

Key: P - Permitted Use
SE – Special Exception Use
CU - Conditional Use
X - not allowed

Upper Fairfield Township
Schedule of Uses

Uses	Zoning Districts			
	C 4	AR 5	SR 6	VC 7
<i>See Article:</i>				
final				
Accessory Uses/Structures (see §12.2 & 12.3)	P	P	P	P
Adult Entertainment Uses (see §13.2)	X	X	X	CU
Agricultural Business	P	P	X	X
Agricultural Operation (see §13.3)	CU	CU	X	X
Agriculture (see §13.3)	P	P	X	X
Animal Hospital (see §13.4)	X	P	X	P
Automotive Car Wash, Repair, Sales or Service Facility (see §13.5)	X	CU	X	P
Bed & Breakfast (see §13.6)	X	CU	CU	X
Child Care or Day Care (see §13.7)	X	X	X	CU
Clubs & Lodges	P	P	X	CU
Communications Antenna, Equipment Building (see §13.8)	P	P	X	X
Communications Tower (see §13.8)	CU	CU	X	X
Compressed Natural Gas Terminal (see §13.16)	CU	CU	CU	X
Correctional Facility (see §13.9)	X	X	X	CU
Cultivation of Crops & Home Gardening (no zoning permit req'd)	P	P	P	P
Essential Services (no zoning permit req'd)	P	P	P	P
Forestry Activities (no zoning permit req'd)	P	P	P	P
Group Home (see §13.10)	X	X	CU	CU
Home Occupation (see §12.3.7)	P	P	P	P
Institutional Residence (see §13.10)	X	X	CU	CU
Junkyard or Salvage Yard (see §13.11)	CU	CU	X	X
Kennel (see §13.4)	P	P	X	X
Manufacturing, Research and Testing Laboratories (see §13.12)	CU	CU	CU	CU
Medical Marijuana Grower/Processor (see §13.13)	P	P	X	X
Medical Offices, Clinic, Surgery Center	X	X	P	P
Metering Station (see §13.16)	P	P	P	P
Mobile Home Park (see §13.14)	X	X	X	CU
Multiple Family Dwelling (see §13.18)	X	X	X	CU
Multiple Family Dwelling Development (see §13.18)	X	X	X	CU
No Impact Home Based Business (see §13.15 - no zoning permit req'd)	P	P	P	P
Oil & Gas Development (see §13.16)	P	P	CU	X
Oil & Gas Staging Facility (see §13.16)	P	P	CU	X
Professional Office, Professional Office Group	X	X	X	P
Public Park	P	P	P	P
Public and Quasi –Public Use	P	P	P	P
Recreation, Indoor including Entertainment Facility, Museum	CU	CU	CU	CU
Recreation, Outdoor including Camp or Campground Use, Hunting Club	P	CU	X	X
Restaurant, Hotel or Motel, Convenience Market	X	X	X	CU
Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business, Shopping Center or Mini-Mall	X	X	X	CU
Sawmills (see §13.12.6)	CU	CU	X	X
Self Storage Facility (see §13.19)	X	X	X	CU
Solar Farm (see §13.21)	CU	CU	X	X
Single Family Dwelling, Seasonal Dwelling	P	P	P	P
Surface Mining (see §13.22)	CU	CU	X	X
Townhouses (see §13.18)	X	X	P	P
Trucking Terminal, Warehousing, Distribution Center (see §13.12)	CU	CU	CU	CU
Two-Family Dwelling	P	P	P	P
Waste Facility or Waste Transfer Facility (see §13.24)	CU	CU	X	X
Water Reuse Storage Facility (see §13.16)	P	P	P	X
Water Withdrawal Facility (see §13.16)	CU	X	X	X
Wind Energy Facility (see §13.25)	CU	CU	X	X

Zoning Districts:

C – Conservation
SR – Suburban Residential

AR – Agriculture Residential
VC – Village Center

Schedule of Uses

-iii-

UPPER FAIRFIELD TOWNSHIP ZONING ORDINANCE

Table of Contents

Schedule of Uses.....	iii
-----------------------	-----

Table of Contents.....	iv
------------------------	----

ARTICLE 1 - General Provisions

1.1	Authority	1-1
1.2	Short Title.....	1-1
1.3	Effective Date	1-1
1.4	Purpose	1-1
1.5	Community Development Objectives	1-2
1.6	Interpretation.....	1-2
1.7	Establishment of Controls	1-3

1.7.1 Minimum and Uniform Regulations

1.7.2 For New Uses and Structures

1.7.3 For Existing Uses and Structures

1.7.4 Types of Controls

1.8	Application of Regulations.....	1-3
1.9	Severability.....	1-4
1.10	Conflicts.....	1-4

1.10.1 Repeal

1.10.2 Relation To State Law

1.11	Disclaimer of Liability.....	1-4
1.12	Supersedes Upper Fairfield Township Zoning Ordinance.....	1-5
1.13	Effective Date	1-5

ARTICLE 2 - Definitions

2.1	Applicability and Interpretation	2-1
2.2	Definition of Terms.....	2-1

ARTICLE 3 – Establishment of Zoning Districts and Zoning Map

3.1	Names and Purposes Of Zoning Districts	3-1
3.2	Zoning District Maps	3-2
3.2.1	Adoption of Official Zoning Map	
3.2.2	Copies of Zoning Map	
3.2.3	Zoning District Boundary Lines	
3.2.4	Interpretation of Boundaries	

ARTICLE 4 – Conservation District

4.1	Purpose of the Conservation District.....	4-1
4.2	Use Regulations for the Conservation District	4-1
4.2.1	Permitted Uses	
4.2.2	Conditional Uses	
4.3	Height and Coverage Requirements	4-3
4.4	Minimum Areas and Dimensions	4-3
4.4.1	Minimum Lot Size	
4.4.2	Minimum Lot Width	
4.4.3	Minimum Yards	

ARTICLE 5 – Agricultural Residential District

5.1	Purpose of the Agricultural Residential District	5-1
5.2	Use Regulations for the Agricultural Residential District	5-1
5.2.1	Permitted Uses	
5.2.2	Conditional Uses	
5.3	Height and Coverage Requirements	5-3
5.4	Minimum Areas and Dimensions	5-3
5.4.1	Minimum Lot Size	
5.4.2	Minimum Lot Width	
5.4.3	Minimum Yards	

ARTICLE 6 – Suburban Residential District

6.1	Purpose of the Suburban Residential District	6-1
6.2	Use Regulations for the Suburban Residential District	6-1

6.2.1	Permitted Uses	
6.2.2	Conditional Uses	
6.3	Density, Height and Coverage Requirements	6-2
6.4	Minimum Areas and Dimensions	6-3
6.4.1	Minimum Lot Size	
6.4.2	Minimum Lot Width	
6.4.3	Minimum Yards	

ARTICLE 7 – Village Center District

7.1	Purpose of the Village Center District.....	7-1
7.2	Use Regulations for the Village Center District.....	7-1
7.2.1	Permitted Uses	
7.2.2	Conditional Uses	
7.3	Density, Height and Coverage Requirements	7-2
7.4	Minimum Areas and Dimensions	7-3
7.4.1	Minimum Lot Size	
7.4.2	Minimum Lot Width	
7.4.3	Minimum Yards	

ARTICLE 8- Reserved for Future Use

ARTICLE 9 - Reserved for Future Use

ARTICLE 10 - Reserved for Future Use

ARTICLE 12 - Supplemental Lot Criteria

12.1	Access To Structures	12-1
12.2	Accessory Uses and Structures – Zoning Permit Required.....	12-1
12.2.1	Fences or Walls	
12.2.2	Accessory Storage or Utility Buildings and Detached Garages	
12.2.3	Accessory Apartment	
12.2.4	Accessory Residential Ground Mounted Solar	
12.2.5	All Other Ground Mounted Solar	

12.3	Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained.....	12-9
12.3.4	Swimming Pools	
12.3.7	Home Occupations	
12.3.8	Vehicle Hobby Shops	
12.3.9	Hobby Farm	
12.4	Conversion or Replacement of Buildings or Mobile Homes	12-11
12.5	Design Standards for Driveways and Access Drives To Streets.....	12-12
12.6	Exceptions to Height Regulations	12-12
12.7	Intersection Visibility	12-13
12.8	Nonconforming Lots, Structures, Buildings, and Uses	12-14
12.8.1	Non-conforming Lots, Use, and Structures	
12.8.2	Abandonment	
12.8.3	Repairs and Reconstruction	
12.8.4	Extension or Enlargement	
12.8.5	Change of Use	
12.8.6	Registration of Non-conforming Uses, Structures and Lots	
12.9	Nuisance Standards	12-17
12.9.1	Requirements for All Uses	
12.9.3	Odor Protection Levels	
12.9.4	Noise Protection Levels	
12.9.5	Vibration Protection Levels	
12.10	Off-Street Parking and Loading	12-23
12.10.1	Development and Maintenance of Parking Facilities	
12.10.2	Number of Off-Street Parking Spaces Required	
12.10.3	Handicapped Parking	
12.10.4	Off-Street Loading	
12.11	Outdoor Lighting on Private Premises.....	12-28
12.12	Projections Into Required Yards	12-28
12.13	Public Utilities Exempt.....	12-28
12.14	Screening and Landscaping.....	12-29
12.14.1	Screening	
12.14.2	Substitution of a Landscaping Plan for Screening	
12.15	Buffer Yards	12-29

12.16	Small Wind Energy System	12-30
12.16.1	Definition	
12.16.2	Controls	
12.16.3	Discontinuance of Use	
12.17	Storage of Junk and Certain Vehicles	12-31
12.17.1	Storage of Junk as an Accessory Use In All Districts	
12.17.2	Junkyard/Salvage Yard	
12.18	Unique Lots and Building Locations	12-31
12.18.1	Two or More Buildings on a Lot – Land Development	
12.18.2	Side Yard of a Corner Lot	
12.19	Water Supply and Sewerage Facilities Required	12-32
 ARTICLE 13 – Conditional Use Criteria		
13.1	General Criteria.....	13-1
13.2	Adult Entertainment Uses	13-2
13.3	Agriculture & Agricultural Operations	13-2
13.3.1	Manure Storage Facilities	
13.3.2	Stormwater Requirements for New Agricultural Buildings	
13.3.3	Truck Access	
13.4	Animal Hospitals or Animal Kennel.....	13-3
13.5	Automotive Car Wash, Repair, Sales or Service Facility	13-4
13.6	Bed and Breakfast	13-5
13.6.1	Intent	
13.6.2	Standards	
13.7	Child Care or Day Care Centers	13-5
13.8	Communications Antennas, Communication Equipment Buildings and Communications Towers	13-6
13.9	Correctional Facility	13-9
13.10	Group Living Quarters	13-11
13.10.1	Group Home	
13.10.2	Institutional Residence including Nursing Home, Personal Care Facility, Assisted Living	

