall be allowed on a residential property at any time.
2. Maximum sizes of inflatable play structures shall be based on residential lot size:
  - a. Lots up to 1 acre – total of 200 square feet
  - b. Lots over 1 acre – total of 400 square feet
3. Setbacks shall be based on the size of the inflatable play structure and lot size:
  - a. Lots up to 1 acre:
    - i. 5 foot setback from side/rear lines
    - ii. Not permitted in front yard unless 100 ft setback is met



- b. Lots over 1 acre:
  - i. 10 foot setback from side/rear lines
  - ii. Not permitted in front yard unless 100 ft setback is met
- 4. Where applicable and equipped, inflatable play structures must be anchored to the ground.
- 5. Inflatable play structures shall be allowed on residential lots seasonally from May through September each year.
- 6. Any water from an inflatable play structure must be slowly drained and contained on the property.
- 7. EXEMPTION: One-day events like birthday/graduation parties, family reunions, and similar, are exempt from the time of year stipulation, provided the inflatable play structure meets the above criteria with regard to size and setbacks, and is deflated and removed the next day.
- 8. The provisions of this section shall apply to all properties upon which inflatable play structures are placed, in all zoning districts.

**319.L. KEEPING OF CARRIAGE AND BUGGY HORSES**

Subject to the following:

- 1. The keeping of such animals shall be limited to those that are for the sole purpose of providing the primary means of transportation for residents of the property.
- 2. Horses and other animals shall be permitted at an animal density of one (1) per acre, with a maximum number of four (4) such horses or other animals.
- 3. The horses shall be kept within a fully enclosed building. The same building may also be used for the sheltering of additional horses belonging to visitors.
- 4. All structures used to house livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purposes) and shall be prohibited from placement in the front yard, and shall be setback a minimum of fifty (50) feet from the side and rear property lines.
- 5. If a grazing area is provided, it shall be enclosed by a fence designed for containment of the animals. The fence shall be located at least five (5) feet from all property lines.
- 6. The building for the keeping of such horses shall comply with all principal use setbacks.
- 7. Animal waste storage shall be setback fifty (50) feet from property lines, and all animal wastes shall be properly stored and disposed of, so as not to be objectionable. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

**319.M. MAN-MADE LAKES, DAMS, PONDS, AND IMPOUNDMENTS**

Subject to the following:

1. All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from the PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
  - a. The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet.
  - b. The dam reaches a height of fifteen (15) feet.
  - c. The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres.
2. All such lakes, dams, ponds, and impoundments shall be located at least fifty (50) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation.
3. All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management.
4. All other lakes, dams, ponds, and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood.
5. All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well.
6. All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.

**319.N. MANURE STORAGE FACILITIES**

1. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection.
2. The applicant shall furnish evidence of his/her manure management plan, as applicable under State law. All subsequent operations and activities shall be conducted in accordance with such plan.

3. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection.
4. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section.

**319.O. NO-IMPACT HOME BASED BUSINESS**

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
8. The business may not involve any illegal activity.

**319.P. NONCOMMERCIAL KEEPING OF LIVESTOCK**

Subject to the following:

1. All uses shall comply with the minimum lot area requirements within each respective District; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals:
  - a. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.

- b. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
    - c. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
  2. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types; the most restrictive setback shall apply:
    - a. **GROUP 1 Animals**  
  
Up to 25 animals, a twenty-five (25) foot setback.  
  
Above 25 animals, a fifty (50) foot setback.
    - b. **GROUP 2 Animals**  
  
Up to 2 animals; a twenty-five (25) foot setback.  
  
Above 2 animals; a fifty (50) foot setback.
    - c. **GROUP 3 Animals**  
  
Fifty (50) feet.
3. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
4. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals. The fence shall be at least five (5) feet from all property lines.
5. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

**319.Q. ORNAMENTAL PONDS AND WADING POOLS**

Subject to the following:

1. Such uses shall comply with all side and rear yard accessory use setbacks, and principal front yard setbacks.
2. No such pond(s) shall be used for the commercial hatching of fish or other species.

**319.R. RECYCLING COLLECTION FACILITIES AS AN ACCESSORY USE**

Subject to the following:

1. Provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin.

**319.S. SWIMMING POOLS - RESIDENTIAL**

Subject to the following:

1. Private noncommercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or greater at any point, regardless of whether they are permanently affixed or portable, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard.
2. A permanently affixed pool shall not be closer than fifteen (15) feet to any lot line, as measured from the water's edge. Hot tubs are not subject to the fifteen (15) feet setback if they are not permanently affixed to a structure or the ground.
3. All pools designed to contain a water depth of twenty-four (24) inches or greater at any point, regardless of whether they are permanently affixed or portable, shall be completely enclosed with a continuous, impenetrable fence or barrier of no less than forty-eight (48) inches in height above the ground level and shall be equipped with a lockable gate or retractable ladder, and all swimming pools, spas, and hot tubs must meet all other applicable current International Residential Code and Uniform Construction Code regulations.
4. Any deck, patio or impervious surface, not under a roof or otherwise enclosed, which surrounds or is attached to or associated with a pool, shall be no closer than five (5) feet to the side or rear lot line.
5. Portable or temporary inflatable or assembled plastic frame above-ground swimming pools, designed with water depths of twenty-four (24) inches or greater, constructed as a one-piece liner/wall design, with or without a filtration pump, will require an annual Township temporary pool permit, which allows the set-up and use of such pools on the property from May 15<sup>th</sup> to September 15<sup>th</sup> of each year.
  - a. All permitted portable or temporary swimming pools must be removed by September 15<sup>th</sup> or violation and fines may be enforced. A portable pool shall be located a minimum of five (5) feet from any side or rear yard. The portable pool location shall be inspected and approved by the Township's Zoning Officer. A permit will not be issued without the Zoning Officer's written approval documentation attached to the temporary pool permit.
  - b. Only portable or temporary pools shall be permitted without an operable filtration system and must utilize chlorine, bromine, or some other antibacterial agent. Pools with electrical filtration pumps must be inspected under current UCC regulations by the Township's building code inspector.
  - c. Swimming Pool – Kiddie - A pool, or other water holding feature, less than twenty-four (24") inches in depth and less than five (5') feet in diameter is exempt from this section.

6. The pumping of pool water shall be dechlorinated and shall not be discharged and directed onto an adjoining street or property.

**319.T. ROADSIDE STAND**

1. Roadside stands shall not exceed two hundred fifty (250) square feet of total display area.
2. Roadside stands must be located at least ten (10) feet from the right-of-way line.
3. Any structure shall meet the required minimum side and rear yard setbacks.
4. No structures housing a roadside stand or accompanying parking area may be located within one hundred (100) feet of any intersecting street rights-of-way.
5. No more than one (1) roadside stand per property shall be permitted.

**319.U. RURAL OCCUPATION**

1. Only one (1) rural occupation may be conducted as an accessory use on the same property as the owner's principal residence and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is the lesser.
2. A rural occupation shall only be conducted within one completely-enclosed outbuilding that is limited to one (1) story in height, or twenty (20) feet, whichever is lesser, is located in the rear yard of the principal residence, and is set back at least fifty (50) feet from any side or rear lot lines.
3. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site.
4. All off-street parking and loading spaces shall be screened from adjoining residential uses.
5. No outdoor storage or display shall be permitted. All vehicles, machinery and equipment associated with the rural occupation must be kept within a completely-enclosed structure at all times, except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence so long as it is screened from adjoining roads and properties
6. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall a written statement on the expected numbers of vehicle trips associated with the proposed use.
7. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted.
8. The maximum number of employees who do not reside on the site shall be equal to two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved

in the on-site conduct of the rural occupation; off-site employees who only occasionally visit the site shall not be limited.

9. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m.
10. No manufacturing, mechanical or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at the property line. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted, except for wastewater treatment.
11. Any area devoted to retail sales display shall be limited to twenty (20) percent of the overall size of the rural occupation.
12. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence.
13. No subdivision of the rural occupation is permitted and no land development approval is required.

**319.V. ON FARM AGRICULTURAL COMPOSTING**

Subject to the following:

1. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture.

**319.W. OUTDOOR RESIDENTIAL ATHLETIC COURTS**

Subject to the following:

1. All courts shall either be setback a sufficient distance from any lot line to prevent the trespass of balls or other play objects onto adjoining properties or be equipped with fences or other barriers that will prevent such trespass.
2. Any lighting fixtures shall comply with Section 308 of this Ordinance.

**319.X. SATELLITE DISH ANTENNAS**

Subject to the following:

1. A wall or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter is permitted by right as an accessory use. Single-family dwellings shall contain no more than two (2) such devices. Multi-family dwellings shall contain no more than one (1) such device per dwelling unit.
2. One ground-mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single-family dwelling unit provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those specifically as follows:

- a. All accessory residential installations must comply with all residential accessory use requirements specified within the District.
- b. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- c. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

**319.Y. OUTDOOR FURNACES**

Subject to the following:

1. Outdoor furnaces which utilize any fuel or combustible material other than wood, natural gas, kerosene, propane, domestic heating oil, or electricity are prohibited. For the purposes of this definition wood fuel shall include all wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips, and waste pallets. Wood fuel does not include materials chemically treated with any preservative, paint, or oil.
2. The installation and use of Phase 2 Outdoor Furnaces is permitted subject to the following criteria:
  - a. No outdoor furnace shall be located upon a property that has a minimum lot area of less than one (1) acre.
  - b. No more than one (1) outdoor furnace shall be permitted per principal use.
  - c. No outdoor furnace shall be located within the front yard.
  - d. No outdoor furnace, shall be located within one-hundred (100) feet of any front, side or rear property line or the closest principal use located on the subject property or five hundred feet from:
    - 1) Any land within the R-1 or R-2 District.
    - 2) The nearest property line of any existing residence.
    - 3) The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed.
    - 4) The nearest property line of any lot proposed for residential purpose that has been submitted for preliminary or final subdivision approval.
3. Should an applicant design and construct his/her own outdoor furnace without manufacturer specifications, the applicant shall be required to obtain a Special Exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations



contained within this Ordinance including but not limited to those general criteria contained within Section 403 and the following specific criteria:

- a. The applicant must submit written evidence demonstrating that the unit has been certified by the United States Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) of output.
  - b. The proposed use meets all applicable regulations contained within this Section. The applicant must present qualified expert evidence that his/her outdoor furnace is suitable and safe for the use of that fuel to be consumed as limited by Section 1 above.
  - c. Then, if approved, the fuel to be used within the outdoor furnace shall be limited to those that the Zoning Hearing Board determines can be safely consumed.
4. For the purposes of this section the term "elevation" shall mean the specified vertical distance measured in relation to the National Geodetic Vertical Datum of 1929 (NGVD). At all times a completely enclosed exhaust chimney from an outdoor furnace shall extend to its emissions release point at an elevation equal to no less than two (2) feet higher than the highest elevation of the principal building that the unit serves and any other principal use located within three hundred feet of the outdoor furnace release point. Notwithstanding the foregoing, in no event shall the exhaust chimney height for any outdoor furnace be less than the manufacturer's guidelines, or for outdoor furnaces that are designed and built without manufacturer specifications, the height as suggested by qualified expert evidence that will enable suitable and safe operation and emissions.
5. The design and use of an outdoor furnace must be such that no exterior surfaces of the outdoor furnace or its exposed above ground appurtenances shall at any time exceed a temperature of 120 degrees Fahrenheit.
6. All components used to convey heated solids, liquids, or air between the outdoor furnace and the principal use building must be located within the outdoor furnace enclosure, buried underground and contained within the enclosed principal use building. No exposed conveyances shall be permitted between the outdoor furnace and the principal use building.
7. All outdoor furnaces shall be equipped with a properly functioning spark arrestor.
8. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Lebanon County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for the outdoor furnace shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the method of waste disposal change in the future, the owner of the outdoor furnace shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

9. Any outdoor furnace or other wood-fired heating or energy source device installed and in use prior to the effective date of this Ordinance shall be permitted to remain in its present location and continue to be used provided the owner shall fully comply with all of the following provisions:
  - a. The owner of such outdoor wood-fired heating or energy source device shall register the device with the Township Zoning Officer within sixty (60) days of the effective date of this Ordinance. Registration shall not be complete unless all information requested in the registration form has been timely provided. No fee shall be imposed for the registration of such device. The use of any such device not so registered shall be discontinued and the device shall be promptly removed from the property.
  - b. The use of such device, except for placement location and manufacturer specifications, shall otherwise comply with all remaining provisions of this Ordinance, any amendments thereto, and with all applicable local, state or federal laws or regulations.
  - c. Upon the expiration of the useful life of such device, but in no event later than thirty (30) years from the effective date of this Ordinance, the use of such device shall be discontinued and the device shall be removed from the property; provided, nothing herein shall be construed to prohibit the installation or use of an outdoor furnace which fully complies with the provisions of this Ordinance, any amendments thereto, and with all applicable local, state or federal laws or regulations.

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## **Article 4**

### **CONDITIONAL USE AND SPECIAL EXCEPTIONS**

#### **SECTION 401 - CONDITIONAL USE PROCEDURES**

##### **401.A. FILING OF CONDITIONAL USE**

For any use permitted by conditional use, a conditional use permit must be obtained from the Board of Supervisors. No conditional use application will be accepted which requires approval for any use or relief by the Zoning Hearing Board until such times as such approvals have been secured. If during the course of review of the conditional use it is determined that the proposed use requires approval for any use or relief by the Zoning Hearing Board, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.

##### **401.B. GENERAL CRITERIA**

Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and

facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).

5. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.
6. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
7. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Article 5 of this Ordinance.
8. The proposed use demonstrates a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.
9. The proposed use shall comply with the specific use criteria of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
10. The proposed use will not substantially impair the integrity of the Comprehensive Plan.

**401.C. CONDITIONS**

The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;

**401.D. SITE PLAN APPROVAL**

Any site plan presented in support of the conditional use pursuant to Section 401.A.3 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

**401.E. HEARING PROCEDURES:**

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
2. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
3. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
4. The first hearing before the Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;
5. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
6. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all

persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;

7. The Chairman or Acting Chairman of the Board of Supervisors or hearing officer 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;
8. 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;
9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
10. The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer 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;
11. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative 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/her representative unless all parties are given an opportunity to be present;
12. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation 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 Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to 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;

13. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Municipalities Planning Code. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,
14. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**401.F. CONDITIONAL USE WAIVER REQUEST PROCESS:**

1. Any landowner required to apply for and obtain conditional use approval from the Township Board of Supervisors may request a waiver of the conditional use procedures and/or conditional use hearing. Such waiver requests shall be in writing and shall be submitted to the Board of Supervisors at least three (3) days prior the date of a regularly scheduled meeting. The written request for a waiver shall contain pertinent information and shall state the applicant's justification for the approval of such a waiver. A waiver request may only be approved by a majority vote of the Board of Supervisors at a public meeting and shall only become effective when issued by the Township in writing to the applicant.
2. The Board of Supervisors may approve the waiver of procedures or hearing in total, or they may approve waiver of only a portion of the procedures stipulated herein, at their discretion.

**401.G. TIME LIMITATION:**

1. For uses that do not require subsequent subdivision and/or land development approval:
  - a. If a conditional use is granted, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;



- b. Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
  - c. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such two (2) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
- 2. For uses that require subsequent subdivision and/or land development approval:
  - a. If a conditional use is granted, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the conditional use is finally granted, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
  - b. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
  - c. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use approval, if the Board of Supervisors finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
- 3. As an alternative to the preceding requirements of Section 401.G.1 and 401.G.2, an applicant can request, as part of the original conditional use application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed

in Sections 401.G.1 and 2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Board of Supervisors must establish and bind a definite timeframe for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

## **SECTION 402 - CONDITIONAL USE SPECIFIC USE STANDARDS**

### **1. Airports and Heliports (Private or Public)**

Subject to the following:

- A. Minimum Lot Area - Thirty (30) acres for airports and five (5) acres for heliports.
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- D. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock.
- E. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

### **2. Amusement, Theme and/or Zoo Parks**

Subject to the following:

- A. This section provides for a two-stage review process that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use’s design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- B. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
  - 1. The proposed uses are coordinated to function as a single site.

2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact.
  3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township.
  4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use.
  5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties.
  6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- C. Stage 1 - Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors. The requirements shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
  2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined.
  3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 401.C of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance.
  4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use.
  5. The name, location, centerline and present right-of-way width of all abutting streets.

6. The natural features information as required by Article 5 of this Ordinance.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities.
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare)
9. A traffic impact report as required by the SALDO.
10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
11. The use shall comply with the applicable Township Noise Ordinance.
12. Lighting as regulated by Section 308 of this Ordinance.
13. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use.
14. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also, the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use.
15. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use.
16. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 309 and 310 of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.
17. The handling and disposal of materials and wastes as required by Section 311.B of this Ordinance;

18. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up.
19. For uses involving the keeping of animals, a written plan that describes the methods used to: (A) contain and prevent their escape; (B) dispose of deceased animals in compliance with applicable State laws; and, (C) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
20. Scaled graphic representations of those signs used to attract the public onto the site in accordance with the Sign Ordinance.
21. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six (6) foot high fence, and shall be subject to the Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
22. Maximum permitted height for uses regulated by this Section can exceed ninety (90) feet provided:
  - a. The proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above ninety (90) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures.
  - c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77.
  - d. If applicable, the applicant must comply with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices.
  - e. An integrated telephone system that has a two-hour fire rating shall be provided on all floors.
  - f. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided.
  - g. For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used.

- h. For new buildings and building expansions, forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.
    - i. If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.
- D. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:
  - 1. Such modifications of standards better serve the design and operational objectives.
  - 2. Such modifications of standards would not result in adverse impact to adjoining properties, or future potential inhabitants within the vicinity.
  - 3. Such modifications will not result in an increase in permitted lot coverage for the site.
  - 4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Ordinance.
- E. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:
  - 1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use.
  - 2. A scaled site plan that is in compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.A.4 of this Ordinance provided that:
    - a. The proposed uses are consistent with those contemplated in the Master Concept Plan.

- b. The area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan.
- c. The application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan.
- d. The impact of the proposed uses is consistent with that upset limit of impact authorized in the Master Concept Plan.