13.11	Junk Yard or Salvage Yard.....	13-12
13.12	Manufacturing, Research & Testing Laboratories, Trucking Terminal, Warehousing, Distribution Center, & Sawmill Uses.....	13-12
13.12.5	Design Standards	
13.12.6	Sawmills	
13.13	Medical Marijuana Grower/Processor	13-15
13.14	Mobile Home Park/Mobile Home Court Regulations.....	13-16
13.14.1	Procedure	
13.14.2	Minimum Park Area	
13.14.3	Lot Requirements	
13.14.4	Yard and Setback Requirements	
13.14.5	Park Street System	
13.15	No Impact Home Based Business	13-21
13.16	Oil and Gas Well Development and Related Facilities	13-22
13.16.1	Purpose	
13.16.2	Criteria for Specific Activities	
13.17	Outdoor Recreation Uses, Campgrounds and Recreation Vehicle Parks.....	13-27
13.18	Residential Uses	13-28
13.18.1	Conversion to Two-Family Dwelling	
13.18.2	Multiple-Family Dwellings	
13.18.3	Multiple-Family Dwelling Developments	
13.18.4	Townhouses	
13.19	Self-Storage Facility	13-30
13.20	Shopping Center/Mini-Mall	13-31
13.21	Solar Farm	13-32
13.21.1	Exceptions	
13.21.2	Principal Solar Energy System Design and Regulation	
13.21.3	Ground Mounted Principal Solar Energy Systems	
13.21.4	Roof and Wall Mounted Principal Solar Energy System	
13.22	Surface Mining.....	13-38
13.23	Uses Not Provided For	13-39
13.24	Waste Facilities	13-40
13.25	Wind Energy Facility	13-43
13.25.1	Purpose	
13.25.2	Applicability	
13.25.3	Permit Application	

13.25.4	Design and Installation
13.25.5	Setbacks
13.25.6	Alteration of Setbacks
13.25.7	Use of Public Roads
13.25.8	Local Emergency Services
13.25.9	Noise and Shadow Flicker
13.25.10	Waiver of Noise and Shadow Flicker Provisions
13.25.11	Signal Interference
13.25.12	Liability Insurance
13.25.13	Decommissioning
13.25.14	Public Inquiries and Complainants
13.25.15	Remedies

ARTICLE 14 — Signs

14.1	Sign Policies	14-1
14.2	Exempt Signs – No zoning Permit Required	14-1
14.3	Regulated Signs – Zoning (Sign) Permit Required	14-3
14.3.1	Maximum Sign Area for Regulated Signs	
14.3.2	Standards for Regulated Signs	
14.3.3	Sign Application and Permit	
14.3.4	Illumination of Signs	
14.4	Prohibited Signs.....	14-7
14.5	Maintenance	14-8
14.6	Table of Allowed Sign Uses By Zoning Districts	14-9

ARTICLE 15 – Reserved for Future Use

ARTICLE 16 - Reserved for Future Use

ARTICLE 17 - Zoning Hearing Board Proceedings

17.1	Organization and Procedure	17-1
17.1.1	Establishment	
17.1.2	Appointment and Membership	
17.1.3	Appointment to Fill Vacancies	
17.2	Powers and Duties	17 -1
17.2.1	To Hear and Decide Requests for Special Exceptions	
17.2.2	To Hear and Decide Appeals	

17.2.3	To Hear and Decide Challenges to the Validity of any Land Use Ordinance	
17.2.4	To Hear and Decide Requests for Variances	
17.3	Hearing Procedures.....	17-4
17.3.1	Parties Appellant Before the Board	
17.3.2	Time Limitations	
17.3.3	Application Required	
17.3.4	Procedure for Zoning Officer	
17.3.5	Hearing Required and Notice of Hearings	
17.3.6	Rules of Conduct	
17.3.7	Decisions	
17.3.8	Expiration of Appeal Decision	
17.3.9	Required Interval for Hearings on Applications and Appeals After Denial	
17.3.10	Failure to Hold Required Hearing or Render Decision	
17.3.11	Stay of Proceedings	
17.3.12	Appeals	

ARTICLE 18 - Amendments and Conditional Uses – Board of Supervisors

18.1	Amendments to Zoning Ordinance or Map.....	18-1
18.1.1	Review by Planning Agency	
18.1.2	Public Hearing	
18.1.3	Opportunity to be Heard	
18.1.4	Notice of Enactment	
18.1.5	Enactment of Amendment	
18.1.6	Land Owner Curative Amendment	
18.1.7	Municipal Curative Amendment	
18.2	Conditional Uses	18-2
18.2.1	Application Procedure	
18.2.2	Written Statement	
18.2.3	Site Plan	
18.2.4	Hearing Requirements	
18.2.5	Criteria for Review and Approval of Conditional Use	
18.2.6	Decisions	
18.2.7	Failure to Hold Required Hearing or Render Decision	
18.2.8	Expiration of Decision	
18.2.9	Appeals	

Article 19 - Administration and Enforcement – Zoning Officer

19.1	Generally: Appointment of Zoning Officer	19-1
19.2	Powers and Duties of the Zoning Officer	19-1
19.3	General Procedure: Zoning Permit Required	19-3
19.4	Zoning Permits and Certificates	19-3
19.4.1	Classes of Zoning Permits	
19.4.2	Requirements for Zoning Permits	
19.4.3	Application	
19.4.4	Plan Requirements	
19.4.5	Proof of Compliance	
19.4.6	Changes	
19.4.7	Permit and Permit Placard	
19.4.8	Expiration of Permit	
19.4.9	Inspections	
19.4.10	Revocation of Permit	
19.4.11	Temporary Use Permits	
19.4.12	Occupancy Permits	
19.5	Violations.....	19-7
19.6	Enforcement Notice	19-7
19.7	Cause of Action	19-8
19.8	Enforcement Remedies	19-8
19.9	Filing Fees.....	19-9

ARTICLE 1

General Provisions

1.1 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

1.2 Short Title

This Ordinance shall be known and may be cited as the Upper Fairfield Township Zoning Ordinance.

1.3 Effective Date

This Ordinance is effective immediately upon enactment.

1.4 Purpose

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Township, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

1.4.1 promote, protect and facilitate:

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

1.4.2 prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;

- 1.4.3 preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- 1.4.4 provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;
- 1.4.5 accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and
- 1.4.6 facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

1.5 Community Development Objectives

This Ordinance provides a legal basis and framework for future development in Upper Fairfield Township. The following list represents the community's future development objectives.

- 1.5.1 Maintain the peaceful, rural character and environmental quality of the Township.
- 1.5.2 Encourage the continuation of agricultural activities within the Township.
- 1.5.3 Encourage development to locate in the best-suited areas within the Township.
- 1.5.4 Maintain a variety of residential environments for Township residents.
- 1.5.5 Maintain an adequate, safe transportation network, including the avoidance of creating hazards or obstructions to air navigation.
- 1.5.6 Provide adequate, accessible public facilities, services, and utilities for all Township residents at a reasonable cost.
- 1.5.7 Promote commercial, institutional, and other non-residential uses only in areas designated for such uses.
- 1.5.8 Coordinate local and regional planning efforts and expenditures to encourage orderly growth in Lycoming County.

1.6 Interpretation

In the interpretation and the application of the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. Any reference to this ordinance, or any effective date of this ordinance shall, in all cases, refer to and include the most recent amendments to this ordinance.

1.7 Establishment of Controls

1.7.1 Minimum and Uniform Regulations

The regulations set by this Ordinance within each district are the minimum regulations and apply uniformly to each class or kind of structure or land.

1.7.2 For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.7.3 For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Section 12.8.

1.7.4 Types of Controls

The following minimum and uniform regulations apply in the respective districts:

- Use regulations, including Permitted, Special Exception, and Conditional Uses;
- Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections into Yards; Screening and Landscaping; Signs; and other unique conditions; and
- Criteria for the evaluation of Special Exception and Conditional Uses.

1.8 Application of Regulations

Except as provided for elsewhere within the Ordinance:

- ### **1.8.1**
- No building, structure, or land shall be used or occupied and no building or structure shall hereafter be located, converted or structurally altered except in conformity with all regulations herein specified for the district in which it is located;

- 1.8.2** No part of a yard, or other space, or off-street parking or loading space required with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building;
- 1.8.3** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance;
- 1.8.4** When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See Sections 13.23 and 18.2 for further information regarding this procedure.
- 1.8.5** In cases of “Mixed Occupancy” the regulations for each use applies to the portion of the building or land so used.

1.9 Severability

The provisions of this Ordinance are severable, and if any of these provisions are held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

1.10 Conflicts

1.10.1 Repeal

All ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.10.2 Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws control where their requirements are in excess of this Ordinance. The Ordinance controls in all cases where the State requirements are less than herein contained.

1.11 Disclaimer of Liability

- 1.11.1** This Ordinance shall not create liability on the part of the Township of Upper Fairfield or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1.11.2 Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, can not be guaranteed by the Municipality. The conditions and terms of access where available are set by the receiving authority or utility company.

1.12 Supersedes Upper Fairfield Township Zoning Ordinance

This Ordinance serves to supersede the Upper Fairfield Township Zoning Ordinance adopted May 4, 1999, as amended March 2, 2004 (effective date of March 7, 2004), under the terms of Section 602 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, enacted and amended December 21, 1988, P.L. 1329, No.170.

This provision is not to conflict with Section 1.10.1 and the repeal of inconsistent prior Ordinance and amendments. This amendment shall be effective immediately upon adoption.

1.13 Effective Date

This Ordinance, as amended, shall be effective on July 10, 2024.

Adopted this 10th day of July, 2024.

ATTEST:

Board of Supervisors

Donald L. Lynch

Secretary

Joseph A. Minnella

Todd M. Weltmer

ARTICLE 2

Definitions

2.1 Applicability and Interpretation

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used”; and the word “shall” is intended to be mandatory; the word “abut” shall include the words “directly across from”.

2.2 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abutting: Having a common border with, or being separated from such common border by, an alley or easement.

Access: A means of vehicular approach or entry to or exit from property.

Accessory Apartment: A single apartment unit built within the exterior walls of a single family detached dwelling existing prior to adoption of this Ordinance. See Section 12.2.3.

Accessory Use or Structure: A use or structure subordinate to, and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building. See Sections 12.2 and 12.3.

Accessory Solar Energy System: An area of land or other area for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is primarily intended to reduce on-site consumption of utility power or fuels.

Adult Day Care Center: A facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified

daytime hours. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their homes each evening. The program is often used as respite by family members caring for an older person who cannot be left alone safely in the home.

Adult Entertainment: Adult book stores, topless or bottomless bars, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

Agricultural Business: A business which offers at least twenty-five percent (25%) of its services to the agricultural sector including the processing and sale of agricultural products/supplies or the sale and/or repair of agricultural equipment.

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 implement changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agriculture: 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. For the purpose of this Ordinance, the word Agriculture shall not include Concentrated Animal Operations (CAO), Concentrated Animal Feeding Operations (CAFO), “Kennels” nor “Agricultural Business”.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alteration, Structural: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Township Board of Supervisors.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the care and treatment of animals where the indoor boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel: A facility involved in the boarding, breeding, grooming, sale or training of four or more dogs over six months of age and for which a fee is charged.

Appeal: A means for obtaining review of, a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Articles 17 and 18.

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

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

Automotive Repair Facility: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

Automotive Sales Facility: Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work.

Automotive Service Station: A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

Basement: A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Billboard: See **Sign, Off Premises Advertising.**

Blade Length: The length measured from the tip of any blade to the hub of the nacelle structure that houses all the generating components to which blades are attached).

Board: The Board of Supervisors for Upper Fairfield Township, Lycoming County, Pennsylvania.

Boarding House: Any dwelling in which no more than four (4) persons are housed or lodged for hire with or without meals. A lodging house or a furnished-room house shall be deemed a boarding house. This use shall not include Family Based Group Home and Group Care Facility.

Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers used for human occupation.

Building Area: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Building Coverage: The portion of a lot, expressed as a percentage that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade along the wall of the building (or adjacent to the side of a non-building use), to the highest point of the roof or parapet for flat roofs, and to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

Building – Principal: A building(s) housing the main or principal use of the lot on which the building is situated.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, recreational vehicles, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an Outdoor Recreation Area.

Carport: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Central Water or Sewer: A water or sewer distribution system, which serves facilities on a community, area wide or regional basis. The facility company must be approved by and (or) licensed by the appropriate State or Federal agencies.

Certificate of Occupancy: A statement signed by the Zoning Officer setting forth that a building complies with the provisions of the Ordinance, or that a building, structure, or a parcel of land is lawfully employed for a specified use and suitable for occupancy for purposes consistent with this Ordinance.

Child Care Center: A facility of seven (7) or more children not related to the operator, not in a residence, license and inspection required by the PA Dept. of Human Services.

Child Care or Day Care: A Family Child Care Home, a Group Child Care Home or a Child Care Center as defined by the PA Dept. of Human Services.

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

Club: The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Commission: The Planning Commission of Upper Fairfield Township, Lycoming County, Pennsylvania.

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

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include utility pole mounted DAS antenna and equipment nor private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

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

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

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning

Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Compressed Natural Gas Terminal: Facilities, buildings and/or structures constructed and operated to gather and compress natural gas for the distribution and vehicular delivery of compressed natural gas.

Concentrated Animal Feeding Operations: An Agricultural Operation with more than 1,000 animal equivalent units (AEUs), or operations with 301 to 1,000 AEU's, which have the potential to discharge to surface waters of the Commonwealth. An AEU is defined as 1,000 lbs. of live animal weight.

Concentrated Animal Operations: An Agricultural Operation where the animal density exceeds two animal equivalent units (AEUs) per acre on an annualized basis. An AEU is defined as 1,000 lbs. of live animal weight.

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.

Contractor: A person or entity that agrees and becomes obligated to furnish materials or professional services for a price.

Contractor's Yard: Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business. A single vehicle and trailer stored at a residence shall not be considered a contractor's yard.

Convenience Market: A small retail store, which may be franchised, offering a limited selection of food and household products and staying open for longer hours at a

convenient location. This use may also include the sale of motor vehicle fuels but does not offer motor vehicle repairs.

Correctional Facility: An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, honor camps, houses of correction, jails, prisons, prison farms, juvenile detention centers, penitentiaries, reformatories, training schools for delinquent offenders and other adjudicated individuals, and halfway homes for delinquents, offenders, and other adjudicated individuals.

County Comprehensive Plan: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

Cultivation of Crops: The use of land for the raising of crops and excluding the keeping of animals.

DAS: Distributed Antenna System, a wireless communication technology utilizing utility pole mounted antenna and equipment to communicate with Communications Towers.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

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

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

Density, Gross Residential: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

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

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body.
- (2) the zoning hearing board.
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or Cluster Subdivision provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

Development: 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 (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

Development of regional significance and impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

District or Zone: A portion of the area of Upper Fairfield Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Drilling: The digging or boring of a well, either vertically or horizontally, for the purpose of exploring for, developing or producing oil or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

Drilling Pad: The area or surface operation surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling site.

Drug and Alcohol Treatment Facility: The physical location in which ongoing, structured and systematic drug and alcohol services are provided, including residential or non-residential facilities.

Dwelling: “Dwelling” means any building or portion thereof which is designed or used for residential purposes. The term “dwelling” shall not be deemed to include motel, rooming house, tourist home, hotel, hospital, or nursing home.

Dwelling, Farm: A dwelling unit located on a farm and used for the residence of the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.

Dwelling, Manufactured (Mobile) Home: A single-family detached factory manufactured dwelling built on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Dwelling, Manufactured (Modular) Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation. The placement of such dwelling unit (s) on a site shall meet all the requirements herein addressed to a conventionally-built dwelling.

Dwelling, Multiple Family: “Multiple family dwelling” means a building designed for or containing more than two dwelling units, sharing access from a common hall, stair, or balcony.

Dwelling, Seasonal: A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.

Dwelling, Single-Family Detached: “Single-family detached dwelling” means a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Dwelling, Two-Family: “Two-family dwelling” means two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: “Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Essential Services: Municipal utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, pole mounted DAS antennae and equipment, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Facility Boundary: The property lines of the lot, parcel, tract or group of lots, parcels or tracts upon which any non-residential structure or use is proposed.

Facility Site: All contiguous land owned or under control of an owner or operator of a waste storage or processing facility.

Family: For purposes of this Ordinance, “family” and “single family” shall mean any of the following:

- (1) an individual residing alone in a dwelling; or
- (2) two or more persons related, by blood or marriage, or adoption (being hereinafter called “related persons”); or
- (3) no more than three unrelated persons.
- (4) In addition, up to six foster children residing with an individual or with two or more related persons shall be considered part of a “family” for purposes of this Ordinance.

Any other combination of persons shall not be a “family” or “single family” for purposes hereof.

Family Child Care Home: A facility of four (4), five (5), or six (6) children unrelated to the operator, in a residential setting that must be registered but does not require an inspection by the PA Dept. of Human Services.

Fill: Sand, gravel, earth or other material placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth of Pennsylvania.

Floodplain Management Ordinance: An ordinance adopted by Upper Fairfield Township to obtain participation in the National Flood Insurance Program (NFIP).

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

Fracking (or Hydraulic Fracturing): A drilling method used to extract petroleum (oil) or natural gas from deep in the planet. In the fracking process, cracks in and below Earth's surface are opened and widened by injecting water, chemicals, and sand at high pressure.

Garage, Private: Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

Garage, Public Parking: Structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

General consistency, generally consistent: That which exhibits consistency.

Governing Body: The Board of Township Supervisors, Township of Upper Fairfield, County of Lycoming, Commonwealth of Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Group Child Care Home: A facility of seven (7) to twelve (12) children not related to the operator, in a residential setting which is licensed and inspected by the PA Dept. of Human Services.

Group Home: A residence occupied by a group of persons unrelated by blood, marriage, adoption or guardianship that live together as a single housekeeping unit. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. This category does not include child care facilities, institutional residences or a correctional facility.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered habitable space.

Hazardous Waste: A waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

Historic Structure: Any structure that is:

(i) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) 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 of the Interior to qualify as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

Home Based Business, No Impact: 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. The business or commercial activity must satisfy the requirements of Section 13.15.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Occupation: Any lawful, service-oriented occupation, profession or second occupation customarily conducted entirely within a dwelling or on a farm and carried on by the inhabitants thereof, which is clearly incidental, secondary, and consistent with the use of the premises for dwelling or agricultural purposes and does not change the character thereof. Home occupation is deemed to include: Barber, Hairdresser, Tailor, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Teacher, Realtor, Insurance Agency, Minister, Municipal Officials, Family Day Care Home, Craft Shop, Repair Shop, and other uses of the same general character.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Planned Residential Development or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Hospital: an institution providing medical, surgical, or psychiatric testing and treatment for people who are ill, injured, pregnant, etc. on an inpatient, outpatient, or emergency basis.

Hotel or Motel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Hydraulic Fracturing: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

Institutional Residence: Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self care, and where medical care at less than hospitalization is an element. These uses include, but are not limited to, group foster homes; nursing homes, retirement homes, personal care or assisted living facilities; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for disturbed individuals; homes for the deaf and blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for more than 10 residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category. Such facilities may also require licensing by the Pennsylvania Department of Health or the Pennsylvania Department of Human Services or other State agencies.

Junk: Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, wood, industrial waste and other salvageable materials, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal. Materials at a properly maintained recycling drop off site or center may not be considered junk.

Junk Yard or Salvage Yard: Any place where any junk as hereinafter defined is stored or disposed of.

Kennel: see **Animal Kennel**.

Land Development:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or
 - (ii) the division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Except that the following shall be excluded from this definition:
 - (i) The conversion of an existing single-family detached dwelling or double dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (iii) 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 subclause, an amusement park is defined as a tract 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.

Land Owner Curative Amendment: A landowner challenge on substantive grounds to the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest. See Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended.

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.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways.

Lot, Corner: A lot abutting the intersection of two streets.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line-Front: The lot line separating the lot from the street right-of-way line.

Front Lot Line of a Corner Lot: In the case of a corner lot the front lot line shall be defined by the street address of the lot.

Lot Line-Rear: The lot line opposite and most distant from the front lot line.

Lot Line-Side: Any lot line other than a front or rear lot line.

Lot Width: The width of the lot between side lot lines at the front building lines as prescribed by the front yard regulations.

Manufactured Housing: see **Dwelling - Manufactured.**

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 Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

Medical Marijuana: Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Organization or Facility: A dispensary or a grower/processor of marijuana for medical purposes.

Medical Offices, Clinic, Surgery Center: A place where outpatients are studied or treated by generalist or specialist physicians and assisting staff practicing as a group, excluding a Drug and Alcohol Treatment Facility as defined by this Ordinance.

Metering Station: A permanent structure that is used as a midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mini-Mall: The multiple use of a single property for a planned group of non-residential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, taverns, and similar planned uses as determined by the Zoning Officer, where the uses are less than a cumulative total of 30,000 square feet of gross floor area and are owned and maintained by an individual, corporation, partnership

or organization. All mini- malls shall be planned and designed as an integrated unit or converted as such, with common off-street parking facilities and stormwater management facilities and other applicable regulations of this Ordinance, the Township or State.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile Home: See **Dwelling**.

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

Motel or Hotel: A building or group of buildings, containing rooms designed, arranged, and used for overnight lodging of travelers and the business conduct of which is licensed under applicable laws.

Multi-municipal plan: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Multiple Family Dwelling Development: A new multi-family dwelling construction project requiring compliance with the Township Subdivision and Land Development Code in addition to requirements of this Ordinance.

Municipal Curative Amendment: An amendment procedure that can be utilized if a municipality determines that its zoning ordinance or any portion thereof is substantially invalid.- See Section 609.2 of the Municipalities Planning Code.