3. **Automobile and/or Other Vehicle and/or Racing Facility with or without Related Wagering**

Subject to the following:

- A. This Section provides for a two-stage review process that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- B. Design and Operational Objectives – Applications submitted pursuant to this Section are required to comply with the following requirements to the satisfaction of the Board of Supervisors that:
  - 1. The proposed uses are coordinated to function as a single site.
  - 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact.
  - 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township.
  - 4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use.
  - 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties.
  - 6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- C. Stage 1 - Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this Section, the applicant

shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 401 of this Ordinance. The requirements of this Section shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined.
3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 401.C of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance.
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use.
5. The name, location, centerline and present right-of-way width of all abutting streets.
6. The natural features information as required by Article 5 of this Ordinance.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities.
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, etc.)
9. A traffic impact report as required by the SALDO.
10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting.



11. The use shall comply with the applicable Township Noise Ordinance.
12. Lighting as regulated by Section 308 of this Ordinance.
13. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use.
14. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also, the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use.
15. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use.
16. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 309 and 310 of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.
17. The handling and disposal of materials and wastes as required by Section 311.B of this Ordinance.
18. For uses involving the keeping of animals, a written plan that describes the methods used to: (A) contain and prevent their escape; (B) dispose of deceased animals in compliance with applicable State laws; and, (C) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
19. Scaled graphic representations of those signs used to attract the public onto the site in accordance with the Sign Ordinance.
20. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six (6) foot high fence, and shall be subject to the Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
21. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:

- a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line.
  - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures.
  - c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77.
  - d. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided.
  - e. Knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used.
  - f. Forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.
- D. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:
1. Such modifications of standards better serve the Design and Operational Objectives listed in this Section.
  2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity.
  3. Such modifications will not result in an increase in permitted lot coverage for the site.
  4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section.
- E. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 401 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use.
2. A scaled site plan that is in compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.A.4 of this Ordinance provided that:
  - a. The proposed uses are consistent with those contemplated in the Master Concept Plan.
  - b. The area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan.
  - c. The application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan.
  - d. The impact of the proposed uses is consistent with that upset limit of impact authorized in the Master Concept Plan.

4. **Casino, Off-Track Betting Parlors and/or Slot Machine Parlors**

Subject to the following:

- A. A casino, off-track betting and/or slot machine parlor shall not be permitted to be located within one thousand feet (1,000') of any other casinos, off-track betting and/or slot machine parlor
- B. No casino, off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the R-1 and R-2 Zones.
- C. No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
  1. Amusement park
  2. Camp (for minors' activity)
  3. Childcare facility
  4. Church or other similar religious facility
  5. Community center
  6. Museum
  7. Park

8. Playground
  9. School
  10. Other lands where minors congregate
- D. The above-required distances shall be measured in a straight line without regard to intervening structures, from the closest point on the exterior property line of each land use.
  - E. No more than one (1) casino, off-track betting and/or slot machine parlor may be located within one building or shopping center.
  - F. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
  - G. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
  - H. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and casinos and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.
5. **Conservation Design Development**
- A. This use is intended to blend various residential development types amid substantial areas of the Township that are characterized by natural sensitivity and/or public parklands. It is the express purpose that this Section will offer the highest densities and the most flexible design standards available as enabled in the Municipalities Planning Code when a proposed development successfully integrates the preservation and protection of natural features and/or the provision of public accessible common open space. Conservation design developments must be served by public water and public sewer.
  - B. Required Common Open Space:  
  
Conservation design developments are characterized by required common open space as defined herein. In the case of conservation design developments that abut properties subject to permanent agricultural easement, applicants may opt to provide for future agricultural use common open space provided suitable permanent agricultural preservation easements are recorded in a form acceptable to the Township solicitor. Common open spaces can also be used for public utilities and public facilities provided such uses are suited, designed and operated in a manner compatible with the permanent protection of the common open space without adverse impact to the environment or the general public. The applicant shall be required to include a note on the record plan for any approved conservation design development that perpetually limits the use of

proposed common open spaces for their approved purposes. Table 4.1 lists the Minimum Common Open Space requirement:

<b>Table 4.1</b> <b>Minimum Required Common Open Space</b>	
<b>R-1 Zone</b>	<b>R-2 Zone</b>
35% of the total lot area*	30% of the total lot area*
* This figure is the minimum required within a conservation design development; however, the extent and location of mandatory and suggested conservation features, and/or parklands as listed in Sections D, E, and J respectively, shall increase the amount of common open space that is required. Area(s) of conservation features cannot be counted towards the required area of common open space.	

- C. Identification of Required Common Open Space - As part of the site planning process for conservation design developments, the applicant shall be required to conduct an investigation that identifies all natural and cultural features located on the subject property. Such investigation shall include literary research, aerial photograph interpretation and on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the North Cornwall Township Natural and Cultural Features Map. However, other known sources and inventories shall also be used as needed (e.g. soil surveys, GIS data, topographic maps, geologic maps and reports, well drilling reports, etc.) Such investigation shall be comprehensive, detailed and conducted using professional and generally accepted practices by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature.
- D. Mandatory Conservation Features - The following features **must** be undisturbed and successfully integrated within the Conservation Design development's common open space:
1. Floodplains as regulated by State and Federal Law.
  2. Any area 500 square feet or larger with very steep slopes [greater than twenty-five (25) percent].
  3. Wetlands, streams, ponds, and other waterways.
  4. Riparian buffers as regulated by State and Federal Law.
- E. Suggested Conservation Features - The following features should be undisturbed and successfully integrated within the Conservation Design development's common open space. Such features may only be excluded if an applicant can demonstrate to the satisfaction of the Board of Supervisors that their inclusion would reduce the effective development potential below that permitted by this Ordinance using all available dwelling unit types and mixes:

1. Any area 500 square feet or larger with steep slopes [greater than fifteen (15) percent].
  2. Significant geologic features.
  3. Scenic vistas.
  4. Threatened or endangered species habitats, not required by the PNDI.
  5. Historic and archaeological resources.
  6. Significant stands of mature trees.
- F. Disputes Over the Presence/Location of Natural Features - Should a dispute concerning the presence, extent and/or location of a particular natural or cultural feature arise the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804 of this Ordinance. In such instances, the burden of proof shall rest with the applicant.
- G. Natural Features Site Plan - The applicant shall be required to prepare a detailed natural features site plan depicting the extent and location of the various natural features as regulated by this ordinance. Such natural features site plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SALDO. Such natural features site plan shall be prepared by qualified personnel.
- Depending upon the presence of those natural features contained identified on the Natural Features Site Plan, the applicant shall be required to advise the Township on the following requirements:
1. Description of methods used to ensure the perpetual protection of those natural features contained on the site in accordance with the regulations of this Article 5 of this Ordinance.
  2. Description of methods used to protect those vulnerable natural features from grading and construction activities during any proposed development or disturbance on the site.
  3. Description of suitable long-term maintenance and management strategies of any required improvements, plantings, mitigating features and/or any other methods required under this Article 5 of this Ordinance.
  4. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of Section L.
- H. Review of Natural Features Site Plan - The natural features site plan shall be submitted as part of the Conditional Use application and shall be reviewed as part of the Conditional Use application.

- I. Parklands - In addition, the applicant can include proposed parklands within required common open space (which may be counted towards the required mandatory dedication of parkland and open space as required within the SALDO) only if such parkland complies with the following:
  1. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width.
  2. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility.
  3. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five (25) percent of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three (3) percent. Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover.
  4. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site.
  5. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance.
  6. An essential element of the provision of parkland is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:
    - a. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
    - b. With permission of the Township, and with an appropriate conservation easement that perpetually limits the use of proposed common open spaces for their approved parkland purposes in a form acceptable to the Township Solicitor, the applicant may transfer ownership of the common open space or a portion thereof to a the public school district or any other private, nonprofit organization among whose purposes is the provision of recreation facilities and programming and/or the preservation of open space land

and/or natural resources. The organization shall be a bona fide recreation and/or conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and/or,

- c. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.Ss 3101 et seq, or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
  - 1) Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance and any conditions of approval imposed upon the conservation design development;
  - 2) The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
  - 3) The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

J. Required Open Space Design

Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
2. Protection of important historical and/or archaeological sites.
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township.



4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.

K. Ownership and Maintenance

An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
2. With permission of the Township, and with an appropriate conservation easement, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and/or,
3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.Ss 3101 et seq, or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
  - a. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance.
  - b. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
  - c. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

- L. Permanent Protection of Common Open Space - Required common open space, including mandatory and suggested conservation features, shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such

conservation easement shall limit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as may be necessary to create trails or active recreation facilities.)

- M. Design Incentives - Designs which incorporate one or more of the following elements shall qualify for reductions in the percentage of open space required, or an increase in the permitted density of a Conservation Design Development, or other modification of the design standards as specified herein. In no event shall density exceed the maximum density with design incentives set forth in Section O.
1. Provision of improvements to active recreational areas such as equipment, fields, spectator facilities, or jogging/stretching/fitness stations. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one (1) percent, with the total reduction of open space not to exceed five (5) percent; or, an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre. To qualify for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township.
  2. Provision of improvements to passive recreational areas such as fountains, benches, trail surfacing, or educational signage related to the presence of unique species of plants or animals or the background of historical resources on the Conservation Design Development tract. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one (1) percent, with the total reduction of open space not to exceed five (5) percent or an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (1/2) an additional dwelling unit per acre for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township. To qualify for the reduction, the location and extent of each type of amenity shall be acceptable to the Township.
- N. Maximum Permitted Density – The maximum permitted density is four (4) dwelling units per acre in the Suburban Residential District (R-1), and six (6) dwelling units per acre in the Multi-Family Residential District (R-2). The density shall be calculated upon the area of the total development site less areas devoted to public rights-of-way, and public and/or private streets and alleys.
- O. Required Ratio of Dwelling Type – In the Multi-Family Residential Zoning District (R-2), the percentages of permitted residential structure types within a conservation design development by the amount of proposed open space is identified in Table 4.2.

**TABLE 4.2**

Percentages of Permitted Residential Structure Types

Zone	Minimum Proposed Common Open Space % of Total Site Area)	Percentage of Dwelling Units Required by Structural		
		Single-Family Detached <sup>1</sup>	Duplex or Two-Family	Townhouses or Multiple-Family Dwellings
R-2	Minimum 30%	No less than 50%	No more than 50%	No more than 50%
	Minimum 45%	No less than 35%	No more than 66%	No more than 65%
	Minimum 60%	No restriction	No restriction	No restriction

1. Only single-family detached dwellings are permitted in the R-1 District.

- P. Required Design Standards – Table 4.3 and its footnotes present applicable design standards:

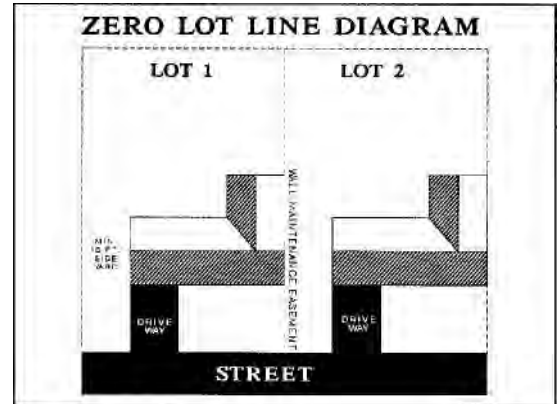
**TABLE 4.3**

CONSERVATION DESIGN DEVELOPMENT DESIGN STANDARDS								
Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Line	Maximum Building Coverage	Minimum Required Yards <sup>3</sup>			
					Front <sup>2</sup>	One Side	Both Sides	Rear
Single Family Detached Dwelling <sup>1</sup>	6,000 sq. ft.	35 ft.	60 ft.	50%	30 ft.	5 ft.	10 ft.	15 ft.
Two-Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft.	50%	30 ft.	5 ft.	10 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	40 ft./unit	60%	30 ft.	10 ft.	N/A	15 ft.
Townhouses	2,100 sq. ft. per unit	35 ft.	26 ft./unit	75%	30 ft.	15 ft.	(End Units)	20 ft.
Multiple- Family	1 Acre (43,560 sq. ft.)	35 ft.	150 ft.	60%	30 ft.	30 ft.	30 ft.	35 ft.

## Section 402

<sup>1</sup>Within a conservation design development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. Minimum lot width shall be forty-five (45) feet and thirty-five (35) feet at the building line and the lot frontage, respectively.
- b. One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten (10) feet wide.
- c. A perpetual six (6) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.



- d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
- e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight (8) feet above grade and have translucent panels.

<sup>2</sup> If the property abuts an arterial road; the minimum front yard setback shall be forty (40) feet from the right-of-way line.

<sup>3</sup> No part of a principal residence building shall be located within one hundred (100) feet of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen (15) feet of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

### 6. Convention and/or Conference Centers

Subject to the following:

- A. Convention and/or conference centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention and/or conference center, and not the general public:
  1. Offices
  2. Hotels and motels
  3. Meeting rooms and auditoriums
  4. Banquet and social halls
  5. Restaurants and taverns (excluding fast-food restaurants)
  6. Nightclubs
  7. Indoor theaters and arenas
  8. Sports stadiums
  9. Retail shops and concessionaires

10. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, spas, but excluding adult-related uses)
  11. Commercial day-care facilities
  12. Information centers and booths
  13. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.
- B. Minimum Required Lot Area - Ten (10) acres
  - C. All uses shall be served by both public sewer and public water utilities.
  - D. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road.
  - E. 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 opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion.
  - F. Any outside pedestrian waiting lines shall be provided with a means of shade.
  - G. A traffic impact report shall be prepared in accordance with the SALDO.
  - H. The use shall comply with the applicable Township Noise Ordinance.
  - I. All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements

7. **Farmers and/or Flea Markets**

Subject to the following:

- A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above
- B. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment

- C. All outdoor display and sale of merchandise shall cease no less than one hour prior to dusk
- D. The use shall comply with the applicable Township Noise Ordinance.
- E. The proposed lighting shall comply with Section 308 of this Ordinance.

8. **Golf Courses and Driving Ranges**

Subject to the following:

- A. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
- B. Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
  - 1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
    - a. Each crossing shall be perpendicular to the traffic movements.
    - b. Only one (1) street, access drive or driveway may be crossed at each location.
    - c. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.
    - d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over thirty (30) inches high shall be placed within this area
    - e. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 304.D of this Ordinance.
    - f. The golf cart path shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the cartway crossing.
    - g. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.

- h. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
  - C. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential parcels.
  - D. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
    - 1. Clubhouse, which may consist of:
      - a. Restaurant, snack bar, lounge, and banquet facilities.
      - b. Locker and rest rooms.
      - c. Pro shop.
      - d. Administrative offices.
      - e. Golf cart and maintenance equipment storage and service facilities.
      - f. Guest lodging for those using the golf course, provided,
        - 1) No lodging units have separate exterior means of ingress/egress.
        - 2) All lodging units shall be contained within the main clubhouse.
        - 3) Such guest lodging shall have a total occupancy of no more than twenty (20) persons.
      - g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
      - h. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
      - i. Baby-sitting rooms and connected fence-enclosed playlots.
    - 2. Accessory recreation amenities located inside or outside of a building, including:
      - a. Driving range, provided that no lighting is utilized.
      - b. Practice putting greens.
      - c. Swimming pools.
      - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.

- e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses.
  - f. Picnic pavilions, picnic tables, park benches, and barbecue pits.
  - g. Hiking, biking, horseback riding, and cross-country ski trails.
  - h. Playground equipment and play-lot games, including 4-square, dodgeball, tetherball, and hopscotch.
- 3. Freestanding maintenance equipment and supply buildings, and storage yards.
- E. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential properties and roads
- F. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.
- G. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. A water feasibility study shall include the following information:
  - 1. Calculations of the projected water needs.
  - 2. A geologic map of the area with a radius of at least one mile from the site.
  - 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  - 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  - 5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  - 6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  - 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  - 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.



- 9. The Susquehanna River Basin Commission (SRBC) shall be notified of the proposed withdrawal and all applicable SRBC regulations and approvals complied with.
- H. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.
- I. The applicant shall demonstrate that proposed lighting will comply with Section 308 of this Ordinance.

9. **Heavy Industrial Uses**

Subject to the following:

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - 1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
  - 3. A traffic impact report prepared by a professional traffic engineer, in accordance with the SALDO.
- B. Any use where diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 5 minutes.

10. **Hospitals and Related Uses**

Subject to the following:

- A. Minimum Lot Area - Five (5) acres
- B. The subject property shall have frontage along and vehicular access onto an arterial road.
- C. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic, and to ensure safe and efficient vehicular access for emergency management equipment. A traffic study shall be required, in accordance with the SALDO.
- D. Emergency entrances shall be located on a building wall which faces away from adjoining residentially zoned properties or is separated by at least five hundred (500) feet from residentially zoned properties.
- E. Public sewer, and public water utilities shall be utilized.
- F. All uses shall be required to provide detailed information regarding materials and waste handling, including:
  - 1. Listing of all materials to be used or produced on the site.
  - 2. Listing of all wastes generated on the site.
  - 3. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal

regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

- G. Where more than one (1) of the uses enumerated in Section H. below are proposed, either at one time or separately over time, integrated site function and design shall be consistent with the creation of a campus-like environment;

H. Permitted Uses:

1. Commercial day-care facilities.
2. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
3. Health, fitness and recreation clubs.
4. Hospitals and hospices.
5. Intermediate care and skilled nursing facilities.
6. Medical and dental offices.
7. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.
8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
  - a. Administrative offices.
  - b. Municipal uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
  - c. Automobile parking lots and parking garages.
  - d. Housing for students, employees and their families in accordance with the standards of the R-2 Zone.
  - e. Lodging facilities for patients and their families.

- f. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/ service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five (5) percent of the floor area of existing buildings within this Zone.
  - g. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues.
  - h. Helistop (See Section I.1).
  - i. Incinerators and autoclaves (See Section I.2).
- I. Specific Requirements for Selected Accessory Uses:
  - 1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street and comply with applicable State and Federal standards.
  - 2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines and comply with all applicable State and Federal standards and regulations.
- J. The maximum permitted height is ninety (90) feet, provided that an additional two (2) feet of required building setback shall be provided for each one (1) foot of height for that portion of building height exceeding forty-five (45) feet. Furthermore, any building with floor space exceeding forty-five (45) feet in height shall require the applicant to obtain a letter from the Township Emergency Management Coordinator indicating that adequate provision has been made for firefighting and rescue activities.