Municipal engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality: Shall mean the municipal corporation known as the Township of Upper Fairfield, Lycoming County, Pennsylvania.

Municipal Waste Landfill: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

NPDES Permit (National Pollution Discharge Elimination System Permit): A federal permit program that addresses water pollution by regulating point sources that discharge

pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.

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.

No Impact Home Based Business: see **Home Based Business, No Impact.**

Non-conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, nonconforming signs.

Non-conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto 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.

Non-profit: Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

Nursing or Retirement Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long- term nursing care.

Nutrient Management Act: Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Oil and Gas Development: The well site preparation, construction, drilling, redrilling, hydraulic fracturing and/or site restoration associated with an oil or gas well of any depth, water or 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, 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 and Gas Staging Facility: A facility located on or used in conjunction with a permitted oil and gas drilling site located in the Township for the storage of equipment, pipes and vehicles used to support, during drilling and fracking operations, oil or gas development activities at that site.

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 other liquid related to oil and gas production, storage, including brine disposal.

Oil or petroleum: Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PS IA.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

Parking Area – Private: An open area for the same use as “private garage”.

Parking Area – Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Patio: A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use, which does not require special action by the Zoning Hearing Board or by the Board of Supervisors before the Zoning Officer grants a zoning permit.

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.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Planning Commission: The Planning Commission of Upper Fairfield Township, Lycoming County, Pennsylvania.

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

Principal Solar Energy System: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off- site use. Principal solar

energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. Referred to as “PSES.”

Principal Structure: See **Building – Principal**.

Principal Use: The main use on a lot.

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Professional Office: The office of a single member of a recognized profession. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

Professional Office Group: The offices of more than one professional including assisting staff.

Public: Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

Public grounds: Includes:

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

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

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 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public or Quasi – Public Uses: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Post Offices, Churches, Cemeteries, Schools, Community Centers, Firehalls, Municipal building and other uses of the same general character.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Recreation Facility: A place designed and equipped for the conduct of sports, fitness, leisure – time activities and enjoyment of the outdoors.

Recreation Facility, Outdoor: A profit or non-profit business or public facility in which amusement, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Outdoor recreation shall include but not be limited to campgrounds, RV parks, golf courses, country clubs, gamelands, commercial riding stable, nature preserves, parks and recreation areas and resorts.

Recreation Facility, Indoor: A profit or non-profit business or public facility in which amusement, education, play or other exercise is offered or sold. This use shall include the sale of products related to recreation. Indoor recreation shall include but not be limited to movie theatres, indoor skating rinks, indoor sports facilities, gymnasiums, indoor shooting ranges and museums.

Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation use.

Rehabilitation Center: an institution providing medical treatment and physical or psychological therapy to bring or restore people to a normal or optimal state of health, constructive activity, etc. on an inpatient, outpatient or emergency basis.

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Resort: A building or group of buildings located on a lot, arranged and used for lodging of members and guests, including facilities for service of food to lodgers and/or non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.

Retail Business: A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Riding Stable, Commercial: A building in which horses are kept for hire, remuneration or sale.

Riding Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Right-Of-Way: That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

Roadside Stand: A temporary booth, stand or shelter located along a roadway, but off the right-of-way, from which farm, nursery or greenhouse products are offered for sale to the general public.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Self-Storage Facility: A warehouse facility where separate storage spaces, of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or non-commercial sales conducted from such storage areas.

Shopping Center: A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one or two-story buildings.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person,

institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Off Premises Advertising: A sign with a fixed message or an electronic graphic display which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Sign, Gross Surface Area: The entire area within a single continuous perimeter inclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Portable: Any sign or structure, which is not securely attached to the ground or any other structure.

Small Wind Energy System: A single tower, or multiple towers, situated on a lot to provide energy from a wind source to an individual home, multi-family residential use, office or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Farm: See Principal Solar Energy System.

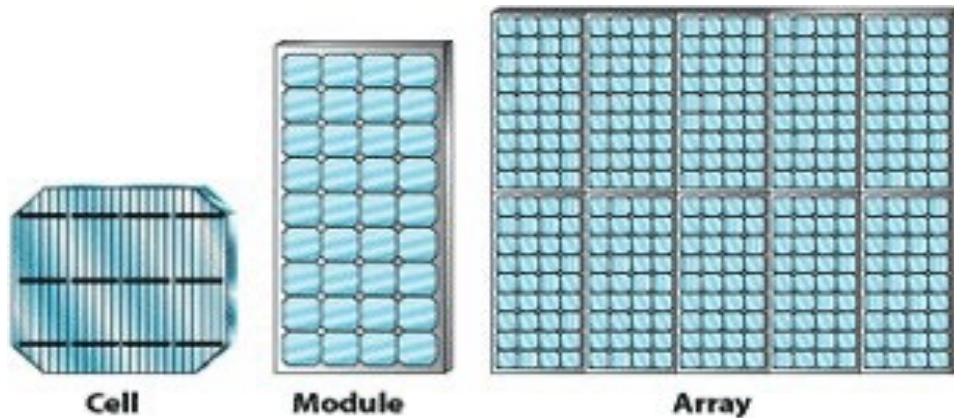
Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device that generates electricity when exposed to light.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.



Solid Waste Transfer Facility: A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

Special Exception Use: A use which, by its unique characteristics, requires individual consideration by the Zoning Hearing Board before a zoning permit, may be decided upon.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, First: The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

Story, Half: A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Comprehensive Plan for the Township.

Minor Street: A street designed to afford primary access to abutting property.

Street Right-of-Way Line: The closest edge of the right-of-way as required by the municipal subdivision ordinance. (See also Lot Line-Front).

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Structure: Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two 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 development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. (See also **Land Development**.)

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or bands by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non – commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DEP requirements.

Swimming Pool: Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools; hot tubs, spas and fixed in place wading pools.

Temporary Use: The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

Tent: A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

Townhouse: A “single-family attached dwelling” of three or more adjoining dwelling units, each of which is separated from the other by one *or* more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Township: The Township of Upper Fairfield, Lycoming County, Pennsylvania

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Trailer Storage: Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

Travel Trailer: See **Recreational Vehicle**.

Turbine Height, tower height: The distance measured from the surface grade of the tower foundation to highest point in vertical position of the turbine rotor blade.

Uniform Construction Code (UCC): The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted 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.

Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Vehicle Hobby Shops: An Accessory Use which is housed in the Home Owner's household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles or antique farm tractors or machinery, and not for money, payment, employment or compensation from others.

Village: An unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

Water Reuse Storage Facility: The use of tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments located on or used in conjunction with an oil and gas drilling site under development in the Township for the storage of water that has been used and is being reused.

Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another location.

Waste: A material whose original purpose has been completed and which is directed to a disposal, processing or beneficial use facility or as otherwise disposed of, processed or beneficially used. The term does not include source separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection (DEP) for beneficial use.

Waste Facility: A municipal or municipal authority owned and operated facility where the land, structures and other appurtenances or improvements are utilized for the disposal or processing of municipal, residual or hazardous waste.

Waste Processing: any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste(s).

Waste Transfer Facility: A municipal or municipal authority owned and operated facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer to a waste facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

Waste Treatment: A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous substance or to render the hazardous substance nonhazardous, safer for transport, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or

chemical composition of a hazardous substance so as to render it neutral or nonhazardous.

Wind Energy Facility: An electric generating complex of wind towers, whose main purpose is to supply electricity to the power grid, consisting of one (1) or more wind towers as the primary use and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities

Wind Tower, or Tower: The total structure for converting wind sources into electricity through a system using a wind generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

Yard: An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right – of – way line or front lot line, unoccupied and unobstructed from the ground upward.

Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the nearest lot line, unoccupied and unobstructed from the ground upward.

Yard, Minimum: The minimum area or open space required by this Ordinance to be provided between and front, side or rear lot line and a principal or accessory building (s) or structure(s) on the lot.

Yard Sale or Garage Sale: The sale by a resident conducted on the premises of tangible personal property, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.

Zoning: The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for Upper Fairfield Township, Lycoming County, Pennsylvania.

Zoning Map: The officially adopted Zoning Map of Upper Fairfield Township, Lycoming County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Ordinance: The Zoning Ordinance of Upper Fairfield Township, Lycoming County, Pennsylvania, as amended.

Zoning Permit: See Permit.

ARTICLE 3

Establishment of Zoning Districts and Zoning Map

3.1 Names and Purposes of Zoning Districts

Upper Fairfield Township is hereby divided into the following districts:

(C) Conservation District

It is the intent of this district to encourage the conservation of land where the economics of building and supplying public facilities and services is not in the best interest of the public, such as steep slopes, floodplains, wetlands, or other environmentally sensitive areas. The value of conserving land as a natural resource is recognized, as well as the problems which can be created by over utilization or development of such areas. Problems arise involving soil erosion, stream and drainageway sedimentation, water supply contamination and loss of aesthetic values. The regulations governing this district therefore encourage uses which will enhance these environmental protection objectives.

(AR) Agriculture Residential District

This district is established to preserve and protect the semi-rural agricultural characteristics of the Township and to recognize land cultivation and agricultural production as an important economic activity. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose. All types of agricultural uses, including agribusinesses, are permitted as well as some residential activities. Non-compatible uses are discouraged.

(SR) Suburban Residential District

It is the intent of this district to provide an area within the Township where low and moderate density development can be situated and a suitable and safe family environment can be promoted. Areas set aside for this zone include sections of the municipality where this type of development already exists and areas where further development of this nature could be located without creating conflicts with other non-compatible land uses. Lot sizes are based upon the need to safeguard the health of the residents and therefore require sufficient space to be provided for the placement of on-site sewage and water facilities.

Provisions have also been included to allow smaller minimum lot sizes and higher densities where community or package sewage treatment facilities and/or community water supplies become available. Commercial activities or other uses which would substantially interfere with this purpose are discouraged.

(VC) Village Center District

The purpose of this district is to set aside an area of the Township which can support the logical growth and maintenance of single-family home sites, commercial uses serving the local area, and appropriate public and semi- public activities, such as churches, government buildings and recreational facilities. The regulations developed for this zone are intended to protect the health and safety of the citizens of the area, while encouraging a variety of different types of land uses to coexist in a village-like setting. Higher density residential uses may also be allowed where community or package sewage treatment can be provided.

3.2 Zoning District Maps

3.2.1 Adoption of Official Zoning Map

The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map for the Township, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept at the Township office. If, and whenever, changes are made in boundaries or other matter included on an Official Zoning Map, such changes in the map shall be made after the amendment has been approved by the Upper Fairfield Township Supervisors.

3.2.2 Copies of Zoning Map

Regardless of the existence of copies of the Zoning Maps which may from time to time be made, an Official Zoning Map shall be that map which is on file at the Township office. An Official Zoning Map shall govern in all cases where conflicting map information is identified.

3.2.3 Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on an Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of roadways and streams, the corporate boundary of the Township or as identified on the Map.