11. **Medical Residential Campus**

Subject to the following:

- A. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old or possess some disability that can be treated within a setting like the medical residential campus.
- B. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques.
- C. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.
- D. Commercial, medical and recreational uses shall be grouped together and located near the populations being served.
- E. The minimum land area devoted to the campus shall be ten (10) contiguous acres.
- F. The site shall front on, and have access to, a collector or arterial road.
- G. All buildings or structures, off-street parking lots and loading areas shall be set back at least fifty (50) feet from all lot lines of the campus property.
- H. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this Section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty (50) percent of the total number of permitted dwelling units shall consist of care beds. For the purposes of this Section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters.
- I. The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for each foot above that portion of building height exceeding thirty-five (35) feet.
- J. No more than sixty (60) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.
- K. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial, and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community, will be permitted. Uses may include, but need not be limited to the following:
  - 1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped.

2. Medical facilities, including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities.
3. Commercial uses which are strictly related and subordinate to the residential/ medical character of the campus, and which directly serve the residents and employees of, or visitors to, the center. No outside advertising shall be permitted for such facilities. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area.
4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees or visitors.

12. **Mining, Quarrying and Related Processing Operations**

Subject to the following:

- A. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
- B. May not adversely affect any public or private water supply source.
- C. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.
- D. May not create any significant damage to the health, safety, welfare of the Township and its residents and property owners.
- E. May not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.
- F. Must demonstrate compliance with all applicable State regulations at all times.
- G. Site Plan Requirements:

As a part of each application the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2400, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the area.
2. The location and names of all streams, roads, railroads and utility lines on or immediately adjacent to the area.

3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected and the names and addresses of the owners and present occupants.
  4. The purpose for which each building is used.
  5. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the county.
- H. Minimum Lot Area - Fifty (50) acres
- I. Fencing
1. Operations that have a highwall, as defined herein, fifteen (15) feet, or higher, shall be required to enclose the actual area of mining with a minimum eight (8) foot high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen (15) feet high, shall be required to enclose the area of mining with a minimum forty-seven (47) inches high minimum 11-gauge woven wire fence that has openings no larger than six (6) inches in any direction and has posts at intervals of no more than ten (10) feet. All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points.
  2. All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection.
  3. Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five (5) feet above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly.
  4. There shall be no advertising placed upon the fencing/gate.
  5. Table 4.4 identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

**Table 4.4 - Minimum Setbacks**

Quarry-Related Feature	Existing Residence	Existing Nonresidential Building	R-1, R-2 or OI Zone	Adjoining Road	Public/ Nonprofit Park	Cemetery or Streambank	Adjoining Property
Stockpiles or Spoilpiles	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Mineral Processing Equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Quarry Pit	300 ft.	300 ft.	300 ft.	100 ft.	300 ft.	100 ft.	100 ft.
On-Site Access Roads & Off- Street Parking, Loading & Vehicle Storage and Weighing Facilities	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Other Operational Equipment, Structures &/or Improvements	300 ft.	300 ft.	300 ft.	100 ft.	100 ft.	100 ft.	100 ft.

- J. Vehicular access shall be arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.
1. All access drives shall be designed and located so as to meet minimum sight distances, as identified in Section 301.G.
  2. All access drives serving the site shall have a paved, minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot long, gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
  3. In general, access drives shall intersect public streets at ninety (90) degrees as site conditions permit, however in no case access drives shall intersect public streets at less than seventy (70) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.
- K. The applicant shall furnish a traffic study prepared in accordance with the SALDO.
- L. The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be



necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP

- M. A minimum one hundred (100) foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least ten (10) feet in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a minimum ten (10) foot wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five (5) feet in height at the time of planting that shall be planted at intervals of not more than ten (10) feet. The low-level screen shall consist of evergreen trees and shrubs of not less than three (3) feet in height at the time of planting that shall be planted at intervals of not more than five (5) feet. The landscape screen shall be located outside of the fence required by Section 317 of this Ordinance and must be permanently maintained.
- N. Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer, setting forth all of the following:
  - 1. The name or number of the operation.
  - 2. The location of the operation with reference to the nearest public road.
  - 3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.
  - 4. The name and address of the landowner or his duly authorized representative.
  - 5. An annual report of the type and quantity of mineral produced.
  - 6. The current status of the reclamation work performed in pursuance of the approved reclamation plan.
  - 7. A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and/or

maintenance, and that such needed repairs and/or maintenance has been performed.

8. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the Pennsylvania Department of Environmental Protection.
- O. In accordance with Section 11. (g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing 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 of water adequate in quantity and quality for the purposes served by the affected supply.
- P. No piling of spoiled materials and/or waste materials shall exceed a height of fifty (50) feet above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition.

13. **Oil or Gas Well Sites, Natural Gas Compressor Stations, or Natural Gas Processing Plants**

Subject to the following:

- A. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
- B. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
- C. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county for information of Emergency Responders.
- D. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all Emergency Responders.
- E. A location map and site plan of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site which shall allow the unimpeded normal flow of traffic on public streets.

- F. A location map and site plan of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
- G. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
- H. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
- I. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
- J. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders.
- K. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.
- L. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
- M. A copy of the documents submitted to the PA DEP and a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- N. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
- O. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- P. Vehicular access to an oil or gas well sites shall be limited to arterial or collector roads as listed in this Ordinance.

- Q. All permanent structures shall comply with applicable height requirements within the respective Zone except that this Section provides for an exemption to the height restrictions for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well provided:
1. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.
  2. The time period of such drilling and exemption shall not exceed six (6) months.
  3. The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.
- R. Required Setbacks:
1. Oil or gas well sites shall be located no less than five hundred (500) feet from any land within the R-1, R-2, C-1, C-2, OI Zones, and residential uses.
  2. Natural gas compressor stations or natural gas processing plants shall be located no less than five hundred (500) feet from any land within the R-1, R-2, C-1, C-2, OI Zones, and residential uses.
  3. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from each property line, public or private street, or building not related to the drilling operation.
  4. The drilling pad for the oil or gas well site and natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the Zone in which the oil or gas well site is located.
  5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
- S. Screening and Fencing:
1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided.
  2. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to completely enclose and secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point which shall be no less than 12 feet wide. All gates shall be locked at times when the site is unattended.
4. Emergency Responders shall be given means to access locked gates for the oil or gas well site in case of an emergency.
5. Warning signs shall be placed at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five (5) feet above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly. There shall be no advertising placed upon the fencing/gate.
6. In construction of oil or gas well sites the natural surroundings should be considered, and attempts made to preserve existing trees and other non-invasive or non-noxious vegetation.
7. Any lot adjoining land within an R-1, R-2, or OI Zone shall maintain a fifty (50') foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the R-1, R-2, or OI Zone parcels. Such areas shall be used for a landscape screen in accordance with Section 317 of this Ordinance.

T. Lighting:

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings and shall comply with Section 308 of this Ordinance.

Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

U. Noise:

1. The noise generated during the oil and gas operations or by the natural gas compressor station or the natural gas processing plant shall not exceed 55 dbA except by more than:
  - a. 5 decibels during drilling activities,
  - b. 10 decibels during hydraulic fracturing operations.
  - c. 5 decibels for a gas compressor station or a natural gas processing plant.

- d. The above allowable increases shall not occur for more than 10 minutes within any one-hour period.

V. Drilling in the Floodplain Zone:

1. No drilling shall be allowed in the floodway as delineated in Article 5 of this Ordinance.
2. Oil and gas drilling in the Floodplain Zone shall only be permitted if:
  - a. No other area provides access to the oil or gas deposit. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposits other than a location within the floodplain.
  - b. An adequate Emergency Evacuation Plan shall have been produced by the applicant and filed with the Township and the Lebanon Emergency Management Agency.
  - c. No storage of chemicals listed in Article 5 of this Ordinance shall be permitted within the Floodplain Zone.
  - d. Only necessary and needed structures will be permitted within the Floodplain Zone.
  - e. All structures within the Floodplain Zone shall be designed in accordance with Article 5 of this Ordinance.
  - f. An Engineer registered in Pennsylvania and qualified to present such documentation shall document that structures will not cause additional flooding on adjacent, upstream and/or downstream properties.

14. **Outdoor Shooting Ranges**

Subject to the following:

- A. The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:
  1. Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  2. Do not substantially damage the health, safety or welfare of the Township, or its residents and property owners.
  3. Comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
  4. Store ammunition only in an approved secure vault.

5. Limit the number of shooters to the number of firing points or stations identified on the development plan.
  6. Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision.
  7. Prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
- B. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
  - C. The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"
  - D. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
  - E. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
  - F. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way.
  - G. No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within an R-1 and R-2 Zone or developed with a residential use.
15. **Power Generation Facilities**
- Subject to the following:
- A. All power generation facilities that rely upon "municipal and residual wastes," as defined by the PA DEP, shall be operated by the Greater Lebanon Refuse Authority
  - B. Any processing and/or treatment of materials (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly enclosed building

- C. No materials or waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred (200) feet of any property line, and five hundred (500) feet of any adjoining land within the R-1, R-2, OI Zones, and residential uses.
- D. Any external area used for the unloading, transfer, storage, or deposition of material or waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight (8) foot high fence, with no openings greater than two (2) inches in any direction
- E. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations
- F. The use shall be screened from all adjoining land within the R-1, R-2, OI Zones, and residential uses.
- G. All uses shall provide sufficiently long stacking lanes into the facility, so that waiting vehicles will not back-up onto public roads
- H. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels
- I. Access to the site shall be limited to those posted times when an attendant is on duty. All areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations
- J. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building
- K. All storage of material or waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours
- L. All structures shall be set back at least a distance equal to their height.
- M. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- N. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development



on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:

1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- O. The applicant shall provide a qualified traffic impact report in accordance with the SALDO.
- P. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste or materials during transport to and from the site, and potential hazards regarding firefighting of waste or materials upon the site
- Q. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the zone in which it is located.
- R. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the zone in which it is located.
- S. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road.

- T. The following provisions shall specifically apply to wind turbines:
1. Wind turbines shall be setback from the nearest occupied building upon the subject property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the occupied building.
  2. Wind turbines shall be setback from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.
  3. All wind turbines shall be setback from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This Section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective Zone.
  4. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
  5. The maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
  6. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
  7. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- U. Above-ground power generation systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- V. On-site transmission and power lines of a power generation system shall be placed underground.
- W. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

- X. The use shall comply with the applicable Township Noise Ordinance.
- Y. The applicant shall make reasonable efforts to minimize shadow flicker to adjoining residences.
- Z. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternate energy production facility.
- AA. The applicant shall provide written evidence from the Chief of the “first-due” fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.
- BB. The applicant / owner shall, at its expense, complete decommissioning of the power generation system within (12) twelve months after the end of the useful life of the system. The system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.
- CC. The removal of the above-ground power generation system components shall be completed within twelve (12) months of decommissioning of the system. All disturbed earth shall be re-stored, graded and re-seeded unless a zoning permit has been issued for another use to take its place.
- DD. The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than twenty-five (25) percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township.
- EE. An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the power generation system. All such inspection fees shall be paid by the landowner.
- FF. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by the Township.
- GG. The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the removal plan.

16. **Slaughtering, Processing, Rendering, and Packaging of Food Products and their By-Products**

Subject to the following:

- A. The subject site shall have access to a major collector or arterial road.
- B. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely enclosed building.
- C. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.
- D. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
- E. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any adjoining land within a R-1, R-2, and OI Zone.
- F. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip.
- G. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.
- H. Where on-site water is proposed to be used, a professional test of water potability shall be required, as well as a retesting every six (6) months thereafter, the results of which shall be regularly submitted to the USDA.
- I. Prior to the installation of an on-site well, an aquifer test shall be performed which shall be the basis for a governing body determination on the appropriateness of the use of groundwater for the proposed use. The aquifer test shall be conducted under the supervision of a qualified geologist or professional engineer, using testing procedures set forth herein. The geologist or engineer shall be responsible for notifying the Township five (5) working days prior to the start of the test. Two (2) observation wells which have hydraulic continuity with the pumped well are required. Data shall be collected and evaluated as follows:
  - 1. Prior to the test:
    - a. Collection of geologic data of the area to be tested, including well logs, if available.
    - b. History of water level fluctuations in the area when available.

- c. The location, relative elevations and static water levels in the pumped well and the observation well or wells.
  - d. The expected discharge of the pumped well.
- 2. During the test:
  - a. A well water yield test shall be conducted for a minimum of twelve (12) hours at a fixed rate of water removal of the quantity of water per minute projected to be required by the proposed use. It is recommended, but not required, that a pump be installed to measure well water yield, because of its greater accuracy over bailing methods. Well water yield shall not be measured until 24–48 hours after drilling and any installation of a pump, to allow the water level to recover and to ensure greater accuracy in reported well water yields. A data sheet shall be prepared showing the following for the pumped well:
    - 1) The date.
    - 2) Clock time.
    - 3) Elapsed time since water removal started/stopped.
    - 4) Depth to water below land surface before and after water removal.
    - 5) Drawdown or recovery in feet and inches.
    - 6) Specific capacity of the well.
  - b. The well shall be shown to be capable of supplying potable water at a minimum sustainable rate of that projected to be needed by the proposed use, either with or without the use of a storage system
- 3. Following the test:
  - a. In accordance with recognized principles of well hydraulics, the geologist or engineer shall prepare graphs to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage, as well as the rate of pumping, time and drawdown are required, as well as other data which may be considered necessary to satisfy the test objectives.
  - b. The geologist or engineer will summarize the test and its significance and make recommendations as to the suitability of the well for the intended use, considering any history of drought or seasonal low water yields in the area. The final report of the supervising person shall include an

opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area.

- c. The Board of Supervisors will evaluate the foregoing data and recommendations and make a determination on the appropriateness of the use of groundwater for the proposed facility, based on the ability of the well to provide a minimum sustainable flow of needed water without adversely impacting existing wells in the area and without foreclosing the option of other water-using industry locating in the vicinity.
- J. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.
- K. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas, so that trucks will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.
- L. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.
- M. All access drives shall be designed and constructed in compliance with Section 301 of this Ordinance.
- N. The applicant shall furnish a traffic impact report prepared by a professional traffic engineer, in accordance with the SALDO.

17. **Truck or Motor Freight Terminals**

Subject to the following:

- A. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24-hour period), will furnish the Township a plan within 60 days for reducing PM 2.5 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2.5 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly

basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.

- B. The applicant shall furnish a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with the SALDO.
- C. The subject property shall have a minimum of three hundred (300) feet of contiguous road frontage along and vehicular access onto an arterial and/or collector road.
- D. The subject property shall be located no closer than five hundred (500) feet from any R-1, R-2, and OI Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- E. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- F. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges.
- G. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- H. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- I. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.
- J. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.
- K. The use shall comply with the applicable Township Noise Ordinance.
- L. The applicant shall comply with Section 308 of this Ordinance.
- M. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted.
- N. Any use where diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 5 minutes.

18. **Wind and/or Solar Farms**

Subject to the following:

- A. The applicant shall prepare and submit a narrative and mapping describing the proposed wind and/or solar farm, including:
  - 1. An overview of the project.
  - 2. The project location.
  - 3. The approximate generating capacity of the wind and/or solar farm.
  - 4. The approximate number, representative types and height or range of heights of wind turbines and/or solar panels to be constructed, including their generating capacity, dimensions and respective manufacturers.
  - 5. A description of accessory facilities.
  - 6. An affidavit or similar evidence of agreement between the property owner(s) and the applicant demonstrating that the applicant has the permission of the property owner(s) to apply for necessary permits for construction and operation of the wind and/or solar farm.
  - 7. A listing and map of the properties on which the proposed wind and solar farm will be located, and the properties adjacent to where the wind and/or solar farm will be located.
  - 8. A site plan showing the planned location of each wind turbine and/or solar panel, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind and/or solar farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- B. The applicant shall demonstrate with credible expert evidence that:
  - 1. To the extent applicable, the wind and/or solar farm shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142.
  - 2. The design of the wind and/or solar farm shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
  - 3. Each of the proposed wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes



shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. All electrical components of the wind and/or solar farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
5. Wind turbines shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine.
6. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
7. Wind turbines and/or solar panels shall not display advertising, other than an incidental insignia of the turbine/panel manufacturer.
8. On-site transmission and power lines between wind turbines and/or solar panels shall, to the maximum extent practicable, be placed underground.
9. A clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
10. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of each guy wire and along each guy wire up to a height of ten feet from the ground. The applicant shall also submit a working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape.
11. Wind turbines and/or solar panels shall be designed and constructed to be non-climbable up to fifteen (15) feet above ground surface.
12. All access doors to wind turbines and/or solar panels and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
13. Wind turbines shall be setback the following distances as measured from the center of the wind turbine base to the nearest point of the respective feature listed in Table 4.5:

**Table 4.5 – Setbacks**

<b>Feature</b>	<b>Minimum setback</b>
Occupied building on site	Turbine height plus ten feet
Above ground utility line right-of-way	Turbine height plus ten feet
Adjoining property	1.5 times turbine height
Adjoining road right-of-way	1.5 times turbine height

14. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
  15. The maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
  16. The applicant shall be responsible for the prompt repair and maintenance of all roads used to transport equipment and parts for construction, operation or maintenance of the wind and/or solar farm. The applicant shall prepare an engineering report that documents road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. Such reports shall be reviewed by the Township engineer; any discrepancies shall be mediated by a third engineer selected by mutual acceptance by the applicant's and Township's engineers. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and the Township may bond the road in compliance with state regulations.
  17. The applicant shall provide a copy of the project summary and site plan to the Township Emergency Management Coordinator. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind and/or solar farm acceptable to the Township Emergency Management Coordinator prior to the issuance of a zoning permit for the proposed use.
- C. Audible sound from a wind and/or solar farm shall not exceed fifty-five (55) dbA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind and/or solar farm shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

1. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the nearest principal building of a property owner who has agreed to locate the proposed wind and/or solar farm upon his/her property.
  2. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the adjoining property line.
  3. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater, from the right-of-way of any street.
- D. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the lot coverage of the lot on which the system is located. The surface area of a ground-mounted solar energy system shall not exceed thirty (30) percent of maximum lot coverage of the lot. For panels that self-adjust, the lot coverage of each solar panel shall be calculated at that angle with the greatest horizontal exposure.
- E. The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television or similar signals. The applicant shall mitigate any such harm caused by the wind and/or solar farm on any adjoining property.
- F. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind and/or solar farm are in operation.
- G. The applicant shall be responsible for the decommissioning of the wind and/or solar farm in accordance with the following requirements:
1. The applicant shall, at his/her expense, complete decommissioning of the wind and/or solar farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind and/or solar farm or individual wind turbines or solar panels. The wind and/or solar farm or individual wind turbines or solar panels will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
  2. Decommissioning shall include removal of wind turbines and solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
  3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates

shall be submitted to the Township after the first year of operation and every fifth year thereafter at the applicant's and/or any successor's expense.

5. The applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than twenty-five (25) percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
  6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
  7. If the applicant fails to complete decommissioning within the period prescribed, then the landowner shall have six (6) months to complete decommissioning.
  8. If neither the applicant, nor the landowner complete decommissioning within the periods prescribed, then the Township may take such measures as necessary to complete decommissioning.
  9. The escrow agent shall release the decommissioning funds when the applicant has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- H. All owners of property upon which a wind and/or solar farm is installed shall be required to acknowledge in writing to the Township that the approval of the wind and/or solar farm shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
1. The right to remain free of shadows and/or obstructions to solar or wind energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property.
  2. The right to prohibit the development on, or growth of any trees or vegetation on, such property.

## **SECTION 403 - SPECIAL EXCEPTIONS PROCEDURES**

### **403.A. SPECIAL EXCEPTIONS**

The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance. The granting of a special exception shall be subject to the following

standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

1. Filing Requirements - Each special exception application shall include the following:
  - a. Ground floor plans and elevations of proposed structures;
  - b. Names and address of adjoining property owners including properties directly across a public right-of-way;
  - c. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
  - d. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;
2. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:
  - a. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by special exception within the Zone wherein the applicant seeks approval.
  - b. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
  - c. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
  - d. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
  - e. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

- f. For development within the Floodplain Overlay Zone, that the application complies with those requirements listed in Article 5 of this Ordinance.
  - g. The proposed use demonstrates a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.
  - h. The proposed use shall comply with those specific use criteria listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
  - i. The proposed use will not substantially impair the integrity of the Comprehensive Plan.
3. Conditions - The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 9.
4. Site Plan Approval - Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the approval of another special exception.
5. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.N of this Ordinance.

#### **SECTION 404 - SPECIAL EXCEPTION SPECIFIC USE STANDARDS**

1. **Adult Uses**

Subject to the following:

- A. An adult use shall not be permitted to be located within one thousand (1,000) feet of any other adult-related use
- B. No adult use shall be located within one thousand (1,000) feet of any land within the R-1, R-2, and OI Zones
- C. No adult use shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
  - 1. Amusement park
  - 2. Camp (for minors' activity)
  - 3. Childcare facility

4. Church or other similar religious facility
  5. Community center
  6. Museum
  7. Park
  8. Playground
  9. School
  10. Other lands where minors congregate.
- D. The distance between any two adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.
- E. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- F. Any building or structure used and occupied as an adult use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- G. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- I. No adult use may change to another adult use, except upon approval of an additional special exception.
- J. No unlawful sexual activity or conduct shall be permitted.
- K. No more than one adult use may be located within one building or commercial center.
2. **Adaptive Reuse of Agricultural Buildings**
- Subject to the following:
- A. The purpose of this section is to provide for an expanded list of uses permitted within agricultural buildings that existed on September 6, 2011. The applicant must demonstrate that such agricultural building existed on such date.

- B. Any use proposed under this section must be permitted within the Township, but not be permitted by right, special exception or conditional use, within the Agricultural Zone. The addition of new dwelling units is prohibited.
  - C. Any number of uses may be permitted under this section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.
  - D. Any use proposed under this section that has specific criteria applied to it within other non-Agricultural Zones shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because:
    - 1. The specific criteria provide a level of protection that exceeds that necessary to protect the character of the site and its surroundings, and/or
    - 2. The specific criteria provide a level of protection that exceeds that necessary to protect adjoining properties because of man-made and/or natural conditions upon the site.
  - E. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
  - F. The applicant shall obtain any necessary land development approvals.
  - G. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed. All off-street parking and/or loading areas shall be screened from adjoining residences and roads.
  - H. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that:
    - 1. Can be effectively accommodated without adverse impact to adjoining uses.
    - 2. Will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.
3. **Agriculturally Oriented Commercial Establishments including but not limited to Farm Implement Dealers, Feed Mills, Seed Stores, Butchering Shops**
- Subject to the following:
- A. Leachate from the operation shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event, shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.



- B. A water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The study shall include the following information:
1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution.
  4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  5. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  6. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

- C. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- D. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to ensure safe turning movements to and from the site and safe through-movement on the existing road.
- E. Any structure used for the storage, loading, processing and/or packaging of Wholesale Commercial Yard Waste Based Mulching and Composting, Agricultural Animal Based Composting, and Topsoil Screening shall be set back at least one hundred (100) feet from all property lines, and five hundred (500) feet from any R-1, R-2, OI Zones, or residential uses. In addition, any ventilation outlets must be oriented away from any land within an adjoining R-1, R-2, OI Zones, or residential use.

4. **Automobile Auction and/or Storage Yards**

Subject to the following:

- A. The subject property must front upon and have direct vehicular access to a collector or arterial road.
- B. The applicant shall be required to submit an expert-prepared on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and manner in which vehicles for auction arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- C. Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- D. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 310 of the Zoning Ordinance, except that such areas:
  - 1. May be arranged with blocks of horizontally stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle or piece of heavy equipment shall be located more than one hundred (100) feet from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide.
  - 2. May employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred (100) feet from the closest property line. Vertical stacking shall not exceed thirty-five (35) feet.
  - 3. Need not be paved but must have an all-weather and dust-free surface.
  - 4. Shall be completely enclosed by a six (6) foot high fence, which shall be subject to the (I) Zone's setback requirements imposed upon off-street parking lots.
  - 5. Shall be lighted in accordance with Section 308 of this Ordinance.
  - 6. Need not comply with the interior landscaping requirements but must be screened from adjoining roads and properties.

- E. Exterior areas used for the display and sales of automobiles shall comply with the off-street parking design requirements of Section 310 of the Zoning Ordinance.
- F. Areas to be used by employees or customers after dusk, shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
- G. The use shall comply with the applicable Township Noise Ordinance.
- H. The proposed use must be connected to public utilities and all on-site restrooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No “portapotties” are permitted.
- I. The subject property may contain facilities for the service, repair and reconditioning of vehicles provided:
  - 1. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site’s on-site circulation plan.
  - 2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building and shall be limited to vehicles that are to be auctioned on the site.
  - 3. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted.
  - 4. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.
- J. The subject property shall contain a road test track which shall be conveniently linked to the sales area. The test track shall be strictly operated so that customers must use the track for test drives rather than the site’s circulation system and adjoining roads. The applicant must demonstrate the means by which patrons will be directed and required to conduct road tests on the site’s test track. The test track shall be setback at least twenty (20) feet from adjoining property lines and fifty (50) feet from adjoining roads. If such test track is to be used after dusk, it shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged to reflect the light away from adjoining properties and roads.
- K. The applicant shall furnish evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

- L. No part of the subject property shall be located within three hundred (300) feet of any land within the R-1, R-2, OI Zones, and residential uses.
- M. A traffic impact report shall be prepared in accordance with the SALDO and shall devote particular emphasis on movements of vehicles that may be moving between the subject property and other nearby uses that assist in making vehicles ready for sale.
- N. One truck driver lounge with comfort and bathing facilities, a restaurant, cafeteria or refreshment counter and a filling station are permitted accessory uses provided such use are located, designed and operated in a manner that is meant to serve those persons directly associated with the principal uses while they are on the site. No entrances and/or signage shall be oriented towards attracting patrons from off-of the site.

5. **Bed and Breakfasts**

Subject to the following:

- A. The owner and operator shall reside in the same building as the bed and breakfast and all rooms for rent shall be confined to the principal detached dwelling unit.
- B. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practical, shall be located to the rear of the building insofar as such are permitted by applicable building codes.
- C. All parking areas shall be screened from adjoining residentially zoned properties and adjoining residences.
- D. No cooking facilities (other than portable coffee machines and tea pots) shall be permitted in any of the bedrooms available to guests.
- E. Operation of the bed-and-breakfast shall comply with all applicable Municipal and State regulations.

6. **Campgrounds**

Subject to the following:

- A. Minimum Lot Area - Ten (10) acres.
- B. All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line.
- C. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- D. Vehicular access shall be provided in accordance with the following minimum standards:

1. Access drive requirements shall apply along any entrance and/or exit for a minimum length of one hundred (100) feet from an adjoining street right-of-way.
  2. Vehicular access shall be designed so that vehicles do not back up onto adjoining streets during peak exit and entrance periods.
  3. Internal vehicular cartways shall have a width of not less than twelve (12) feet for one-way vehicular flow and twenty (20) feet for two-way vehicular flow. Parking along interior vehicular circulation routes shall be prohibited, unless an additional eight (8) foot width is added to the minimum cartway for each lane of parallel parking spaces.
  4. Internal vehicular cartways serving recreational vehicles or common parking areas for tenting shall have a durable, stable and dust-free surface. Such cartways need not be paved, if a minimum depth of six (6) inches of compacted, crushed stone is provided.
  5. Internal vehicular cartways shall provide for a minimum centerline radius of fifty (50) feet at curves and intersections.
  6. Turnabouts shall be provided for all dead-end internal vehicular cartways over one hundred (100) feet in length.
  7. Notwithstanding any of the above, the design of vehicular circulation must provide for adequate emergency vehicle access. The application shall include written statements from the chiefs of the first-due Fire Company and ambulance company that will serve the proposed use, attesting to the adequacy of emergency vehicle access.
- E. All outdoor play areas shall be set back one hundred (100) feet and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.
- G. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be designed and constructed to serve solely the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels
- H. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in Section 316 of this Ordinance.

- I. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner.
- J. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground.
- K. The applicant shall furnish evidence that all water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

7. **Commercial Greenhouses**

Subject to the following:

- A. Minimum Lot Area - Five (5) acres.
- B. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, no artificial lighting may be used for growing which can be viewed from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties.
- C. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand (1,000) feet of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines.
- D. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty (50) foot wide radius for all turns and intersections.
- E. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate

groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- F. Should the proposed use not make use of public water and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna River Basin Commission.
- G. All commercial produce operations must comply with applicable storm water management regulations of the SALDO.
- H. A traffic impact report shall be prepared in accordance with SALDO.

8. **Commercial Produce Operations**

Subject to the following:

- A. Minimum Lot Area - Fifty (50) acres.
- B. Maximum Permitted Lot Coverage - Thirty (30) percent, including all impervious surfaces.
- C. The applicant shall submit written evidence that the proposed use has an approved nutrient management plan, if applicable. All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer.

- D. The applicant shall furnish evidence of his/her Agricultural Erosion and Sedimentation Pollution Control Plan under State law. All subsequent operations and activities shall be conducted in accordance with such plan.
- E. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan.
- F. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, no artificial lighting may be used for growing which can be viewed from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties.
- G. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand (1,000) feet of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines.
- H. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty (50) foot wide radius for all turns and intersections.
- I. Any on-site waste storage facilities shall comply with the requirements of Section 308.D of this Ordinance.
- J. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.



2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
  - K. Should the proposed use not make use of public water and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna River Basin Commission.
  - L. All commercial produce operations must comply with applicable storm water management regulations of the SALDO.
  - M. A traffic impact report shall be prepared in accordance with SALDO.
  - N. No retail sales shall be permitted on the site.
9. **Freestanding Communication and Wireless Communications Antennas and Freestanding Communication and Wireless Communications Facilities Support Structures**

Subject to the following:

- A. The purpose of this section and the standards established herein is to govern the use, construction, and location of communication and wireless communications facilities in recognition of the nature of commercial communication systems and the Federal Telecommunications Act of 1996. These regulations are intended to:
  1. Accommodate the need for communication and wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services.
  2. Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color, and finish and by requiring that competing providers of wireless communications services co-locate their

- freestanding communication and wireless communications facilities and related facilities on existing towers.
3. Ensure the structural integrity of freestanding communication and wireless communications facilities support structures through compliance with applicable industry standards and regulations.
  4. Promote the health, safety and welfare of the residents and property owners within North Cornwall Township.
- B. All applicants seeking to construct, erect, relocate, or modify communication or wireless communications facilities shall secure approval from the Township, which shall be conditioned upon their demonstrated compliance with the regulations specified under this Section. As part of this requirement, a site plan shall be prepared and submitted to the Township for review and consideration that demonstrates compliance with the requirements for location, height, design, infrastructure, and site improvements by the applicant considering the communication or wireless communication network.
- C. The following requirements concerning location and height shall apply to freestanding communication and wireless communication facilities:
1. No applicant shall have the right under the provisions of this Section to erect any freestanding communication and wireless communications facilities support structure, also referred to as a “tower” in these regulations, to the maximum height specified within this Ordinance, unless they prove the necessity for such height. The applicant shall demonstrate that the proposed height of the freestanding communication and wireless communications facilities support structure and the antenna be attached thereto is the minimum height required to provide satisfactory service.
  2. Prior to approval of a site plan authorizing the construction and installation of a freestanding communication and wireless communications facilities support structure in a permitted location or Zone, it shall be incumbent upon the applicant to prove to the reasonable satisfaction of Township that the applicant cannot adequately extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas, and similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures, hereinafter referred as an “existing structure.”
  3. At the Special Exception Hearing the applicant shall submit a propagation study demonstrating the need for the proposed tower or other communications facilities and equipment, and a description of the type of the proposed transmission/radio equipment.
  4. Freestanding communication and wireless communications facilities support structure shall not be taller than one hundred fifty (150') feet.

5. In those zoning districts where freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures are permitted as a Special Exception, either one (1) single-story wireless communications equipment building, independent equipment cabinets, or equipment cabinets on a raised platform shall be permitted. The height of the wireless communications facilities support structures shall not exceed fifteen (15') feet.
  6. With the exception of the transmitting and wireless communications equipment necessary to facilitate the tower and freestanding communication and wireless communications antennas, all other uses ancillary to freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot, and vehicle storage area, shall not be located on any site, unless otherwise permitted by the applicable Zone regulations in which the site is located.
  7. The minimum distances between the base of a freestanding communication and wireless communications facilities support structure and any adjoining property line or street right-of-way line shall equal fifty (50) percent of the proposed freestanding communication and wireless communications facilities support structure height. Where the site on which a tower is proposed to be located is contiguous to an educational use, child day care facility, or residential use, the minimum distance between the base of a freestanding communication and wireless communications facilities support structure and any such adjoining uses shall equal one hundred ten (110) percent of the proposed freestanding communication and wireless communications facilities support structure height, unless it is demonstrated to the reasonable satisfaction of the Zoning Hearing Board that in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.
- D. The following standards shall apply to the structural stability, support, and design of all freestanding communication or wireless communication facilities:
1. The applicant shall demonstrate that the proposed freestanding communication and wireless communications antennas and freestanding communication and wireless communications facilities support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association, and other established standards identified by the Township Engineer. The applicant shall demonstrate

that the proposed communication and wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

2. In order to reduce the number of freestanding communication and wireless communications facilities support structures within the Township in the future, the proposed freestanding communication and wireless communications facilities support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police, and fire and ambulance companies.
  3. If the communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two (2) spaces provided. If the communications facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the communications facility during the largest shift.
  4. Freestanding communication and wireless communications facilities support structures shall be painted silver or another color approved by the Township, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be compatible with the surrounding environment. In furtherance of this provision, the Township may require that freestanding communication and wireless communications facilities support structures, and wireless communications equipment buildings and other accessory facilities comply with:
    - a. Freestanding communication and wireless communications facilities support structures be painted green up to the height of nearby trees.
    - b. Wireless communications equipment buildings and other accessory facilities be compatible with the character and type of development existing within the area.
    - c. Freestanding communication and wireless communications facilities support structures, and wireless communications equipment buildings preserve woodland areas and trees existing at the site to the greatest possible extent.
- E. Unless otherwise permitted by the Zoning Hearing Board as part of the Special Exception application, the following general site improvements, compliance provisions, and procedural obligations shall be required for all communication or wireless communication facilities:
1. No sign shall be mounted on the wireless communications facility, except as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other governmental agency.

2. Where required, the freestanding communication and wireless communications facilities support structures shall meet all FAA regulations. No freestanding communication and wireless communications facilities support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is so required, it shall be limited to the minimum lumens and number of lights required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as to the Township.
3. The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and noise impacts of such maintenance.
4. In the event that a communication and wireless communications facility is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.
5. If the applicant proposes to build a freestanding communication and wireless communications facilities support structure (as opposed to mounting the freestanding communication and wireless communications facilities on an existing structure), the applicant shall prove to the Township that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within a three thousand (3,000) foot radius of the site proposed, asked for permission to install the freestanding communication and wireless communications antennas on those structures, and has been denied. The Township may deny an application to construct a new freestanding communication and wireless communications facilities support structure if the applicant has not made a good faith effort to co-locate the communication and wireless communications facilities on an existing structure.
6. If use of the communications facility is abandoned or if the communications facility is not in use for a period of one (1) year, the owner shall demolish and/or remove the communications facility from the site within six (6) months of properly being notified by the Township. All costs of demolition and/or removal shall be borne by the owner of the communications facility. In the event that the demolition and/or removal referred to above are not performed in a timely manner, the owner shall be subject to the enforcement remedies of this Ordinance or as otherwise provided by law.
7. The applicant seeking to construct, erect, relocate, or modify a communications facility shall file a written certification that all adjoining property owners of the property on which the freestanding communication and wireless communications facilities support structure is proposed to be located have been

given written notice of the applicant's intent to construct, erect, relocate, or modify a communications facility, and the time and place of the hearing. The certification shall contain the name, address, and tax parcel number of the property owners so notified.