3.2.4 Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the official Zoning Map, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Board of Supervisors. The Board of Supervisors may request a recommendation from the Planning Commission prior to making such decision.

ARTICLE 4

Conservation District

4.1 Purpose of the Conservation District

It is the intent of this district to encourage the conservation of land where the economics of building and supplying public facilities and services is not in the best interest of the public, such as steep slopes, floodplains, wetlands, or other environmentally sensitive areas. The value of conserving land as a natural resource is recognized, as well as the problems which can be created by over utilization or development of such areas. Problems arise involving soil erosion, stream and drainageway sedimentation, water supply contamination and loss of aesthetic values. The regulations governing this district therefore encourage uses which will enhance these environmental protection objectives.

4.2 Use Regulations for the Conservation District

4.2.1 Permitted Uses

- 4.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 12);
- 4.2.1.2** Agricultural Business;
- 4.2.1.3** Agriculture (see Section 13.3);
- 4.2.1.4** Clubs and Lodges;
- 4.2.1.5** Communications Antenna, Equipment Building (see Section 13.8);
- 4.2.1.6** Cultivation of Crops & Home Gardening (no zoning permit required);
- 4.2.1.7** Essential Services (no zoning permit required);
- 4.2.1.8** Forestry Activities (no permit required);
- 4.2.1.9** Home Occupation (see Section 12.3.7);
- 4.2.1.10** Kennel (see Section 13.4);
- 4.2.1.11** Medical Marijuana Grower/Processor (see Section 13.13);

- 4.2.1.12 Metering Station (see Section 13.16);
- 4.2.1.13 No Impact Home Based Business (see Section 13.15);
- 4.2.1.14 Oil & Gas Development (see Section 13.16);
- 4.2.1.15 Oil & Gas Staging Facility (see Section 13.16);
- 4.2.1.16 Public Park;
- 4.2.1.17 Public and Quasi –Public Use;
- 4.2.1.18 Recreation, Outdoor including Camp or Campground Use, Hunting Club; or
- 4.2.1.19 Single-Family Dwelling, Seasonal Dwelling;
- 4.2.1.20 Two-Family Dwelling; or
- 4.2.1.21 Water Reuse Storage Facility (see Section 13.16).

4.2.2 Conditional Uses (see Criteria in Article 13)

- 4.2.2.1 Agricultural Operation;
- 4.2.2.2 Communications Tower;
- 4.2.2.3 Compressed Natural Gas Terminal;
- 4.2.2.4 Junkyard or Salvage Yard;
- 4.2.2.5 Manufacturing, Research and Testing Laboratories;
- 4.2.2.6 Recreation, Indoor including Entertainment Facility, Museum;
- 4.2.2.7 Sawmills;
- 4.2.2.8 Solar Farm;
- 4.2.2.9 Surface Mining;
- 4.2.2.10 Trucking Terminal, Warehousing, Distribution Center;
- 4.2.2.11 Waste Facility or Waste Transfer Facility;

4.2.2.12 Water Withdrawal Facility; or

4.2.2.13 Wind Energy Facility.

4.3 Height and Coverage Requirements

4.3.1 Maximum Building Height: 45 ft. (note: See Section 12.6 for exempt structures)

4.3.2 Maximum Building Coverage: 5%

4.3.3 Maximum Impervious Coverage: 10%

4.4 Minimum Areas and Dimensions

4.4.1 Minimum Lot Size:

Single Family Dwellings and All Other Permitted Uses except as provided for below	5 acres
Outdoor Recreation including Camp or Campground Uses	10 acres
All Conditional Uses except as provided for below	10 acres
Agricultural Operation	25 acres
Sewage Facilities	All lots must meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations including the Upper Fairfield Township Sewage Facilities Plan

4.4.2 Minimum Lot Width:

All Uses	300 ft.

4.4.3 Minimum Yards:

Front (abutting PA Routes 87 & 864)	75 ft. from road centerline
Front (all other roads)	50 feet from road centerline or 25 ft. from road right-of-way whichever is greater

Side – Principal Structure	50 feet each side
Side – Accessory Structure	25 feet each side
Rear - Principal Structure	50 ft.
Rear - Accessory Structure	25 ft.

ARTICLE 5

Agricultural Residential District

5.1 Purpose of the Agricultural Residential District

This district is established to preserve and protect the semi-rural agricultural characteristics of the Township and to recognize land cultivation and agricultural production as an important economic activity. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose. All types of agricultural uses, including agribusinesses, are permitted as well as some residential activities. Non-compatible uses are discouraged.

5.2 Use Regulations for the Agricultural Residential District

5.2.1 Permitted Uses

- 5.2.1.1** Accessory Use or Structure (see supplemental regulations in Article 12);
- 5.2.1.2** Agricultural Business;
- 5.2.1.3** Agriculture (see Section 13.3);
- 5.2.1.4** Animal Hospital (see Section 13.4);
- 5.2.1.5** Clubs and Lodges;
- 5.2.1.6** Communications Antenna, Equipment Building (see Section 13.8);
- 5.2.1.7** Cultivation of Crops & Home Gardening (no zoning permit required);
- 5.2.1.8** Essential Services (no zoning permit required);
- 5.2.1.9** Forestry Activities (no permit required);
- 5.2.1.10** Home Occupation (see Section 12.3.7);
- 5.2.1.11** Kennel (see Section 13.4);
- 5.2.1.12** Medical Marijuana Grower/Processor (see Section 13.13);

- 5.2.1.13** Metering Station (see Section 13.16);
- 5.2.1.14** No Impact Home Based Business (see Section 13.15);
- 5.2.1.15** Oil & Gas Development (see Section 13.16):
- 5.2.1.16** Oil & Gas Staging Facility (see Section 13.16);
- 5.2.1.17** Public Park;
- 5.2.1.18** Public and Quasi –Public Use;
- 5.2.1.19** Single-Family Dwelling, Seasonal Dwelling;
- 5.2.1.20** Two-Family Dwelling; or
- 5.2.1.21** Water Reuse Storage Facility (see Section 13.16).
- 5.2.2 Conditional Uses (see Criteria in Article 13)**
 - 5.2.2.1** Agricultural Operation;
 - 5.2.2.2** Automotive Car Wash, Repair, Sales or Service Facility (see Section 13.5);
 - 5.2.2.3** Bed & Breakfast (see Section 13.6);
 - 5.2.2.4** Communications Tower;
 - 5.2.2.5** Compressed Natural Gas Terminal;
 - 5.2.2.6** Junkyard or Salvage Yard;
 - 5.2.2.7** Manufacturing, Research and Testing Laboratories;
 - 5.2.2.8** Recreation, Indoor including Entertainment Facility, Museum;
 - 5.2.2.9** Recreation, Outdoor including Camp or Campground Use, Hunting Club;
 - 5.2.2.10** Sawmills;
 - 5.2.2.11** Solar Farm;
 - 5.2.2.12** Surface Mining;

5.2.2.13 Trucking Terminal, Warehousing, Distribution Center;

5.2.2.14 Waste Facility or Waste Transfer Facility; or

5.2.2.15 Wind Energy Facility.

5.3 Height and Coverage Requirements

5.3.1 Maximum Building Height: 45 ft. (note: See Section 12.6 for exempt structures)

5.3.2 Maximum Building Coverage: 10%

5.3.3 Maximum Impervious Coverage: 20%

5.4 Minimum Areas and Dimensions

5.4.1 Minimum Lot Size:

Single Family and All Other Permitted Uses except as provided for below	3 acres
Agriculture	10 acres
Commercial Kennels or Stables	5 acres
Animal Hospitals	5 acres
Medical Marijuana Grower/Processor	10 acres
All Conditional Uses except as provided for below	5 acres
Agricultural Operation	25 acres
Bed & Breakfast	3 acres
Surface Mining	10 acres
Sewage Facilities	All lots must meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations including the Upper Fairfield Township Sewage Facilities Plan

5.4.2 Minimum Lot Width:

All uses	200 ft.

5.4.3 Minimum Yards:

Front (abutting PA Routes 87 & 864)	75 ft. from road centerline
Front (all other roads)	50 feet from road centerline or 25 ft. from road right-of- way whichever is greater
Side – Principal Structure	25 ft. each side
Side – Accessory Structure	15 ft. each side
Rear - Principal Structure	25 ft.
Rear - Accessory Structure	10 ft.

ARTICLE 6

Suburban Residential District

6.1 Purpose of the Suburban Residential District

It is the intent of this district to provide an area within the Township where low and moderate density development can be situated and a suitable and safe family environment can be promoted. Areas set aside for this zone include sections of the municipality where this type of development already exists and areas where further development of this nature could be located without creating conflicts with other non-compatible land uses. Lot sizes are based upon the need to safeguard the health of the residents and therefore require sufficient space to be provided for the placement of on-site sewage and water facilities. Provisions have also been included to allow smaller minimum lot sizes and higher densities where community or package sewage treatment facilities and/or community water supplies become available. Commercial activities or other uses which would substantially interfere with this purpose are discouraged.

6.2 Use Regulations for the Suburban Residential District

6.2.1 Permitted Uses

- 6.2.1.1** Accessory Uses or Structure (see supplemental regulations in Article 12);
- 6.2.1.2** Cultivation of Crops (no zoning permit required);
- 6.2.1.3** Essential Services (no zoning permit required);
- 6.2.1.4** Forestry Activities (no permit required);
- 6.2.1.5** Home Occupation (see Section 12.3.7);
- 6.2.1.6** Medical Offices, Clinic, Surgery Center;
- 6.2.1.7** Metering Station (see Section 13.16);
- 6.2.1.8** No Impact Home Based Business (see Section 13.15);
- 6.2.1.9** Public Park;

- 6.2.1.10 Public and Quasi –Public Use;
- 6.2.1.11 Single-Family Dwelling, Seasonal Dwelling;
- 6.2.1.12 Townhouses (see Section 13.18); or
- 6.2.1.13 Two-Family Dwelling, Duplex; or
- 6.2.1.14 Water Reuse Storage Facility (see Section 13.16).

6.2.2 Conditional Uses (see Criteria in Article 13)

- 6.2.2.1 Bed & Breakfast;
- 6.2.2.2 Compressed Natural Gas Terminal;
- 6.2.2.3 Group Home;
- 6.2.2.4 Institutional Residences;
- 6.2.2.5 Manufacturing, Research and Testing Laboratories;
- 6.2.2.6 Oil & Gas Development (see §13.16);
- 6.2.2.7 Oil & Gas Staging Facility (see §13.16);
- 6.2.2.8 Recreation, Indoor including Entertainment Facility, Museum;
or
- 6.2.2.9 Trucking Terminal, Warehousing, Distribution Center.