8. In the event that the wireless communications facilities unlawfully cause interference with the radio or television reception within the Township for a period of three (3) continuous days, the affected property owner or tenant may notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected if the interference source is deemed to be generated from the wireless communications facilities.
  9. A security fence shall be required around the antenna support structure and other equipment, unless the freestanding communication and communications facility is mounted on an existing structure.
  10. In accordance with Section 317, landscaping shall be required to screen and buffer as much of a newly constructed freestanding communication and wireless communications facilities support structure as possible. The Zoning Hearing Board may permit a combination of existing vegetation, topography, walls, decorative fences, and other features in lieu of landscaping.
- F. The following background information and documentation shall be submitted as part of the application:
1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one (1) or more such companies to locate on the proposed tower (in those zones or areas where such towers are permitted).
  2. Prior to the issuance of a permit authorizing construction and erection of a freestanding communication and wireless communications facilities support structure a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township Engineer to document and verify the adequacy of the design specifications of the foundation for the freestanding communication and wireless communications facilities support structure and anchors for the guy wires, if used.
  3. Prior to the issuance of a permit authorizing construction and erection of a freestanding communication and wireless communications facilities support structure a structural engineer registered in the Commonwealth of Pennsylvania shall issue a written certification to the Township of its ability to meet the structural standards required by either the Electronic Industries Association or the Communication Industry Association and certify the proper construction of

the foundation and the erection of the freestanding communication and wireless communications facilities support structure. Where antennas are proposed to be attached to an existing structure, the structural engineer shall certify that both the structure and the antennas and their appurtenances meet minimum industry standards for structural integrity.

4. The application shall be accompanied by a full site plan for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the freestanding communication and wireless communications antennas, freestanding communication and wireless communications facilities support structure, building, fencing, buffering, and site access provisions.
- G. All towers and guide wire anchors shall be completely enclosed by a minimum eight (8) foot high fence. Any gates within the fence shall be locked when unattended.
- H. All ground-mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a minimum eight (8) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended
- I. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the wind-borne scattering of ice onto adjoining properties and/or roads
- J. No new Freestanding communication and wireless communications facilities support structures shall be located within five hundred (500) feet of:
  1. Any land within the R-1, R-2 or OI Zones.
  2. The nearest property line of any existing residence.
- K. Additional Requirements for Communications Antennas
  1. The following regulations shall apply to all collocated Communications Antennas that fall under the Pennsylvania Wireless Broadband Collocation Act:
    - a. Permit required. WCF Applicants proposing the modification of an existing Communications Tower shall obtain a building permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
    - b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of

receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's sixty (60) day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

- c. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Communications Antenna or \$1,000, whichever is less.
2. The following regulations shall apply to all Communications Antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act:
    - a. Non-conforming Wireless Support Structures. Communications Antennas shall be permitted to co-locate upon non-conforming Communications Towers and other non-conforming structures. Co-location of WCF upon existing Communications Towers is encouraged even if the Communications Tower is non-conforming as to use within a zoning district.
    - b. Insurance. Each Person that owns or operates a Communications Antenna shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
    - c. Indemnification. Each person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Antenna. Each person that owns or operates a Communications Antenna shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not



be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- d. Abandonment and Removal. Unused or abandoned Communications Antennas or portions of Communications Antennas shall be removed within one year of properly being notified by the Township in writing.

L. Additional Requirements for Communications Towers:

1. Gap in coverage or capacity. A WCF Applicant for a Communications Tower must demonstrate that a significant gap in wireless coverage or capacity exists with respect to their specific wireless network. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the Township's decision on an application for approval of Communications Towers.
2. Additional antennae. As a condition for approval for all Communications Towers, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Communications Towers where technically and economically feasible. The owner of a Communications Tower shall not install any additional antennae without obtaining the prior written approval of the Township.
3. Timing of approval. Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Communications Tower and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period. In addition to meeting the aforementioned one hundred fifty (150) day period, the Township shall also comply with the time requirements associated with conducting a Special Exception Hearing.
4. Non-conforming uses. Non-conforming Communications Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at the existing location but must otherwise comply with the terms and conditions of this section.
5. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Communications Tower, as well as related inspection, monitoring, and related costs.

6. Insurance. Each person that owns or operates a Communications Tower greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Communications Tower. Each Person that owns or operates a Communications Tower forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the Township amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Communications Tower.
7. Indemnification. Each person that owns or operates a Communications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Tower. Each person that owns or operates a Communications Tower shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Communications Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
8. Unused or abandoned Communications Tower or portions of Communications Towers shall be removed within a reasonable time period as determined by the Township on an individual basis. If the Communications Tower or Related Equipment is not removed within such time period, the Communications Tower and/or Related Equipment may be removed by the Township. As security, the Township reserves the right to the salvage value of any removed Communications Tower and/or Related Equipment.

M. Communications Antennas and Towers in the Public Rights of Way

1. The following regulations are applicable to all Communications Antennas located in the public Rights of Way:
  - a. Co-location. Communications Antennas in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
  - b. Design Requirements:

- 1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - 2) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- c. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Antennas in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- d. Equipment Location. Communications Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
- 1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
  - 2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - 3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - 4) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.
- e. Relocation or Removal of Facilities. Within two (2) months following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense,

temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
  - 2) The operations of the Township or other governmental entity in the Right-of-Way;
  - 3) Vacation of a street or road or the release of a utility easement; or
  - 4) An Emergency as determined by the Township.
2. In addition to the requirements in Section 404.9.C.3 of the Township Zoning Ordinance, the following regulations shall apply to Communications Towers located in the Public Rights-of-Way.
- a. Location and development standards.
    - 1) Communications Towers in the ROW shall not exceed forty (40) feet in height and are prohibited within fifty (50) feet of areas in which all utilities are located underground.
    - 2) Communications Towers shall not be located in the front façade zone of any structure.
    - 3) Communications Towers shall be permitted along Principal Arterials, Minor Arterials, and Major Collectors, as identified in Section 316, in the A, C-1, C-2, OI, and I Districts.
  - b. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - c. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Communications Tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its

police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
  - 2) The operations of the Township or other governmental entity in the right-of-way;
  - 3) Vacation of a street or road or the release of a utility easement; or
  - 4) An emergency as determined by the Township.
- d. Unused or abandoned Communications Tower or portions of Communications Towers shall be removed within six (6) months of proper written notification from the Township. If the Communications Tower or Related Equipment is not removed within such time period, the Communications Tower and/or Related Equipment may be removed by the Township.
- e. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Communications Tower in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Communications Tower shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

10. **Heavy Equipment Leasing, Rental, Sales, Service, and/or Repair Facilities**

Subject to the following:

- A. Aside from occasional diagnostics, testing and simple repairs, all service and/or repair activities shall be conducted within a completely enclosed building
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads
- C. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 310 of the Zoning Ordinance, except that such areas:
  - 1. May be arranged with blocks of horizontally stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle shall be located more than one hundred (100) feet from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide.
  - 2. May employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred (100) feet from the closest property line. Vertical stacking shall not exceed thirty-five (35) feet.
  - 3. Need not be paved but must have an all-weather and dust-free surface.
  - 4. Shall be completely enclosed by a six (6) foot high fence, which shall be subject to the (I) Zone's setback requirements imposed upon off-street parking lots.
  - 5. Shall be lighted to provide an average of minimum one (1) foot candle level of illumination at an elevation of three (3) feet above grade for the detection of suspicious movement. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
  - 6. Need not comply with the interior landscaping requirements but must be screened from adjoining roads and properties.
- D. Exterior areas used for the display and sales of vehicles shall comply with the off-street parking design requirements of Section 310 of the Zoning Ordinance.
- E. All exterior storage and/or display and sales areas shall be screened from adjoining properties in the R-1 and R-2 Zones, and residential uses. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.
- F. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured homes, heavy equipment vehicles, and parts thereof, on the property is prohibited.

- G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining properties in the R-1 and R-2 Zones, and residential uses.
- H. All vehicles shall be repaired and removed promptly from the premises and in no case shall a vehicle be stored on the property for a period exceeding ninety (90) days.
- I. The storage of fuels and lubricant shall be limited to those that are accessory to the principal use; no retail and/or wholesale sales of such materials shall be permitted.
- J. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. The applicant will describe those specific methods used to collect, store and dispose of greases, lubricants, fuels, solvents and other toxic substances associated with the proposed use.
- K. The applicant shall be required to submit an on-site circulation plan that fully describes the location and manner in which vehicles for sale arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- L. The applicant shall submit a lighting plan in accordance with Section 308 of this Ordinance.

11. **Junkyards**

Subject to the following:

- A. Minimum Lot Area - Ten (10) acres.
- B. The outdoor area devoted to the storage of junk shall be completely enclosed by a minimum eight (8) foot high, sight-tight fence or wall which shall be set back at least fifty (50) feet from all property lines.
- C. The setback area between the fence and the lot lines shall be kept free of junk storage, weeds and all scrub growth and shall be devoted to landscaping and/or screening in accordance with Section 317 of this Ordinance.
- D. All buildings used to store junk shall be completely enclosed and set back at least fifty (50) feet from all property lines.
- E. No material may be stored or stacked exceeding a height of eight (8) feet or so that it is visible from adjoining properties and roads.

- F. All junk shall be stored or arranged so as to permit access by firefighting equipment with vehicle access lanes of no less than twelve (12) feet in width spaced no more than five hundred (500) feet apart at the greatest separation distance. Such access lanes shall be kept free from obstruction at all times.
- G. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall prevent the accumulation of stagnant water upon the premises and no inflammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of, another item, at any time.
- H. No material shall be burned at any time.
- I. No junk shall be located on land with a slope in excess of five (5) percent.
- J. No junk yard shall be located within two hundred (200) feet of any land within the R-1 and R-2 Zones or residential use.
- K. Upon approval of a junk yard, the Zoning Officer shall issue a temporary certificate of use and occupancy. Such temporary certificate of use and occupancy shall be reviewed every twelve (12) months until such time as the junk yard ceases to exist. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary certificate of use and occupancy. Such fee shall be based upon the cost of the annual review of the temporary certificate of use and occupancy.

12. **Manufactured Home Park**

Subject to the following:

- A. The minimum parcel size for any manufactured home park development shall be ten (10) acres.
- B. The maximum number of manufactured home units shall be limited to six (6) per gross acre.
- C. No single manufactured home lot/space shall contain less than four thousand, two hundred (4,200) square feet.
- D. No manufactured home, office or service building shall be located within:
  - 1. Fifty (50) feet of a park boundary.
  - 2. Seventy-five (75) feet of an outside street right-of-way.
  - 3. Within ten (10) feet of the paved edge of a common parking area or common walkway.
- E. Each manufactured home shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two sides of ten (10) feet each. In no case shall the distance between any two manufactured homes be less than twenty (20) feet.



- F. A paved on-site walkway of a minimum width of four (4) feet shall be provided to each manufactured home unit from an adjacent street.
- G. There shall be a common walk system four (4) feet wide throughout the development.
- H. All roads in the park shall be private access drives, shall be lighted, and shall be paved with a bituminous or concrete surface at least twenty-four (24) feet wide.
- I. Each manufactured home lot shall abut on a park access drive with access to such access drive. Access to all manufactured home lots shall not be from public streets or highways.
- J. Each manufactured home space shall contain no more than one (1) manufactured home, no more than one (1) family, no more than one accessory building and no more than one no-impact home-based business, as defined herein. No home occupations, as defined herein, are permitted within a manufactured home park.
- K. No less than ten (10) percent of the total manufactured home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required manufactured home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area.
- L. Each manufactured home lot shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to an approved method of sewage disposal, and water and electrical supply.
- M. Protective skirting shall be placed around the area between the ground surface and the floor level of each manufactured home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- N. No travel or vacation trailer or other form of temporary living unit shall be placed upon any manufactured home stand or used as a dwelling within the manufactured home park.
- O. Owners of individual manufactured homes may install accessory or storage sheds, extensions and additions to manufactured homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard, and in every case, shall substantially conform in style, quality and color to the existing manufactured homes.
- P. Each manufactured home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the manufactured home space. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to those units served.
- Q. Each manufactured home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the manufactured home it is to support.

- R. All manufactured home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the Special Exception application.

13. **Mass Transit and/or Taxicab Terminals**

Subject to the following:

- A. The applicant shall submit a Traffic Impact Report in accordance with the SALDO.
- B. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized," off-street, parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- C. The subject property shall have a minimum of two hundred (200) feet of contiguous road frontage along an arterial road.
- D. The subject property shall be located no closer than two hundred (200) feet from any R-1 and R-2 Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- E. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line.
- F. Access driveways shall be a minimum of twenty-four (24) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges.
- G. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- H. The outdoor storage of unlicensed and un-inspected vehicles is prohibited.
- I. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards.
- J. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival.
- K. The use shall comply with the applicable Township Noise Ordinance.

- L. The applicant shall comply with Section 308 of this Ordinance.

14. **Methadone Treatment Facility**

Subject to the following:

- A. Methadone treatment facilities shall not be permitted to be located within one thousand (1,000) feet of any other methadone treatment facilities. The distance between any two methadone treatment facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any methadone treatment facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.
- B. No methadone treatment facilities shall be located within one thousand (1,000) feet of any land within the R-1 and R-2 Zones, and residential uses.
- C. No methadone treatment facilities shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
  - 1. Amusement park.
  - 2. Camp (for minors' activity).
  - 3. Child care facility.
  - 4. Church or other similar religious facility.
  - 5. Community center.
  - 6. Museum.
  - 7. Park.
  - 8. Playground.
  - 9. School.
  - 10. Other lands where minors congregate.

15. **Nursing, Rest, or Retirement Home**

Subject to the following:

- A. Minimum Lot Area - One (1) acre.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. Off-street parking lots and loading areas shall be screened from adjoining lands within the R-1, R-2, and OI Zones.

16. **Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities**

Subject to the following:

- A. All principal waste handling, recycling, processing and disposal facilities for “municipal and residual wastes,” as defined by the PA DEP, shall be operated by the Greater Lebanon Refuse Authority.
- B. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly enclosed building.
- C. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred (200) feet of any property line, and five hundred (500) feet of any adjoining land within the R-1 and R-2 Zones, and residential uses.
- D. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- E. The use shall be screened from all adjoining land within the R-1 and R-2 Zones, and residential uses.
- F. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads.
- G. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- H. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- I. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- J. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.

- K. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required, and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.
- L. All structures shall be set back at least a distance equal to their height.
- M. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- N. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
  - 1. Calculations of the projected water needs.
  - 2. A geologic map of the area with a radius of at least one mile from the site.
  - 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
  - 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  - 5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  - 6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  - 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  - 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- O. The applicant shall provide a qualified traffic impact report in accordance with the SALDO.

- P. No principal waste disposal facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

17. **Private Schools on Greater than 5 Acres**

Subject to the following:

- A. All buildings must be shall be setback at least one hundred (100) feet from any adjoining land within the R-1 and R-2 Zones.
- B. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines.
- C. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining within the R-1 and R-2 Zones, or improved with a residential use.
- D. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

18. **Riding Stables**

Subject to the following:

- A. The minimum lot area shall be ten (10) acres.
- B. Any structure used for the boarding of horses shall be set back a minimum of two hundred (200) feet from all lot lines.
- C. All stables shall be maintained so to minimize odors perceptible at the lot line.
- D. All areas and facilities used for training shall be set back a minimum of one hundred (100) feet from all lot lines.
- E. All outdoor training, show, riding, boarding, and pasture areas shall be enclosed by a fence with a minimum height of four (4) feet. Said fence shall be located a minimum of ten (10) feet from all lot lines. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals.
- F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 310 of this Ordinance. Specifically, with respect to parking, the applicant shall demonstrate that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property. In addition, the Zoning Hearing Board 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.

- G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups 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 back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.
- H. All parking lots and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines.
- I. All structures used to house livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure and shall be prohibited from placement in the front yard.
- J. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture.
- K. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- L. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

19. **Recycling Facilities for Electronics, paper, Plastic, Glass, and Metal Products**

Subject to the following:

- A. All operations, including collection, shall be conducted within a completely enclosed building.
- B. There shall be no outdoor storage of 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 fumes, dust, and litter.
- D. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.

20. **Sale of Compost, Mulch, Woodchips, and Coal**

Subject to the following:

- A. The site must have vehicular access to an arterial road.
- B. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- C. All loading/unloading, storage and processing of materials shall be located at least two hundred (200) feet from any property line and five hundred feet from any R-1, R-2, and OI Zone.
- D. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles will not back-up onto public roads. In addition, the design of such use must require all vehicles to exit the site in a forward direction.
- E. All access drives onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- F. All areas of the site used for the loading/unloading, storage and processing of materials shall be fitted with a durable impervious ground cover which is designed to collect and recycle any leachate.
- G. The applicant must describe leachate disposal methods to be used. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations.
- H. All vehicle and processor repair and maintenance activities shall be conducted within a completely enclosed building.

21. **Saw Mills**

Subject to the following:

- A. No material shall be deposited or stored, and no building or structure shall be located, within two hundred (200) feet of any property line and five hundred (500) feet of any land within an R-1, R-2, and OI Zone.
- B. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto public roads.
- C. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site



22. **Semi-Public or Private Recreational Areas, Camps and Structures**

Subject to the following:

- A. Minimum lot area – Two (2) acres.
- B. Maximum lot area within the (A) District – Five (5) acres.
- C. Minimum lot width – Two hundred (200) feet.
- D. All Semi-Public or Private Recreational Areas, Camps and Structures shall have vehicular access to an arterial or collector road.
- E. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and all other lot lines.

23. **Septage and Spent Mushroom Compost Processing and/or Commercial Mushroom Operations**

Subject to the following:

- A. Any processing, loading, storage and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof.
- B. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- C. The use shall be screened from all roads and adjoining properties.
- D. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- E. The unloading, processing and transfer, of septage and/or spent mushroom compost shall be continuously supervised by a qualified facility operator.
- F. Leachate from the operation shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.
- G. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed
- H. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate

groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

- I. A water feasibility study shall be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The study shall include the following information:
  1. Calculations of the projected water needs.
  2. A geologic map of the area with a radius of at least one mile from the site.
  3. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution.
  4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  5. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  6. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the municipal engineer.

- J. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip.
- K. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to ensure safe turning movements to and from the site and safe through-movement on the existing road.
- L. Any structure used for the storage, loading, processing and/or packaging of septage and/or spent mushroom compost shall be set back at least one hundred (100) feet from all property lines, and five hundred (500) feet from any R-1, R-2, OI Zone, or residential use. In addition, any ventilation outlets must be oriented away from any land within an adjoining R-1, R-2, OI Zone, or residential use.

24. **Truck Stops, with or without the Sale of Gasoline, Car and Truck Diesel**

Subject to the following:

- A. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24-hour period), will furnish the Township a plan within 60 days for reducing PM 2.5 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2.5 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of the special exception terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.
- B. The applicant shall furnish a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with the SALDO.
- C. The subject property shall have a minimum of three hundred (300) feet of contiguous road frontage along an arterial and/or collector road as listed in Section 316 of this Ordinance.
- D. The subject property shall be located no closer than five hundred (500) feet from any R-1 and R-2 Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- E. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line. Unless the fuel pump islands are set back two hundred (200) feet from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- F. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges.
- G. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop according to the schedule contained within Section 310 of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

- H. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- I. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.
- J. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.
- K. The use shall comply with the applicable Township Noise Ordinance.
- L. The applicant shall comply with Section 308 (Outdoor Lighting) of this Ordinance.
- M. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- N. Any use where diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of five (5) minutes.

25. **Wholesale Commercial Yard Waste Based Mulching and Composting, Agricultural Animal Based Composting, and Topsoil Screening**

Subject to the following:

- A. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- B. The use shall be screened from all roads and adjoining properties.
- C. Leachate from the operation shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.
- D. A water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The study shall include the following information:
  - 1. Calculations of the projected water needs.
  - 2. A geologic map of the area with a radius of at least one mile from the site.
  - 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution.

4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
5. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
6. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

- E. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- F. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to ensure safe turning movements to and from the site and safe through-movement on the existing road.
- G. Any structure used for the storage, loading, processing and/or packaging of Wholesale Commercial Yard Waste Based Mulching and Composting, Agricultural Animal Based Composting, and Topsoil Screening shall be set back at least one hundred (100) feet from all property lines, and five hundred (500) feet from any R-1, R-2, OI Zones, or residential uses. In addition, any ventilation outlets must be oriented away from any land within an adjoining R-1, R-2, OI Zones, or residential use.

**26. Medical Marijuana Dispensary**

Subject to the following:

- A. A medical marijuana dispensary must be legally registered in the commonwealth and possess a current, valid medical marijuana permit from the Department of Health.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

- D. Permitted hours of operation of the dispensary shall be 8:00 a.m. to 8:00 p.m. of the same calendar day.
- E. A medical marijuana dispensary shall:
  - 1. Not have a drive-through service.
  - 2. Not have outdoor seating areas.
  - 3. Not have outdoor vending machines.
  - 4. Prohibit the administering of, or the consumption of, medical marijuana on the premises.
  - 5. Not offer direct or home delivery service.
- F. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- G. Off-Street Parking and Loading shall be provided in accordance with Sections 309 and 310 of this Ordinance and shall provide off-street parking spaces in accordance with Retail Stores or Shops and Personal Service Uses in Section 310.U of this Ordinance.
- H. The parking area shall be screened from the adjoining properties.

**27. Day Reporting Center**

Subject to the following:

- A. Shall have a single secure public entrance. The entrance into the facility shall be adequately illuminated to enhance public safety.
- B. The parking area shall be screened from the adjoining properties.
- C. There shall be a screened designated smoking area at the rear of the building.
- D. Day Reporting Center shall:
  - 1. Not have outdoor seating areas.
  - 2. Not have outdoor vending machines.
- E. Off-Street Parking and Loading shall be provided in accordance with Sections 309 and 310 of this Ordinance and shall provide off-street parking spaces in accordance with clinics and offices of veterinarians, physicians, dentists, opticians, counselors, etc. uses in Section 310.U of this Ordinance.

**28.     Blood/Plasma Donor Center - Standalone**

Subject to the following:

- A.       Off-Street Parking and Loading shall be provided in accordance with Sections 309 and 310 of this Ordinance and shall provide off-street parking spaces in accordance with office building use in Section 310.U of this Ordinance.
- B.       The parking area shall be screened from the adjoining properties.

## **Article 5**

### **SENSITIVE NATURAL RESOURCES**

#### **SECTION 500 - PURPOSE**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of North Cornwall does hereby order as follows.

In accordance with sound community and site planning principles, this Article provides for requirements that are imposed upon proposed uses and activities that, because of their location, pose a threat to the sensitive natural resources of the Township and thereby threaten public welfare. The respective sections of this Article impose necessary restrictions to ensure environmental stewardship and require an applicant to engage a proper site planning process.

#### **SECTION 501 - RELATIONSHIP TO OTHER SECTIONS OF THIS ORDINANCE**

**501.A.** The provisions of this Article are designed to supplement the provisions contained elsewhere in this Ordinance. In those instances, where design, application, review and/or performance criteria contained herein differ from those imposed elsewhere in this Ordinance the most restrictive standard shall apply. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

**501.B.** This Section shall expressly not prohibit land management practices which are intended to ecologically improve any wetland, woodland, stream, lake or pond, provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable regulatory entities.

#### **SECTION 502 - FEATURE IDENTIFICATION PROCEDURES**

##### **502.A. FEATURE IDENTIFICATION**

As required herein for specific uses, applications for zoning permits may be required to conduct an investigation that identifies important natural features located on the development site, as defined herein. Such investigation can include literary research, aerial photograph interpretation and on-site verification. Known sources and inventories shall be used as needed (e.g. soil surveys, GIS data, topographic maps, geologic maps and reports, etc.). Such investigation shall be comprehensive, detailed and conducted using professional and generally accepted practices by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural feature. However, it is noted that the extent to which such features must be inventoried, depicted and protected is related to the type of approval being requested as more fully explained in Sections 503.A and 503.B of this Ordinance. The following lists the required natural features to be identified on the Natural Features Site Plan as required by Section 502.B. of this Ordinance:

1. The Floodplain Overlay Zone in accordance with Section 510 of this Ordinance.
2. Wetlands in accordance with Section 512 of this Ordinance.



3. Steep slopes in accordance with Section 513 of this Ordinance.
4. Forestry uses in accordance with Section 514 of this Ordinance.
5. Areas subject to easement, covenant, deed restriction, or another legally binding instrument that prevents partial or complete development, or partial or complete disturbance of land area along with a description of such limitation.

**502.B. PREPARATION OF NATURAL FEATURES SITE PLAN & REPORT**

Next, the applicant shall be required to prepare a detailed natural features site plan depicting the extent and location of the various natural features as regulated by this Article. Except as noted for accessory use zoning permit applications as described in Section 503.B, such natural features site plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SALDO. Such natural features site plan shall be prepared by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural feature. The sources of all discovered natural features should be documented upon the natural features site plan as well as the qualifications of the preparer.

**502.C. DISPUTES OVER THE PRESENCE/LOCATION OF NATURAL FEATURES**

Should a dispute concerning the presence, extent and/or location of a particular natural feature arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804.E of this Ordinance. In such instances, the burden of proof shall rest with the applicant.

**SECTION 503 - REVIEW PROCEDURES**

**503.A. REVIEW OF USES REQUIRING SUBDIVISION / LAND DEVELOPMENT APPROVAL**

For uses that require “subdivision” and/or “land development” (both, as defined herein) approval, the natural site plan shall be submitted as part of the sketch/preliminary application requirements as listed in the SALDO and shall be reviewed as part of the Sketch/Preliminary plan application.

**503.B. REVIEW OF USES REQUIRING ONLY ZONING PERMIT APPROVAL**

For uses that do not require “subdivision” and/or “land development” (both, as defined herein) approval, the natural features site plan and report shall be submitted as part of the zoning permit application requirements as listed in Section 901 of this Ordinance as required herein for specific uses. Applications for accessory uses merely need to present sufficient information to demonstrate that the proposed use in no way violates any of the regulations imposed on the respective natural features located on all areas of disturbance associated with the proposed use and any adjoining areas on the site upon which impact is anticipated from the proposed use which may or may not correspond to an entire parcel, subject to the Zoning Officer’s right to require supplemental information. All such materials shall be reviewed and approved by the Zoning Officer, after review by any specified agent of the Township in accordance with the procedures contained within Section 901 of this Ordinance. Should the Zoning Officer determine that the applicant's submission does not adequately address the relevant natural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural features, the zoning permit application shall be denied.

**SECTIONS 504 – 509 – RESERVED FOR FUTURE USE**

## **SECTION 510 - FLOODPLAIN OVERLAY ZONE**

These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in the special flood hazard area (SFHA), in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health, welfare, and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, to minimize future flood damage, and comply with Federal and State floodplain management requirements.

### **510.A DELINEATION OF DISTRICTS**

1. The Special Flood Hazard Area (SFHA) shall include all areas of this municipality subject to inundation by flood waters of the base flood. The basis for the delineation of the SFHA shall be the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) (dated July 8, 2020, or the most recent revision thereof), the above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the municipality and declared to be part of this Part.
2. The A Zones are necessary to equitably enforce floodplain management controls in the SFHA. The A Area/District shall be those areas of the municipality identified as an A Zone on the FIRM included in the FIS prepared by FEMA for which no one (1) percent annual chance flood elevations have been provided. The actual elevation and extent of the district is to be determined by the base flood elevation. In order to determine the base flood elevation, the following variety of sources of data shall be used:
  - A. All digital data developed as part of the flood insurance study.
  - B. Alluvial Soils Maps prepared by the U. S. Soil Conservation Service.
  - C. Local data from the 1972 flood.
  - D. Army Corps of Engineers—floodplain information reports.
  - E. U. S. Geological Survey—flood prone quadrangles.
  - F. Other available studies and sources of floodplain information.
3. For these areas, elevation and floodway information from Federal, State or other acceptable sources shall be used when available. In lieu of the previously mentioned, the municipality shall require the applicant to determine the base flood elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent thereof. The actual elevation and extent of the district shall be determined by the base flood elevation.

4. Floodway areas in the AE Zones, where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the flood insurance study and shown on the accompanying Flood Insurance Rate Maps (FIRM).
5. In the AE Zones outside of the floodway, where base flood elevations have been determined, and the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the AE Zones outside of the floodway shall be that area of the one (1) percent annual chance floodplain not included in the Floodway District. The basis for the outermost boundary of the AE Zone shall be the base flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.
6. All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a registered professional engineer.
7. Initial interpretations of the boundaries of the SFHA shall be made by the Floodplain Administrator. Where interpretation is needed concerning the exact location of any boundary of the SFHA, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.
8. The identified floodplain area may be revised or modified by the municipal governing body where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available; a community shall notify FEMA of the changes by submitting technical or scientific data.

**510.B DISTRICT PROVISIONS**

1. All uses, activities, construction, including manufactured homes, and other development occurring within the SFHA shall be undertaken only in strict compliance with the provisions of this Part and with all other applicable State and Federal codes, ordinances and requirements, including but not limited to, Uniform Construction Code (UCC) and the North Cornwall Township Subdivision and Land Development Ordinance.
2. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

3. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.
4. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the SFHA—A Zones and AE Zones and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the SFHA are located.
5. Permitted Uses. In the A Zones and floodway area of the AE Zones, the following uses and activities are permitted provided that (1) the information required in Section 510.K of this Part is submitted as a part of the permit application, (2) they are in compliance with the provisions of the nearest zoning district, (3) they will not result in any increase in the level of the base flood anywhere, (4) they are not prohibited by this or any other ordinance, (5) they do not require the placement or use of permanent on-lot sewage facilities within any of the SFHA, and (6) they do not require encroachments, new construction, manufactured homes, substantial improvements, fill, vehicles or parts thereof, or other development except as outlined below:
  - A. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
  - B. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Uniform Construction Code (UCC).
  - C. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the Uniform Construction Code; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
  - D. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
  - E. Water-related uses and activities such as marinas, docks, wharves, piers, etc.

- F. Extraction of sand, gravel, and other materials.
  - G. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation, flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.
6. AE Zones Outside the Floodway Areas. In the AE Zones outside the floodway areas, where base flood elevations have been determined, the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with Section 510.C of this Part and the Uniform Construction Code (UCC) and any other applicable State or Federal codes and ordinances.
- No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation (BFE) more than one (1) foot at any point.
7. Prohibited Uses. In the SFHA—A Zones and AE Zones, the following uses and activities are strictly prohibited:
- A. Hospitals, sanitariums, sanatoriums, clinics, etc., whether public or private.
  - B. Public or private nursing homes.
  - C. Jails or prisons.
  - D. Public or private schools or institutions of higher education.
  - E. New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
  - F. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
  - G. Any other use, activity, or development not specifically permitted under the terms of this Part.

#### **510.C FLOOD DAMAGE CONTROL REGULATIONS**

1. Basements and First Floors.
- A. All new construction (including manufactured homes) and substantial improvements (including manufactured home) of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation. Additionally, manufactured homes shall be placed on a permanent foundation; anchored to resist flotation, collapse, or lateral movement.

- B. All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the base flood elevation: or together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the base flood elevation in accordance with the following:
  - 1. Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - 2. A determination of elevations of existing ground, proposed finished ground, lowest floor level, and floodproofing limits; certified by a registered professional engineer, surveyor, or architect.
  - 3. A certificate prepared by the registered professional or architect who prepared the plans in (A) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that; (a) below an elevation of two (2) feet above the base flood elevation the structure is watertight, with walls substantially impermeable to the passage of water, (b) the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the base flood.
- 2. Electrical, Mechanical, and Plumbing Systems.
  - A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installation shall be permitted only at elevations of two (2) feet above the base flood elevation.
  - B. No electrical distribution panels shall be allowed at an elevation less than two (2) feet above the base flood elevation.
  - C. Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the base flood elevation.
- 3. Space below the Lowest Floor.
  - A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - B. Designs meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: (1) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; (2) the bottom of all openings shall be no higher than one (1) foot above grade; (3) openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they may permit the automatic entry and exit of floodwaters.

4. Additionally, all new construction (including manufactured homes) and substantial improvement (including manufactured home) of residential and nonresidential structures shall comply with all applicable requirements of the Uniform Construction Code (UCC).

**510.D ADDITIONAL SAFEGUARDS**

1. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the SFHA shall be permitted only when in compliance with this Part and Pennsylvania Department of Environmental Protection permit requirements.
2. No part of any private on-lot sewage disposal system shall be constructed within any SFHA.
3. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
4. The municipality will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.
5. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
6. The following shall not be placed or caused to be placed in any of the designated SFHA: Fences, except two (2) wire fences, other structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
7. Recreational vehicles to be placed within any SFHA shall be on the site for fewer than one-hundred eighty (180) consecutive days and fully licensed and ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent foundation or attached additions.
8. Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill shall ONLY be used in the SFHA to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the base flood elevation provided the following conditions are met:
  - A. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a nonresidential structure.

- B. Fill shall consist of soil or small rock materials/only. Sanitary landfills shall not be permitted.
  - C. Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
  - D. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Floodplain Administrator.
  - E. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
  - F. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Floodplain Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.
9. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.
10. The placement of any manufactured home in the SFHA is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units and any substantial improvements thereto shall comply with Section 510.C of this Part and be placed on a permanent foundation; elevated so that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation; anchored to resist flotation, collapse, or lateral movement; and comply with the Uniform Construction Code (UCC).

**510.E FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING VARIANCES**

In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Part, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other State or Federal ordinances and shall apply all of the following factors:

- 1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
- 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- 4. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.



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5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.
10. The safety of access to the property in times of flood by ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
12. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 510.B.7 of this Part.
13. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historic structures as defined herein.
14. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any State or Federal permitting requirements.
15. Variances shall not be granted which result in any increase in the base flood elevation.
16. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
17. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
18. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:
  - A. Increased insurance premium rates will result.
  - B. Construction occurring below the base flood elevation will increase risks to life and property.
19. Other factors which are relevant to the purpose of this Part.

### **510.F NONCONFORMITIES**

A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

1. Existing nonconforming structures or uses located in the SFHA—A Zones and floodway areas of the AE Zones:

## Section 510

- A. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate all applicable floodproofing measures as per Section 510.C of this Part and the Uniform Construction Code (UCC), provided that such measures and elevation techniques do not raise the level of the base flood.
  - B. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed twenty-five (25) percent of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the municipality, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of Section 510.C of this Part and the Uniform Construction Code. Plans for the above-mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.
2. Existing nonconforming structures or uses located in the AE Zones, outside the floodway areas, where base flood elevations have been determined:
  - A. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Part, Section 510.C of this Part, and the Uniform Construction Code (UCC), and any other applicable codes or ordinances.
  - B. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Part, and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of subsection. A (2).
3. If any nonconforming structure or use, including manufactured homes, located in the SFHA is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Part, Section 510.C of this Part, and the Uniform Construction Code (UCC), and any other applicable ordinance.

### **510.G LOT AREA, YARD, AND OTHER DISTRICT REQUIREMENTS**

The lot area, yard, and other district requirements of the land in question shall be the same as the district requirements of the zoning district in which the property is located.

### **510.H DESIGNATION AND DUTIES OF THE FLOODPLAIN ADMINISTRATOR**

The Zoning Officer, or other identified administrator, is hereby appointed to administer and enforce this Part and is referred to as the Floodplain Administrator.

1. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and

ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

3. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of the proper credentials, at any reasonable hour to enforce the provisions of this Part.
4. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the municipal governing body for whatever action it considers necessary.
5. The Floodplain Administrator shall maintain all, in perpetuity or for the lifetime of the structure, records associated with the requirements of this Part including, but not limited to, permitting, inspection, and enforcement.
6. The Floodplain Administrator or other authorized official shall consider the requirements of the 34 Pa. Code and the 2015 IBC and the 2015 IRC or latest revisions thereof.