6.3 Density, Height and Coverage Requirements

- 6.3.1 **Maximum Building Height:** 35 ft. (see Section 12.6 for exemptions)
- 6.3.2 **Maximum Building Coverage:** 20%
- 6.3.3 **Maximum Impervious Coverage:** 40%

6.4 Minimum Areas and Dimensions

6.4.1 Minimum Lot Size:

Single Family: on-lot sewer and on-lot water	1 acre (43,560 ft ²)
Single family: public or community water or sewer	15,000 ft ²
Two-Family Dwelling or Townhouse	20,000 ft ² per dwelling unit
Oil & Gas Development	5 acres
Bed & Breakfast	1 acre + 1,000 ft ² per resident
Group Home	1 acre + 1,000 ft ² per resident
Institutional Residences	1 acre + 1,500 ft ² per resident
Manufacturing, Research and Testing Laboratories	3 acres
Indoor Recreation Facility	2 acres
Trucking Terminal, Warehousing, Distribution Center	5 acres
Sewage Facilities	All lots must meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations including the Upper Fairfield Township Sewage Facilities Plan

6.4.2 Minimum Lot Width:

On-lot sewer and on-lot water	150 ft.
Public or community water or sewer	85 ft.

6.4.3 Minimum Yards:

Front (abutting PA Routes 87 & 864)	75 ft. from road centerline
Front (all other roads)	50 feet from road centerline or 25 ft. from road right-of-way whichever is greater
Side	25 ft. total; no less than 10 ft. on either side
Rear - Principal Structure	25 ft.
Rear - Accessory Structure	10 ft.

ARTICLE 7

Village Center District

7.1 Purpose of the Village Center District

The purpose of this district is to set aside an area of the Township which can support the logical growth and maintenance of single-family home sites, commercial uses serving the local area, and appropriate public and semi- public activities, such as churches, government buildings and recreational facilities. The regulations developed for this zone are intended to protect the health and safety of the citizens of the area, while encouraging a variety of different types of land uses to coexist in a village-like setting. Higher density residential uses may also be allowed where community or package sewage treatment can be provided.

7.2 Use Regulations for the Village Center District

7.2.1 Permitted Uses

- 7.2.1.1** Accessory Uses or Structure (see supplemental regulations in Article 12);
- 7.2.1.2** Animal Hospital (see Section 13.4);
- 7.2.1.3** Automotive Car Wash, Repair, Sales or Service Facility (see Section 13.5);
- 7.2.1.4** Cultivation of Crops (no zoning permit required);
- 7.2.1.5** Essential Services (no zoning permit required);
- 7.2.1.6** Forestry Activities (no permit required);
- 7.2.1.7** Home Occupation (see Section 12.3.7);
- 7.2.1.8** Medical Offices, Clinic, Surgery Center;
- 7.2.1.9** Metering Station (see Section 13.16);
- 7.2.1.10** No Impact Home Based Business (see Section 13.15);
- 7.2.1.11** Professional Office, Professional Office Group;
- 7.2.1.12** Public Park;

- 7.2.1.13 Public and Quasi –Public Use;
- 7.2.1.14 Single-Family Dwelling, Seasonal Dwelling;
- 7.2.1.15 Townhouses (see Section 13.18); or
- 7.2.1.16 Two-Family Dwelling, Duplex.

7.2.2 Conditional Uses (see Criteria in Article 13)

- 7.2.2.1 Adult Entertainment;
- 7.2.2.2 Child Care or Day Care (see Section 13.7);
- 7.2.2.3 Clubs & Lodges;
- 7.2.2.4 Correctional Facility;
- 7.2.2.5 Group Home;
- 7.2.2.6 Institutional Residence;
- 7.2.2.7 Manufacturing, Research and Testing Laboratories;
- 7.2.2.8 Mobile Home Park (see Section 13.14);
- 7.2.2.9 Multiple Family Dwelling (see Section 13.18);
- 7.2.2.10 Multiple Family Dwelling Development (see Section 13.18);
- 7.2.2.11 Recreation, Indoor including Entertainment Facility, Museum;
- 7.2.2.12 Restaurant, Hotel or Motel, Convenience Market;
- 7.2.2.13 Retail, Banks, Wholesale, Printing or Non-Automotive Service or Repair Business, Shopping Center or Mini-Mall;
- 7.2.2.14 Self-Storage Facility (see Section 13.19); or
- 7.2.2.15 Trucking Terminal, Warehousing, Distribution Center.

7.3 Density, Height and Coverage Requirements

- 7.3.1 Maximum Building Height:** 35 ft. (see Section 12.6 for exemptions)

7.3.2 Maximum Building Coverage: 20%

7.3.3 Maximum Impervious Coverage: 40%

7.4 Minimum Areas and Dimensions

7.4.1 Minimum Lot Size:

Residential Uses - on-lot sewer and water	20,000 ft ² per dwelling unit except as provided below
Residential Uses – public or community sewer or water	10,000 ft ² per dwelling unit except as provided below
Two-Family Dwelling or Townhouse	10,000 ft ² per dwelling unit
Group Home or Rooming or Boarding Houses	20,000 ft ² + 1,000 ft ² per resident
Multi-Family Dwellings	20,000 ft ² + 1,000 ft ² per resident
Non-residential uses	15,000 ft ² except as provided below
Animal Hospitals	20,000 ft ²
Institutional Residence	20,000 ft ² + 1,000 ft ² per resident, bed or boarder
Self Storage Facility	20,000 ft ²
Sewage Facilities	All lots must meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations including the Upper Fairfield Township Sewage Facilities Plan

7.4.2 Minimum Lot Width:

On-lot sewer and water	100 ft
Public or Community sewer or water	60 ft
Non-residential uses	75 ft

7.4.3 Minimum Yards:

Front (abutting PA Routes 87 & 864)	75 ft. from road centerline
Front (all other roads)	50 feet from road centerline or 25 ft. from road right-of- way whichever is greater
Front – Non-residential parking areas	10 ft. from road right-of-way
Side and Rear– Principal Structure	25 ft.
Side and Rear – Accessory Structure	10 ft.

Articles 8-11

Reserved

ARTICLE 12

Supplemental Lot Regulations

12.1 Access To Structures

- 12.1.1 Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 12.1.2 Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.
- 12.1.3 Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons and comply with the current editions of ADA standards and the PA Uniform Construction Code PA Act 45 of 1999.

12.2 Accessory Uses and Structures – Zoning Permit Required

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

- 12.2.1 **Fences or walls** - not exceeding six (6) feet may be constructed in required yards provided that:
 - 12.2.1.1 The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 12.7).
 - 12.2.1.2 Fences and walls, except those designated for agricultural purposes, shall be setback a minimum of two (2) feet from any lot line to facilitate their maintenance. Fences can be located on the property line or at a distance of less than two (2) feet if the written permission of the neighbor is furnished to the Zoning Officer. The finished side of a fence shall face to the lot exterior.

- 12.2.1.3** If applicable, compliance with township floodplain regulations shall be maintained.

12.2.2 Accessory Storage or Utility Buildings and Detached Garages:

Storage, utility buildings or other accessory structures may be maintained accessory to the dwelling. It shall not exceed a building height of 15 feet or one and one-half (1½) stories, except two-story garages, provided that said garage is not for human occupancy. An accessory structure shall not be located in the front yard of the principal building for any lot three (3) acres or less in size. All accessory buildings shall be a minimum of ten (10) feet from any structure and shall comply with the minimum yards specified for accessory structures in Article 4.

12.2.3 Accessory Apartment

An accessory apartment may be constructed for a direct family member (parent, sibling or child) within an existing single-family detached dwelling pursuant to the following standards.

- 12.2.3.1** The lot upon which an accessory apartment is located shall meet the minimum lot area requirements for a single-family detached dwelling set forth in the applicable zoning district.
- 12.2.3.2** Accessory apartments may only be authorized for structures which were erected prior to the adoption of this Ordinance. No more than one (1) accessory apartment shall be permitted on a lot.
- 12.2.3.3** The habitable floor area of the accessory apartment shall be a minimum of 400 ft² and a maximum of 800 ft², except that the area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.
- 12.2.3.4** The architectural treatment of the structure shall be such as to portray the character of the single-family detached dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear.
- 12.2.3.5** One dwelling must be owner-occupied.
- 12.2.3.6** Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from both the accessory apartment and the existing dwelling. A certification from the municipal Sewage Enforcement Officer, verifying the

acceptability and /or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for an accessory apartment use.

12.2.3.7 One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see Section 12.10).

12.2.4 Accessory Residential Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems accessory to a residential use of no more than four (4) residential units shall be located in rear and side yards and shall be at least fifteen feet (15') from all side and rear property lines, with a maximum height of eight feet (8').

12.2.5 All Other Accessory Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems, other than those set forth in Section 12.2.4 shall comply with the following:

12.2.5.1 Glare

1. All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.
2. The system shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

12.2.5.2 The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

12.2.5.3 The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

- 12.2.5.4** No portion shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment provided they comply with the prevailing sign regulations.
- 12.2.5.5** No trees or landscaping required by state, federal or Township statutes, laws, ordinances rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.
- 12.2.5.6** The owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than three (3) days after the inquiry or complaint was filed.
- 12.2.5.7** Owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.
- 12.2.5.8** A Contingency Plan of Emergency Procedures shall be developed by the facility owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the facility is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.
- 12.2.5.9 Decommissioning**
- 1.** The owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of operations of the facility, the facility shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are

not completed as herein provided.

2. The owner shall then have six (6) months in which to dismantle and remove the facility including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the facility within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Board of Supervisors may authorize one six (6) month extension for just cause shown by the owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

12.2.5.10 Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit 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: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

12.2.5.11 The owner shall comply with the Township subdivision and land development requirements. The installation and operation of the system shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

12.2.5.12 The area upon which the system is located shall not exceed forty percent (40%) of the lot or tract not otherwise utilized for structures, driveways, parking lots or other uses and shall be in compliance with all other provisions of Township ordinances.

12.2.5.13 No facilities shall be located in the front yard and shall comply with the rear and side yard requirements for the zoning district in which it is located.

12.2.5.14 In all cases, there shall be a minimum distance of thirty feet

(30') between the boundary line of the lot or tract upon which the facility is located and any component of the facility, which shall include the required fencing and screening.

12.2.5.15 Ground mounted facilities shall not exceed ten feet (10') in height as measured vertically from the top of the component and the ground below the component.

12.2.5.16 Impervious Coverage

1. The area beneath the ground mounted facilities is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the impervious surface exceeds the permitted impervious area, the owner shall comply with the said statutes, ordinances, rules and regulations.

2. The following components shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

12.2.5.16.2.1 Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

12.2.5.16.2.2 All mechanical equipment including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

12.2.5.16.2.3 Gravel or paved access roads servicing the facility.

12.2.5.17 Owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

12.2.5.18 Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(1) Screening shall consist of evergreen trees and shrubs;

(2) Screening shall be installed on the exterior of said fencing:
(a) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(b) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(3) The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within three (3) years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(4) A screening plan shall be submitted with the application for a land development plan.

12.2.5.19 Ground mounted facilities shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

12.2.5.20 Security

(1) All ground mounted facilities shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for facilities outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

12.2.5.21 Access

(1) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(2) Service roads within the area of the facility, at a minimum of sixteen feet (16') width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the facility.