#### **510.I PERMITS REQUIRED**

Permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood prone area of the municipality. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by the State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, §404, 33 U.S.C. 1344; and any other required local, State, or Federal permits including, but not limited to, the following permits when applicable; floodway, wetland, surface mining, earth disturbance, or the State Fire Marshall. No permit shall be issued until this determination has been made. The applicant shall submit to the Floodplain Administrator copies of all other required State and Federal permits. Copies of all required permits shall be maintained by the Floodplain Administrator as a part of the building permit file.

After the issuance of a permit or site plan approval by the Floodplain Administrator, no change of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator.

#### **510.J APPLICATION PROCEDURES AND REQUIREMENTS**

Applications for a building and zoning permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Floodplain Administrator and contain the following:

1. Building and Zoning Permit Application Form. On a form supplied by the Floodplain Administrator, the applicant shall provide information to describe the size, location, and nature of the proposed

- building, structure or use. The applicant shall sign the application form to verify the accuracy of their information.
2. Plot Plan. All applications for a building and zoning permit shall be accompanied by a plot plan in accordance with the following:
    - A. Name and address of the applicant.
    - B. Name and address of the owner of the land on which the proposed construction is to occur.
    - C. Name and address of contractor.
    - D. Site location address.
    - E. Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8½" x 11" plot plan is acceptable, provided it is suitable for photocopying.
    - F. The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings; size, location, and use of all proposed buildings, additions, or alterations; parking lots; parking spaces, driveways, signs, and other site improvements; and other information as may be necessary to determine conformance with this Part.
    - G. Brief description of proposed work and estimated cost, including a breakout of flood related cost and market value of the building before the flood damage occurred where appropriate.
  3. Application Fee. All applications for a building and zoning permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the municipality.
  4. Placards. In addition to the building and zoning permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building and zoning permit, the date of issuance, and signed by the Floodplain Administrator.
  5. Start of construction work on the proposed construction and/or development shall begin within one hundred eighty (180) days after the date of issuance and shall be completed within one (1) year after the date of issuance of the building and zoning permit or the building and zoning permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first,

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

6. Time extensions shall only be granted if the written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

**510.K ADDITIONAL ADMINISTRATIVE REQUIREMENTS**

1. To ensure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Floodplain Administrator shall require the following additional information to be included as part of an application for a permit:
  - A. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988, the elevation of the base flood, a plan, at a scale of one (1) inch being equal to one hundred (100) feet or less, showing a north arrow, scale, and date, the location of all existing and proposed buildings, structures, and other improvements, which accurately locates the proposed construction and/or development with respect to existing bodies of water or watercourses, identified floodplain area boundaries, stream channel, and if available, information pertaining to the floodway, and flow of water including direction and velocities, existing floodplain development and all proposed subdivision and land development to assure that:
    1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
    2. All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
    3. Adequate drainage is provided to reduce exposure to flood hazard.
    4. Structures will be anchored to prevent flotation, collapse, or lateral movement.
    5. Building materials are flood resistant.
    6. Appropriate practices that minimize flood damage have been used.
    7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
2. Review of Application by Others. The Floodplain Administrator may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g., County Conservation District, Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Floodplain Administrator

shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a building and zoning permit.

3. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Department of Community and Economic Development (DCED) and the biennial report to FEMA.

#### **510.L ENFORCEMENT**

1. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
  - A. Be in writing.
  - B. State the name of the owner of record and any other person against whom the municipality intends to take action.
  - C. State the location of the property in violation.
  - D. State the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
  - F. State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days.
  - G. State that the recipient of the notice has the right to appeal to the municipal Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Part.
  - H. State 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.
  - I. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
2. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township', pay judgment of not more than five hundred dollars (\$500.00) 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 payable until the date of

the determination of a violation by the district justice or the court. 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 this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and therefore each day that a violation continues shall constitute a separate violation.

3. The Township may file an action in equity in the Court of Common Pleas requesting the court to enter an order requiring the property to be brought into compliance, and in such proceedings, to order fines, penalties, attorney's fees and costs of the Township, or such other relief as the court deems proper, 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.
4. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
5. District justices shall have initial jurisdiction over proceedings brought under this Section.

#### **510.M CONFLICTING ORDINANCES**

Ordinances or parts of ordinances in conflict with this Part, or inconsistent with the provisions of this Part are hereby repealed to the extent necessary to give the SFHA—A and AE full force and effect. This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.

#### **510.N STATEMENT OF DISCLAIMER**

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Part shall not create liability on the part of this municipality or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision made thereunder.

### **SECTION 511 – PLACEHOLDER**

### **SECTION 512 – WETLAND**

#### **512.A. PURPOSE**

1. The requirements of this Section help to protect valuable wetlands that:
  - A. supply food and habitats for wildlife.

- B. recharge groundwater, particularly during periods of drought.
- C. offer breeding, spawning, feeding, and cover for fish and amphibians.
- D. provide important nesting, migrating and wintering areas for waterfowl.
- E. naturally store surface waters during floods and storms.
- F. purify ground and surface waters by filtering and assimilating pollutants.

**512.B. APPLICABILITY & USE**

Any property containing a wetland shall clearly depict such area upon the natural features site plan. Such area shall be permanently protected from filling, grading, clearing, water diversion and/or development.

**512.C. WETLAND DELINEATION**

1. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following referenced manuals:
  - A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.
  - B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified.
  - C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

**SECTION 513 – STEEP SLOPES**

**513.A. PURPOSE**

1. The requirements of this Section help to protect sensitive areas of steep slope that:
  - A. reduces rapid stormwater runoff.
  - B. minimizes harmful soil erosion.
  - C. prevents developments upon unstable soil conditions.
  - D. prevents the installation of hazardous roads, access drives and driveways.

**513.B. APPLICABILITY & USE**

Any property containing steep slopes (as defined herein), shall clearly depict such area upon the natural features site plan. Except as exempted by Sections 513.F, Section 513.G, and 513.H.1 and permitted by. of this Ordinance, such area shall be permanently protected from disturbance and/or development.



**513.C. STEEP SLOPE DELINEATION**

A topographic map of the site which depicts and distinguishes those areas that possess slopes exceeding fifteen (15) percent and twenty-five (25) percent, respectively shall be incorporated into the natural features site plan.

**513.D. REQUIRED INDIVIDUAL LOT GRADING PLANS AND PERMITS**

Unless subject to a subdivision or land development improvements agreement and except as noted in Section 513.F of this Ordinance, any action involving an “area of disturbance” (as defined herein) that involves the disturbance of at least five hundred (500) square feet of contiguous slopes shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process in accordance with Section 901 of this Ordinance. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan and as-built plan that was not depicted on a prior individual lot grading plan shall require submission of a revised individual lot grading plan and as-built plan and issuance of another zoning permit in accordance with the provisions set forth in this Section 901 of this Ordinance.

**513.E. SUBDIVISION AND/OR LAND DEVELOPMENT PLANS SUBMISSION**

As a requirement for preliminary subdivision and/or land development plan approval, the applicant shall demonstrate that the requirements of this Section 513 shall be achieved for each new lot and/or principal use proposed.

**513.F. ROAD IMPROVEMENT EXEMPTIONS**

The disturbance of steep slopes for widening, alignment improvement or sight distance improvements of an existing street for public safety reasons or that are required by, approved by or accomplished by the Township or PennDOT, are expressly exempted from the requirements of this Section.

**513.G. LIMITS ON AREA OF DISTURBANCE**

The total area of disturbance that is permitted upon steep slopes shall be limited on each individual lot as follows:

1. Thirty (30) percent of the aggregate areas of existing natural slopes of fifteen (15) percent to twenty-five (25) percent; and/or,
2. Fifteen (15) percent of the aggregate areas of existing natural slopes greater than twenty-five (25) percent.
3. The above limits listed in Sections 513.G.1 and 513.G.2 shall not apply to contiguous areas of steep slope disturbance involving less than five hundred (500) square feet.
4. The above provisions shall not apply to slope stabilization projects.

**513.H. EXISTING LOTS**

The following provisions shall apply to any lot that was lawful when created and which was in separate ownership duly recorded by plan or deed on the effective date of this Ordinance.

1. Improved Lots – For lots that contained a principal structure the limitations of Sections 513.G.1 and 513.G.2 shall not apply for any future area of disturbance.
2. Unimproved Lots - For lots without a principal structure, any future area of disturbance proposed shall demonstrate compliance with this Section 513.

## **SECTION 514 - FORESTRY USES**

### **514.A. FORESTRY PERMITTED IN ALL ZONES**

In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

### **514.B. TIMBER HARVESTING PLAN REQUIREMENTS**

1. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 901 of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
  - A. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration, including each species' respective forest regeneration schedule (i.e. in terms of years.) As soon as practical and consistent with sound forest management practices, after the conclusion of the timber harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the forest regeneration schedule of the timber harvesting plan.
  - B. Site Plan - Each timber harvesting plan shall include a scaled drawing containing the following information:
    1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
    2. Significant topographic features related to potential environmental problems and all of the natural features required within this Article 5 of this Ordinance;
    3. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
    4. Location of all crossings of waters of the Commonwealth; and,
    5. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.

- C. Forest Stewardship Plan – Upon application for a zoning permit to conduct timber harvesting, the applicant shall provide written notice that he or she has contacted the State Bureau of Forestry for information about the State Forest Stewardship Program. Such notice shall inform the Township of the applicant’s decision whether not they intend to participate in the program. Should the applicant decide to participate in the program, all applications for timber harvesting shall include written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
- D. Compliance with State Law - The application for timber harvesting shall include evidence that the timber harvesting plan addresses and complies with the requirements of all applicable State regulations, including, but not limited to, the following:
  - 1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
  - 2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
- E. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section 514.B.1, provided that all information required by these sections is included or attached.
- F. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half (4.5) feet above grade to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the approved timber harvesting plan.

**514.C. REQUIRED NOTIFICATIONS**

- 1. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
- 2. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.

**514.D. REQUIRED FOREST PRACTICES**

- 1. The following requirements shall apply to all timber harvesting operations:

- A. Timber harvesting shall be accomplished with those professionally accepted silviculture practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
- B. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All treetops and slash shall be lopped to a maximum height of four (4) feet above the ground.
- C. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- D. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- E. All cutting, removing, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.
- F. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- G. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
- H. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
- I. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
- J. Unless superseded by the erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the construction and use of roads and trails described in the approved timber harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber Harvesting Buffer Zone.

No Timber Harvesting Buffer Zones	
Use	Required Minimum Setback
Adjoining street	50 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet*
Designated trails	25 feet
Springs, vernal ponds, seeps, natural or artificial swale or drainage ditches	25 feet
*Timber harvesting uses are permitted provided that any existing riparian buffer is undisturbed to the extent possible and the activities are in accordance with a soil erosion and sedimentation pollution control plan approved by the Lebanon County Conservation District (LCCD).	

- K. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
- L. All limbs and stubs shall be removed from felled trees prior to skidding.
- M. All trees bent or held down by felled trees shall be released promptly.
- N. No trees shall be left lodged in the process of felling with as little damage as possible to the remaining trees.
- O. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of state Highways.
- P. The stumps of all felled trees shall be permitted to remain for soil stabilization provided that they extend no more than two (2) feet above grade.
- Q. During the periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of North Cornwall Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
- R. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.

#### **514.E. RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING**

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.

**514.F. TOWNSHIP'S RIGHT TO INSPECT**

1. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
2. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

**Article 6**  
**FUTURE PLACEHOLDER**

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## **Article 7**

### **NONCONFORMITIES**

#### **SECTION 700 - CONTINUATION**

Except as otherwise provided in this section, any use, building, or structure existing at the time of enactment of this Ordinance may be continued subject to the limitations described in this Article, although it is not in conformity with the regulations specified by this Ordinance.

#### **SECTION 701 - ABANDONMENT**

The storage of junk upon residential property, and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other non-conforming use may be re-established after it has been discontinued for twenty-four (24) consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

#### **SECTION 702 - EXTENSION OF A NONCONFORMING USE OF LAND**

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

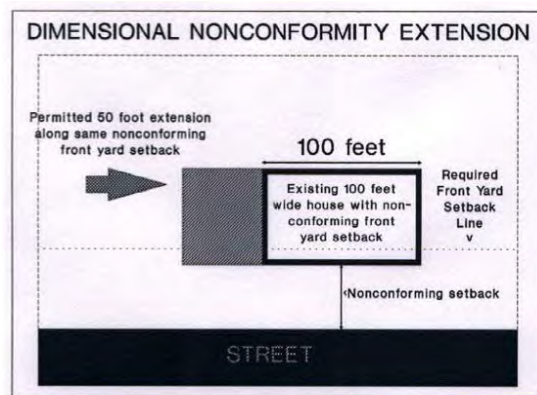
#### **SECTION 703 - EXPANSION OR ALTERATION**

**703.A.** Any nonconforming use may be expanded or altered through the approval of a special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C and specifically as follows:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. The total of all such expansions or alterations of use shall not exceed an additional fifty (50) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.

## Section 703

4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
  5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
  6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
  7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities, except as permitted by Section 703.C.
  8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Overlay Zone, except as permitted by Section 510.F.
  9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay Zone shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements described in Article 5 of this Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.
- 703.B.** Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 703.C of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.
- 703.C.** Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty (50) percent, or one hundred (100) feet, whichever is less, of the area of the building that follows the setback when it was originally made nonconforming; the diagram below illustrates this regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.



**703.D.** Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

#### **SECTION 704 - SUBSTITUTION OR REPLACEMENT**

**704.A.** A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, then the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

**704.B.** If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such non-conforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, then the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

#### **SECTION 705 - RESTORATION**

A non-conforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not increase any dimensional non-conformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and carried on without interruption.

#### **SECTION 706 - UNSAFE OR UNLAWFUL STRUCTURES**

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

#### **SECTION 707 - PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES**

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

**SECTION 708 - REMOVAL OF JUNK ON RESIDENTIAL PROPERTIES**

Any external storage of junk (as defined herein) upon a property used as a principal residence shall not be considered to be a nonconforming use and must be removed in accordance with the Township's Property Maintenance Ordinance.

**SECTION 709 - USE OF NONCONFORMING LOTS OF RECORD**

Subject to the provisions of the Municipalities Planning Code, in any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to Section 804.D of this Ordinance.

**SECTION 710 - USE VARIANCES ARE NOT NONCONFORMING USES**

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 804.D of this Ordinance.

## **Article 8**

### **ZONING HEARING BOARD**

#### **SECTION 800 - ESTABLISHMENT AND MEMBERSHIP**

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. 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. Members of the Zoning Hearing Board shall hold no other office in the Township. 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 (15) 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.

The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 801, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing 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 as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Section 802 unless designated as a voting alternate member pursuant to Section 801 of this Ordinance.

#### **SECTION 801 - ORGANIZATION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 803. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing 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. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. 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 upon request.

## **SECTION 802 - 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. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 801, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

## **SECTION 803 - PUBLIC HEARINGS**

- 803.A.** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- 803.B.** Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.
- 803.C.** 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 and members 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.
- 803.D.** The first hearing before the Zoning Hearing Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- 803.E.** 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 municipality, 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.

- 803.F** The parties to the hearing shall be the Township, 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 by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- 803.G.** 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.
- 803.H.** 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.
- 803.I.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 803.J.** 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing 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.
- 803.K.** The Zoning Hearing Board or the 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.
- 803.L.** The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of this Ordinance, rule or regulation 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 Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Municipalities Planning Code, Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 803.D of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in this Section of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction:

**803.M.** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing 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.

**803.N. TIME LIMITATIONS ON ZONING HEARING BOARD'S DECISION**

1. For uses that do not require subsequent subdivision and/or land development approval:
  - A. If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary zoning 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 is authorized, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period.
  - B. Should the appellant or applicant fail to obtain the necessary zoning permit within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.



- C. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Zoning Hearing 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 Zoning Hearing Board finds that no good cause appears for the failure to complete within such two (2) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- 2. For uses that require subsequent subdivision and/or land development approval:
    - A. If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period.
    - B. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all approvals granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
    - C. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon ten (10) days' notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
  - 3. As an alternative to the preceding requirements of Section 803.N.1 and 803.N.2, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 803.N.1 and 803.N.2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite

timeframe for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

#### **SECTION 804 - ZONING HEARING BOARD'S FUNCTIONS**

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

**804.A. SUBSTANTIVE CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE**, except those brought before the governing body pursuant to Section 904.E of this Ordinance.

1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - B. 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.
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
  - D. 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.
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
  - F. For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.
2. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46<sup>th</sup> day after the close of the last hearing.
3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
4. Public notice of the hearing shall be provided as specified in Section 904.B.2 of this Ordinance.

**804.B. CHALLENGES TO THE VALIDITY OF THE ZONING ORDINANCE**, raising procedural questions or alleged defects in the process of enactment or adoption.

**804.C. SPECIAL EXCEPTIONS**

The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance and in accordance with Article 4.

**804.D. VARIANCES**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following findings where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to 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 this Ordinance in the neighborhood or Zone in which the property is located.
2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
6. That variances within the Floodplain Zone shall require compliance with those regulations contained in Section 510 of this Ordinance.
7. The proposed shall comply with the requirements of Article 5 of this Ordinance as may be applicable.
8. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 9.
9. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.

10. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.N of this Ordinance.

**804.E. 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 enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.

**804.F. APPEALS FROM A DETERMINATION BY A MUNICIPAL ENGINEER OR THE ZONING OFFICER** with reference to the administration of any provisions contained within the Floodplain Zone.

**804.G. APPEALS FROM THE DETERMINATION OF ANY OFFICER OR AGENCY** charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

**804.H. APPEALS FROM THE ZONING OFFICER'S DETERMINATION** under Section 908 (and any subsequent amendments) of the Municipalities Planning Code.

**804.I. APPEALS FROM THE DETERMINATION OF THE ZONING OFFICER OR MUNICIPAL ENGINEER** in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in the Municipalities Planning Code, respectively.

#### **SECTION 805 - APPEALS TO THE ZONING HEARING BOARD**

**805.A.** Appeals under Sections 804.E, 804.F, 804.G, 804.H, and 804.I and proceedings to challenge this Ordinance under Sections 804.A and 804.B 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 804.D and for special exception under Section 804.C may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:

The name and address of the appellant and applicant.

1. The name and address of the landowner of the real estate to be affected.
2. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
3. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

**805.B.** All appeals and any amendments thereto addressed to the Zoning Hearing Board shall be filed with the Township on forms prescribed by the Township and executed by the applicant(s).

**805.C.** Every appeal form shall be completed in its entirety and shall include a reference to the specific section and, where applicable, the subsection at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief.

**805.D.** No appeal form or any amendment thereto shall be deemed filed unless and until the applicable fee is paid, the form is properly completed, and all necessary signatures are applied. Any failure to comply with the requirements of this subsection may lead to the rejection of the appeal or amendment as determined by the Township Zoning Officer.

**805.E.** By executing the appeal form and any amendment thereto, every applicant verifies that to the best of his or her knowledge, information and belief each fact alleged is true and correct, and that there exists a good faith basis for the requested relief.

#### **SECTION 806 - TIME LIMITATIONS**

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. 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 this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

#### **SECTION 807 - STAY OF PROCEEDING**

Upon filing of any proceeding referred to in Section 805 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. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

#### **SECTION 808 - APPEAL**

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code as amended.

#### **SECTION 809 - MEDIATION OPTION**

**809.A.** Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.

**809.B.** Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized by the Municipalities Planning Code, provided there is written consensus by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Municipalities Planning Code.

**809.C.** No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

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## Article 9

### ADMINISTRATION

#### SECTION 900 - ZONING OFFICER

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Township Manager, who shall be known as the Zoning Officer. He/she shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No zoning permit or Zoning Certificate of Use and Occupancy shall be granted by him/her for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

#### **900.A. DUTIES & RESPONSIBILITIES**

The duties and the responsibilities of the Zoning Officer shall be:

1. Process Applications - To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
2. Maintain Official Records - To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Zoning Permits and Certificates of Use and Occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
3. Inspections - Before issuing any Zoning Permit or Zoning Certificate of Use and Occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Zoning Certificate of Use and Occupancy. Thereafter, he/she may make such inspections during the completion of the work for which a Zoning Permit has been issued. Upon completion of such work and before issuing a Zoning Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties with invitation by the owner and/or occupant, with a proper search warrant or associated with an active zoning permit and/or zoning certificate of use and occupancy. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.



4. Inspect and/or Register Nonconformities - Upon request by a landowner and/or the direction of the Board of Supervisors, to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
5. Assist Local Officials - Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies' facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
6. Maintain Up-to-Date Ordinance - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
7. To act as the Township's Floodplain Administrator under the National Flood Insurance Program. Administration and enforcement of those provisions related to the Floodplain Overlay Zone contained within Article 5 of this Ordinance.
8. Floodplain Overlay Zone Variance Reporting - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Overlay Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
  - A. The granting of the variance may result in increased premium rates for flood insurance;
  - B. Such variances may increase the risks to life and property, pursuant to Article 5 of this Ordinance.
9. Floodplain Overlay Zone Report to DCED - Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Overlay Zone, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
10. Biannual Report to FIA - To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
11. Preliminary Opinion - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Municipalities Planning Code.
12. Investigate Complaints - When in receipt of a written non-anonymous complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. Said investigation shall be completed within thirty (30) days of said complaint. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer. If after the investigation the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.
13. Prosecute Violations - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Ordinance, and any

conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

**900.B. VIOLATIONS**

Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

**900.C. ENFORCEMENT NOTICE**

If it appears to the Township that a violation of this Zoning Ordinance, has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

1. 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.
2. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Township intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed. In the case of violations to the floodplain regulations of this Ordinance such date shall not exceed thirty (30) days from the date of issuance and such notice shall also include an outline of remedial actions which, if taken, will affect compliance with the provisions of this Ordinance.
  - E. 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 under Section 804.E of this Ordinance.
  - F. 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.

**900.D. ENFORCEMENT REMEDIES**

Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Municipalities Planning Code, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the

Township pay a judgment of not more than \$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 fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

#### **900.E. 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 enacted under the Municipalities Planning Code, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, 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 any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

### **SECTION 901 - ZONING PERMITS**

#### **901.A. GENERAL REQUIREMENTS FOR ZONING PERMITS:**

1. Actions Requiring Zoning Permits - A zoning permit shall be required prior to:
  - A. A change in use of land or structure.
  - B. The erection or construction of a structure (principal or accessory) or portion thereof, including, but not limited to, fences but excluding satellite dish antennas that are less than one (1) meter in diameter.
  - C. The improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses.
  - D. The alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading.
  - E. Paving, excavation, or drilling operations but not including the tilling of soil associated with agriculture.

- F. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.
- G. The conduct of any forestry use in accordance with Article 5 of this Ordinance.
- H. For uses other than a single-family dwelling or agricultural:
  - 1. The installation of a new outdoor lighting system.
  - 2. The alteration, rehabilitation, or renovation to an existing outdoor lighting installation, which is commenced after the effective date of this Ordinance, and involves the complete replacement of an existing lighting system with a new lighting system.
  - 3. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.
- 2. Permit Exemptions - No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
- 3. Form of Application - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
- 4. Permit Review Deadline - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
- 5. Permit Conformity - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
- 6. Permit Burden of Proof - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
- 7. Authorization to Apply - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
- 8. Permit Referral - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
- 9. Permit Revocation - The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application, or on the plans on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance.
- 10. Required Permit Fees - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution shall be paid to the Zoning Officer. The payment of

fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.

11. Issuance / Rejection of Permits - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application fails to comply with the provisions of this Ordinance and all pertinent local laws and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall reject such application in writing, stating the reasons therefore. Should the Zoning Officer deny the permit, he/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board under Section 804.E of this Ordinance. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance, and all local laws and ordinances applicable thereto and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the complete application.
12. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if this condition is not met.
13. Expiration of Permit - The permit shall expire after two (2) years from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional year upon the request by the applicant who can demonstrate good cause for the extension.
14. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board through the issuance of an approved variance under Section 804.D of this Ordinance.
15. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.
16. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Zoning Certificate of Use and Occupancy.

17. Availability of Zoning Permit - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.
18. Compliance with Applicable State and Federal Requirements - No Zoning Permit shall be issued unless evidence has been submitted that the applicant has complied with all applicable laws, rules, and regulations of the State and Federal governments. Issuance of a zoning permit by the Zoning Officer shall in no way be interpreted to suggest that the applicant has demonstrated compliance with all applicable laws, rules, and regulations of the State and Federal governments and/or the need to do so.
19. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time in times of local or national emergency and/or disaster 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 application, they will:
  - A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone.
  - 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 direct the Zoning Officer to issue a permit.

**901.B. APPLICATION FOR ALL ZONING PERMITS**

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:
  - A. The actual dimensions and shape of the lot to be built-upon.
  - B. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto.
  - C. The number of dwelling units or other units of occupancy (e.g. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided.
  - D. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies.
  - E. The height of all structures and buildings.
  - F. Distances of buildings and structures from lot lines and street right-of-way lines.
  - G. Off-street parking and loading areas and access thereto, including grades and proposed surfacing.
  - H. Outdoor areas devoted to storage of goods, materials and/or wastes.
  - I. Plans in accordance with the Township Stormwater Management Ordinance.

- J. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems, including any required permits.
  - K. Alteration or development of any improved or unimproved real estate.
  - L. Lot coverage.
  - M. Site lighting plans, including lighting of signs in accordance with the requirements of Section 308 of this Ordinance.
  - N. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses.
  - O. Recreation areas.
  - P. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers.
  - Q. Means of pedestrian access.
  - R. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans.
  - S. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors.
  - T. Proof of approval from the PA Department of Labor and Industry, when required by such agency.
  - U. Copies of any applicable subdivision/land development plan.
  - V. Workers Compensation Certificates.
  - W. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
2. If the proposed development, excavation or construction is located within the Floodplain Overlay Zone, the following information is specifically required to accompany all applications:
- A. The accurate location of the floodplain and floodway.
  - B. The elevation, in relation to the North American Vertical Datum of 1988 (NAVD), of the lowest floor, including basements.
  - C. The elevation, in relation to the NAVD, to which all structures and utilities will be floodproofed or elevated.
  - D. Verification of receipt of all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. Prior to the issuance of any zoning permit, the Zoning Officer shall review the

application to determine that all necessary government permits required by state and federal laws have been obtained. No permit shall be issued until this determination has been made.

- E. Information necessary to demonstrate compliance with Section 510.J of this Ordinance.
3. Applications involving any excavation or earthmoving involving earth disturbance on five thousand (5,000) square feet or more shall require submission of one or more of the following:
- A. Applications for permits for agricultural use involving earth disturbance on five thousand (5,000) square feet or more shall require submission of a letter from the Lebanon County Conservation District or the United States Department of Agriculture's Natural Resource and Conservation Service (NRCS) that the proposed use has an approved Conservation Plan. Applications for permits involving nonagricultural use where any of the following conditions apply shall require submission of a letter from the Lebanon County Conservation District that the proposed use has an approved Erosion and Sediment Pollution Control Plan:
    - 1. Earth disturbance will occur on one (1) acre or more.
    - 2. The site possesses slopes exceeding ten (10) percent.
    - 3. The site contains or abuts a body of water or watercourse.
    - 4. The site and proposed use or activity presents the potential for discharge into State designated "High Quality Waters," and/or State designated "Exceptional Value Waters," and/or "Exceptional Value Wetlands;"
  - B. Applications for permits that do not involve uses or activities subject to the above Sections 901.B.3.A and 901.B.3.B, shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented and maintained prior to any excavation or earthmoving on the site.
4. Applications involving forestry uses shall require the submission of information listed in Article 5 of this Ordinance.
5. Applications involving disturbance proposed on steep slopes, shall require the submission of an individual lot grading plan in accordance with Article 5 of this Ordinance.
6. When required, a natural features site plan and report in accordance with Article 5 of this Ordinance.

## **SECTION 902 - ZONING CERTIFICATE OF USE AND OCCUPANCY**

### **902.A. WHEN REQUIRED**

It shall be unlawful to use and/or occupy any structure, building, sign, or land or portion thereof for which a Zoning Permit is required until a Zoning Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he/she has inspected said structure, building, sign, or land and has determined that all provisions of the Zoning Ordinance and



other laws of the Township have been satisfied and that the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable.

**902.B. FORM OF APPLICATION**

The application for a Zoning Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe and shall be made at the same time as the application for a Zoning Permit is filed with the Zoning Officer.

**902.C. DESCRIPTION OF USE AND OCCUPANCY**

The application shall contain a description of the intended use and occupancy of any structure, building, sign, or land or portion thereof for which a Zoning Permit is required herein.

**902.D. ACTION UPON APPLICATION**

The Zoning Officer shall inspect any structure, building, sign or use of land within fifteen (15) days after notification that the proposed work that was listed under the Zoning Permit has been completed. If he/she is satisfied that:

1. The work is in conformity and compliance with the work listed in the issued Zoning Permit.
2. The work is in conformity and compliance with and all other pertinent local laws.
3. That the applicant has received a Certificate of Occupancy under the Township Building Code, if applicable; he/she shall issue a Zoning Certificate of Use and Occupancy for the intended use listed in the approved application. If the Zoning Officer finds that the work has not been performed in accordance with this Ordinance and/or the approved application, the Zoning Officer shall refuse to issue the Zoning Certificate of Use and Occupancy and shall give in writing the reasons for such refusal. The Zoning Officer shall inform the zoning permit holder of his/her right of appeal to the Zoning Hearing Board under Section 804.E of this Ordinance.
4. The fees collected for the review of a zoning permit include one inspection for Zoning Certificate of Use and Occupancy. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site prior to its final issuance of a Zoning Certificate of Use and Occupancy.

**902.E. AVAILABILITY OF CERTIFICATE**

The Zoning Officer shall maintain a Zoning Certificate of Use and Occupancy (or a true copy thereof) for all uses that shall be kept available for inspection at all times.

**902.F. TEMPORARY ZONING CERTIFICATE OF USE AND OCCUPANCY**

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance during times of local or national emergency and/or disaster. If such uses are of such a nature and are so located that, at the time of application, they will:

1. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone.
2. 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 direct the Zoning Officer to issue a Zoning Certificate of Use and Occupancy for a period not to exceed six (6) months. Such Zoning Certificate of Use and Occupancy may be extended not more than once for an additional period of six (6) months.

#### **902.G. PERFORMANCE STANDARDS**

For uses that involve activities that are subject to operations and performance standards listed in this Ordinance, no Zoning Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when, upon re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

#### **SECTION 903 - FEES**

**903.A.** The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Zoning Certificates of Use and Occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.

**903.B.** The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.

**903.C.** Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

#### **SECTION 904 - AMENDMENTS**

##### **904.A. POWER OF AMENDMENT**

The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider any zoning amendment other than curative amendments submitted under Section 904.F and 904.G of this Ordinance;

##### **904.B. HEARING AND ENACTMENT PROCEDURES FOR ZONING AMENDMENTS**

1. Public Hearing - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.

2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
  - A. Notice shall be 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 not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
    1. A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
    2. 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 Ordinances.
  - B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. The sign posting requirement shall not apply when the rezoning constitutes a comprehensive rezoning. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.
  - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
  - D. 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 governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without

charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 904.B.2.

4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment. A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the Official Comprehensive Plan of the Township.
5. Lebanon County Planning Department Referrals - All proposed amendments shall be submitted to the Lebanon County Planning Department at least forty-five (45) days prior to the public hearing on such amendments. The Department may submit recommendations to the Board of Supervisors; however, if the Lebanon County Planning Department fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
6. Adjournment of Public Hearing – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
7. Copies of Adopted Amendments - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Lebanon County Planning Department.
8. Authentication of the Official Zoning Map - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the Township.

**904.C. AMENDMENT INITIATED BY THE TOWNSHIP PLANNING COMMISSION**

When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission;

**904.D. AMENDMENT INITIATED BY THE BOARD OF SUPERVISORS**

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 904.B.

**904.E. AMENDMENT INITIATED BY A PETITION FROM AN INTERESTED PARTY**

A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

**904.F. CURATIVE AMENDMENT BY A LANDOWNER**

A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that his/her challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Municipalities Planning Code; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lebanon County Planning Commissions, as provided for in Section 904.B, and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider;
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
  - B. 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;
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features;
  - D. 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; and,
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
2. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.

3. If the governing body fails to act on the landowner's request within the time limits referred to in Section 904.F.2, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
  - A. The governing body fails to commence the hearing within sixty (60) days;
  - B. The governing body notifies the landowner that it will not adopt the curative amendment;
  - C. The governing body adopts another curative amendment which is unacceptable to the landowner; or
  - D. The governing body fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
6. Where, after the effective date of the Municipalities Planning Code, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to this Section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 804.A, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the Municipalities Planning Code shall apply.
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

**904.G. CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS**

1. The Board of Supervisors, by formal action, may declare this Ordinance, or portions thereof, 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:
  - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
    1. References to specific uses which are either not permitted or not permitted in sufficient quantity.
    2. References to a class of use or uses which require revision; or,
    3. References to the entire Ordinance which requires revisions.
  - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. 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, this Ordinance pursuant to the provisions required by Section 609 of the Municipalities Planning Code in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 804.A, subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

**SECTION 905 - CONDITIONAL USES**

**905.A. FILING OF CONDITIONAL USE**

Conditional Uses shall be filed as required in Article 4.

## **SECTION 906 - MEDIATION OPTION**

**906.A.** Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 9 once they have been formally initiated.

**906.B.** Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized by the Municipalities Planning Code, provided there is written consensus by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Municipalities Planning Code.

**906.C.** No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## **SECTION 907 - INFORMATION SUBMISSION REQUIREMENTS**

### **907.A. SUBMISSION CONSTITUTES PUBLIC RECORD (WAIVER OF COPYRIGHT)**

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township pursuant to this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.
2. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to Federal or State copyright laws, or Common Law copyright protection, the applicant and all of its agents, employees and consultants, by filing documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection as relates to review, analysis, criticism, or approval of the application by the



Township and all of its agents, servants, employees, officials, and consultants, and the public at large.

3. The applicant hereby agrees to indemnify and hold harmless the Township and all of its agents, servants, employees, officials, and consultants of any and all claims related to violations of the copyright.

**907.B. APPLICANT'S DUTY OF GOOD FAITH**

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Township and its staff and consultants.
2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the respective agency or agent of the Township, as the case may be, and to comply with all conditions of approval imposed by such agencies or agents.
3. The Township is not obligated to accept an applicant's offer of a time extension for application review or grant a continuance of any hearing, meeting or review.

**907.C. UNSWORN FALSIFICATION TO AUTHORITIES** - All statements, whether written or oral, to the Township in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

**SECTION 908 - APPEALS**

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of the Municipalities Planning Code, as amended.

**SECTION 909 - REPEALER**

**909.A.** Except as otherwise required by law, this Ordinance was prepared with careful consideration to the character of various areas within the Township, and with a view toward encouraging the most appropriate use of land throughout the Township. This Ordinance and Zoning Map is generally consistent with the Cornwall-Lebanon Regional Comprehensive Plan, and the North Cornwall Township Master Plan for Non-Motorized Trail Connections. It is the specific intent of the Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date this Ordinance and Zoning Map are enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**909.B.** In the event the Municipalities Planning Code is amended subsequent to the effective date of this Ordinance, any provision contained within this Ordinance that is inconsistent therewith is, at that time, expressly repealed and the amended language within the Municipalities Planning Code is expressly incorporated herein.

**SECTION 910 - SEVERABILITY**

If any sentence, clause, section, article or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, causes, sections articles or parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein.

**SECTION 911 - EFFECTIVE DATE**

This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 18<sup>TH</sup> day of July, 2023.

BOARD OF SUPERVISORS

NORTH CORNWALL TOWNSHIP

Attest:

**SECTION 912 - MUNICIPAL CERTIFICATION**

I, Thomas J. Long, Secretary of NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance #333 was advertised in the LEBANON DAILY NEWS, a daily newspaper of general circulation in North Cornwall Township, on June 30, 2022 and July 7, 2023, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on July 18, 2023.

(SEAL)

Secretary

Date: July 18, 2023