12.2.5.22 The facilities shall not be artificially lighted except in compliance with all applicable federal, state, or local statutes, ordinances, rules and regulations, the primary purpose of said

lighting being for safety purposes.

- 12.2.5.23** If a ground mounted facility is removed, the same shall be in accordance with all applicable federal, state and Township statutes, ordinances, statutes, rules and regulations.
- 12.2.5.24** The owner shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the owner's expense and shall be submitted with the application for a permit signed by said owner.
- 12.2.5.25** The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the facility. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the facility or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto.

The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner within ten (10) days of receiving a bill for the same.

12.3 Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained:

Certain accessory uses and structures shall be exempt from obtaining a zoning permit provided that they comply with all requirements specified below:

12.3.1 Fences designated for agricultural purposes may be located on the property line.

12.3.2 A single storage building and other accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs of the dimension 12 x 12 ft. or smaller shall comply with all Section 12.2.2 requirements.

12.3.3 Landscape plantings may be constructed in required yards provided that the vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 6.8).

12.3.4 Swimming Pools: Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above and on-ground pools; hot tubs, spas and fixed in place wading pools.

12.3.4.1 Locations: The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.

12.3.4.2 Enclosure and Access Considerations: Swimming pool installations including required fencing shall be governed by the current adopted edition of the International Residential Code for One- and Two-Family Dwellings.

12.3.5 Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines, and shall comply with Floodplain regulations if appropriate.

12.3.6 Sidewalks and driveways may be located within front, rear, and side yards and do not require zoning permits.

12.3.7 Home Occupations

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

12.3.7.1 The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 6 sq. ft. (see Section 14.2.1).

12.3.7.2 Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.

12.3.7.3 The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes.

12.3.7.4 All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.

12.3.7.5 The sale of goods shall be secondary to the occupation or service provided.

12.3.7.6 Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

12.3.8 Vehicle Hobby Shops - A Vehicle Hobby Shop may be considered as an Accessory Use which is run from the Owner's household garage. Such use involves the repair or restoration of either licensed or unlicensed or Junk Motor Vehicles as a hobby for the personal use or interest of the Owner, such as classic or antique automobiles or antique farm tractors or machinery, and not for money, payment, employment or compensation from others. A Vehicle Hobby Shop shall comply with Section 6.18 Storage of Junk and Certain Vehicles at all times.

12.3.9 Hobby Farm - A Hobby Farm may be established on a lot or on contiguous lot on which poultry or livestock secured within the premises may be raised for home use either on pasture or within animal housing. A Hobby Farm shall not be operated as an Agricultural Operation engaged in commercial raising of livestock for market. A Hobby Farm shall not exceed 1 animal equivalent unit (A.E.U.) per acre based on the following schedule. Note that 1 A.E.U is considered to be 1,000 pounds on average of live animal weight.

Slaughter or feeder cattle:	1= 1.0 A.E.U.
Mature dairy cow:	1= 1.3 A.E.U.
Swine:	1= 0.5 A.E.U.
Sheep/Goats:	1= 0.5 A.E.U.
Horse:	1= 1.0 A.E.U.
Poultry, ducks, geese etc.:	maximum of 25 birds regardless of lot size

12.3.9.1 For an animal species not listed above, the hobby farm shall not exceed 1000 lbs. of animal weight per acre based on the typical live weight of mature animals of the species.

12.3.9.2 The fenced area and structure for the housing of animals shall be at least 50 ft. away from any habitable structure on adjoining property.

12.4 Conversion or Replacement of Buildings or Mobile Homes

12.4.1 The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted

under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

12.4.2 Mobile Home Removal or Replacement

- 12.4.2.1** A mobile home which is no longer suitable for residential purposes shall be removed within thirty (30) days at the property owner's expense.
 - 12.4.2.2** A permit may be obtained from the Zoning Officer to defer removal of the mobile pending its sale for an additional thirty (30) days for just cause. The fee for said permit shall be established by resolution of the Board of Supervisors.
 - 12.4.2.3** In the event the mobile home has not been removed within sixty (60) days of replacement or discontinuance the Township may remove it at the land owner's expense.
 - 12.4.2.4** A used mobile home shall not be permitted as a replacement dwelling unit.
- 12.4.3** A mobile home that is no longer suitable for residential purposes shall not be converted or utilized as an accessory structure and shall be removed in accord with Section 12.4.2.

12.5 Design Standards for Driveways and Access Drives to Streets

Driveway design standards are found in Township Subdivision and Land Development Ordinance.

12.6 Exceptions to Height Regulations

- 12.6.1** Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, television antennae, noncommercial satellite dish receivers, solar collectors and related equipment, and ornamental or necessary mechanical appurtenances normally associated with homes, churches and similar establishments. (See also Section 12.6.4 below.)
- 12.6.2** Agricultural or industrial structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in Articles 4-7. (See also Section 12.6.4 below.)
- 12.6.3** Communications transmitting and/or receiving towers may also be exceed the height regulations contained in Articles 4-7 but only where

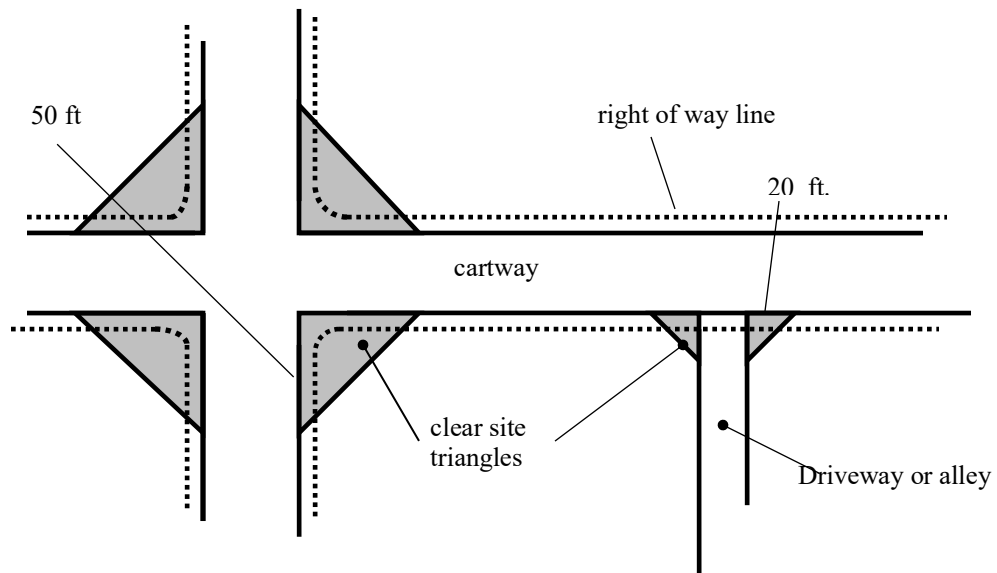
their setback from all property lines is equal to or greater than their height. (See also Section 13.8 and Section 12.6.4 below.)

- 12.6.4** Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

12.7 Intersection Visibility

- 12.7.1** No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding twenty-four (24) inches in height shall be erected, planted or maintained on any lot within a clear sight triangle within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two curb lines (paved street lines) and a straight line drawn between points on each such line fifty (50) feet from the intersection of said lines or extension thereof. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

- 12.7.2** At each point where an alley or a private driveway intersects a public street, a clear sight triangle of twenty (20) feet measured from the point of intersection of the street line and the edge of the driveway shall be maintained within which vegetation and other visual obstructions shall be limited to height of not more than twenty-four (24) inches above the street grade.



Location of Clear Sight Triangles

12.8 Nonconforming Lots, Structures, Buildings, and Uses

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

12.8.1 Non-conforming Lots, Uses, and Structures

12.8.1.1 Nonconforming Lots

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including building lines and setbacks shall apply. The variance of setback requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots with common ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

12.8.1.2 Nonconforming Uses

A use legally existing at the time of adoption of this Ordinance which becomes a non-conforming use in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the use shall only be modified minimally to uses that are generally consistent with the use that became nonconforming. The use shall not be permitted to change to any use that is different from the nonconforming use and not in compliance with the use regulations for the district where the use is located.

12.8.1.3 Nonconforming Structures

A structure legally existing at the time of adoption of this Ordinance which becomes a non-conforming structure in the district where it is existing upon adoption of this Ordinance or amendment hereafter, may be continued as it exists upon adoption or future amendment of this ordinance. Thereafter, the structure shall only be modified minimally in accordance with the provisions of this Ordinance. The structure shall not be permitted to change in such a fashion as to make the nonconforming structure a greater non-conformity so as to adversely affect the character of the neighborhood or district in which it is located.

12.8.2 Abandonment

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. In the event of destruction or total casualty loss to a nonconforming building or structure, a one (1) year extension may be granted by the Zoning Officer provided that the owner shall, prior to the expiration of the initial one (1) year period provided for in the forgoing paragraph, file a notice of intent to reconstruct with the Zoning Officer.

12.8.3 Repairs and Reconstruction

12.8.3.1 Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

12.8.3.2 A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

- 1.** The reconstruction starts within one (1) year of the damage;

2. The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
3. The location of the reconstruction does not create a safety hazard;
4. The reconstruction of a nonconformity located in the 100 year floodplain shall comply with the section dealing with Existing Structures in the Township Floodplain Ordinance.

12.8.4 Extension or Enlargement

12.8.4.1 A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension however, a Zoning Permit shall be obtained from the Zoning Officer.

12.8.4.2 Structural alterations proposed to extend a nonconforming structure may be authorized as follows:

1. By the Zoning Officer, provided that:
 - (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and
 - (b) The proposed extension or enlargement of the nonconforming use shall not exceed 50 percent of the gross floor area of the structure or use, with such gross floor area to be measured at such time that the use became nonconforming.
2. By the Zoning Hearing Board upon application for a variance, provided that:
 - (a) The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the Zoning District in which the use or structure is located; and
 - (b) The proposed extension or enlargement of the nonconformity which exceeds 50 percent of the gross

floor area of the structure or use is approved by a variance issued by the Zoning Hearing Board.

12.8.4.3 For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Zoning Hearing Board.

12.8.4.4 A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

12.8.4.5 Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

12.8.5 Change of Use

12.8.5.1 Any non-conforming use may be changed to another non-conforming use by Special Exception provided that the Zoning Hearing Board shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.

12.8.5.2 A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

12.8.6 Registration of Non-conforming Uses, Structures and Lots

To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

12.9 Nuisance Standards

12.9.1 Requirements for All Uses

No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, toxicity, or otherwise. In determining whether a proposed

use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation shall not:

- 12.9.1.1** Constitute a nuisance beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.
- 12.9.1.2** Result in noise or vibration exceeding the average intensity of ambient noise or vibration occurring from other causes at the boundary line.
- 12.9.1.3** Endanger surrounding areas by reason of fire or explosion.
- 12.9.1.4** Produce objectionable heat, glare, or radiation beyond the property line.
- 12.9.1.5** Result in major electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be designed in accordance with relevant industry standards and in proper functional condition.
- 12.9.1.6** Discharge any untreated sewage or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters in accordance with the statutes of the Commonwealth of Pennsylvania.
- 12.9.1.7** Create any other objectionable condition in an adjoining area which will endanger public health or safety or be detrimental to a permitted continuing use of the surrounding area.
- 12.9.2** When required by the Zoning Administrator, an applicant for a proposed use shall demonstrate, as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and technical studies prepared by a qualified specialist. The Zoning Administrator may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary; the costs of which shall be borne by the applicant.

12.9.3 Odor Protection Levels

No use shall generate odor, odorous gas, or odorous material in such quantities as can be readily detectable at any point along lot lines without

the use of instruments. Odor shall not exceed the odor limit beyond the lot line.

12.9.3.1 Odor limit is defined as the lowest concentration of odorous matter that produces an olfactory response in human beings.

12.9.3.2 The above requirements shall not apply to odors created by permitted agricultural uses, nor to odors normally coincident with permitted land uses so long as the odor characteristics are non-offensive as judged by the Zoning Administrator based on the odor, strength, characteristics, and duration.

12.9.3.3 In an instance a proposed use in any category is to be a source of odor in accordance with Section 12.10.3.1 above, the steps that follow are used to mitigate odor:

1. The applicant shall prepare and show the ability to comply with an odor abatement plan for all buildings, structures and outdoor compounds. Recognition must be given that certain uses and activities produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. Odor plume movement data, with prevailing winds in seasonal, day/night effects on plumes, and odor chemical composition shall be provided with the study. The abatement plan shall show that steps will be taken as may be necessary to abate odors or to allow odors at times that there would be minimal interference with neighbors.
2. The applicant shall dispose of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance.
3. The applicant shall show that they can meet the standards and guidelines as may be set forth in treatises of best management practices of the use in the business and industry recognized by appropriate authorities or as the same may be produced by the PA Department of Agriculture, PA Department of Environmental Protection, Penn State University-College of Agricultural Sciences, or similar entities. Site suitability assessment as provided by the above shall be submitted with the application.

12.9.4 Noise Protection Levels

The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.

- 12.9.4.1** No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section, when measured at property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Maximum Permitted Sound Pressure Levels

Frequency Bank Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
0-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Above 4800	32

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein:

Type of Operation or Character of Noise	Corrections In Decibels
Noise between the hours of 10pm and 7 am	-3
Noise occurring less than five (5%) percent of any one-hour period	+5
Noise of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.	-5

Noise Correction Levels

12.9.4.2 Exemptions to Noise Standards

The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7am and 9pm, except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8am and 9pm.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7am and 9pm, except for clearly emergency repairs which are not restricted by time.
5. Forestry and agricultural activities.
6. Motor vehicles traveling on public streets.
7. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Unamplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.
11. Hunting and Target Shooting.

12.9.5 Vibration Protection Levels

No use shall generate vibration which is capable of causing damage to building structures, equipment alignment, or structural soundness.

12.10 Off-Street Parking and Loading

Off-street parking shall be provided in accord with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

12.10.1 Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

- 12.10.1.1** Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent or nearby lot owned or controlled by the applicant (see Section 12.10.1.9), or that shared parking facilities are provided in accord with Section 12.10.1.10;
- 12.10.1.2** Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over public walkways or right-of-ways, except that single family and double dwellings need not comply with this requirement;
- 12.10.1.3** Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection (see Section 12.7);
- 12.10.1.4** The parking area, service drives and entrance and exit lanes shall be constructed of a stabilized base (e.g. 4" of 2A subbase) with a suitable all-weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.

- 12.10.1.5** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'). Parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21');
- 12.10.1.6** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a residential use. Such screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Sections 12.14 and 12.15 of this Ordinance;
- 12.10.1.7** In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 12.10.1.8** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for agriculture uses, single and duplex dwellings, for parking lots less than 5 spaces in size, or for other uses that do not have night-time hours. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan in accordance with Article 7, Exterior Lighting Standards, shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- 12.10.1.9** In accordance with special exception procedures, the Zoning Hearing Board may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.
- 12.10.1.10** The required parking spaces for two or more uses may be shared provided that the Zoning Hearing Board shall determine that the uses have distinct and different peak hour requirements; for example, a use with evening or Sunday hours may share parking with a use that has daytime hours.

12.10.2 Number of Off-Street Parking Spaces Required

In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses

or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

SCHEDULE FOR OFF-STREET PARKING SPACES

TYPE OF USE	REQUIRED SPACES - MINIMUM
Residential Uses	
Single-Family, Two-Family, Townhouse including Family Based Group Home	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each dwelling unit for elderly housing
Mobile Home Parks	2 for mobile home lot
Institutional Uses	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 seats of total facility capacity
Libraries, museums or other cultural facilities; fire or police stations	1 for each 200 sq. ft. of gross floor area

Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift
Commercial/Retail Uses	
Retail stores or service or repair business, including agricultural business and shopping centers	1 for each 400 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for each 2.5 seats of total facility capacity + 1 for each employee in the maximum work shift
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift
Automotive, truck or motorcycle sales or repair	1 for each employee + 2 for each service bay + 1 for each 300 ft ² of interior sales & display area only and 1 for each 7,000 ft ² of outdoor display area.
Business or professional office & financial institutions	1 for each 250 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each doctor + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling unit + 2 customer spaces
Bed & Breakfast	1 for each guest room + 2 for dwelling unit
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
Industrial Uses	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift

Distribution Center	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Lumber Yard, saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer spaces
Recreational Use	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

12.10.3 Handicapped Parking

The parking lot design shall provide handicapped accessible parking spaces and sidewalks in accord with current ADA or IBC standards.

12.10.4 Off-Street Loading

12.10.4.1 Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

MINIMUM REQUIRED OFF-STREET LOADING BERTHS

Gross Floor Area	Minimum Number of Berths
0 – 25,000 sq. ft.	1
25,001 sq. ft. or greater.	2

12.10.4.2 The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet except where semi-trailers are expected to be used and then the minimum area shall be seven hundred (700) square feet.

12.10.4.3 At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.

12.11 Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

12.12 Projections Into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

12.12.1 Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than four (4) feet into any required yard nor closer than five (5) feet to any adjacent property line.

12.12.2 Patios, decks, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.

12.12.3 Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

12.12.4 Covered porches shall be considered part of the main building and shall not project into any required yard.

12.13 Public Utilities Exempt

This Ordinance shall not apply to any existing or proposed building, or extension thereof, 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 situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear,

present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of party to the proceedings. See Section 619 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

12.14 Screening and Landscaping

Screen planting as may be required elsewhere in this Ordinance, or where determined to be necessary by the Board of Supervisors or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

12.14.1 Screening

12.14.1.1 Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth.

12.14.1.2 Screen planting shall be maintained permanently by the lot owner, and any plant material which did not survive shall be replaced within one (1) year.

12.14.1.3 Screen planting when mature shall not encroach into any road right-of-way nor into a driveway or intersection clear sight triangle.

12.14.2 Substitution of a Landscaping Plan for Screening

In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design shall be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking into the landscape plan so as to minimize its visual impact upon adjacent lots and upon the neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

12.15 Buffer Yards

12.15.1 Where a commercial or industrial use abuts a residential district or a public street, a buffer yard of at least 50 feet shall be required. The buffer yard shall be a part of the commercial or industrial installation and shall be maintained by the business or industry.

- 12.15.2** Where a commercial or industrial use abuts a stream or drainage channel, a buffer yard of at least 25 feet shall be required. The yard shall be measured from the nearest edge of the stream or channel at bank full conditions.
- 12.15.3** Buffer yards required for uses other than for commercial or industrial activities shall be not less than 15 feet in width, unless provided otherwise in Article 13 of this Ordinance.
- 12.15.4** All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Within buffer yards, screening shall be accomplished in accordance with Section 12.14.
- 12.15.5** The buffer yard may be considered as part of the required yard space.
- 12.15.6** No structure, storage of materials or parking of vehicles shall be permitted in a buffer yard.
- 12.15.7** Access drives, as well as utilities, may cross buffer yards.

12.16 Small Wind Energy System

12.16.1 Definition – See Article 2.

12.16.2 Controls

- 12.16.2.1** Lot size shall not be less than one (1) acre inclusive of the permitted principal use.
- 12.16.2.2** The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.
- 12.16.2.3** Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from locating in the front yard.
- 12.16.2.4** Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.
- 12.16.2.5** The small wind energy system is to operate on the same lot to serve the principal use.

12.16.3 Discontinuance of Use

If a Small Wind Energy System remains unused for a period of twelve (12) consecutive months, the property owner shall dismantle and remove the tower and related equipment within six (6) months of the expiration of such twelve (12) month period.

12.17 Storage of Junk and Certain Vehicles

12.17.1 Storage of Junk as an Accessory Use in All Districts

The outdoor storage of any junk as an accessory use including automotive vehicles or trailers of any kind (except operable farm trailers) without current license plates or inspection, or other inoperative machinery (including farm machinery) shall be:

12.17.1.1 Screened from view from any street right-of-way or property line using vegetative screening (see Section 12.14), fencing or topographic or natural features of the lot. The screening proposed shall be evaluated by the Zoning Officer to determine its effectiveness and shall be maintained in good order and appearance.

12.17.1.2 Limited to the occupancy of no more than 1,000 sq. ft. of lot area.

12.17.1.3 A single unlicensed motor vehicle may be stored on a lot and shall be exempt from the requirements of Sections 12.11.1.1 and 12.17.1.2. above.

12.17.2 Junkyard/Salvage Yard

See the special exception criteria for this use in Section 13.11.

12.18 Unique Lots and Building Locations

12.18.1 Two or More Buildings on a Lot - Land Development

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the applicable Subdivision and Land Development Ordinance).

12.18.2 Side Yard of a Corner Lot

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

12.19 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every building or structure hereafter, altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to minimum requirements set forth by the Pennsylvania Department of Environmental Protection, and any other applicable federal, state or local laws or regulations.

ARTICLE 13

Conditional Use Criteria

13.1 General Criteria

In addition to the specific supplemental use criteria identified for uses within this article, the following general criteria shall apply to all use applications under this Ordinance.

- 13.1.1** Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 12 for supplemental regulations that may apply.
- 13.1.2** The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.
- 13.1.3** A proposed use shall be located so as not to hinder the natural or presumed development of the area or detract from the value of existing development.
- 13.1.4** A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations.
- 13.1.5** It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location.
- 13.1.6** The use or adaptation of a structure or lot for a new use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.
- 13.1.7** In the event central sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. If central sewer and water facilities are not required under this Ordinance, DEP approved on-lot facilities shall be provided.
- 13.1.8** Stormwater management facilities shall be provided which shall be designed to comply with the township's stormwater management regulations by providing controlled release, infiltration and recharge area; evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.
- 13.1.9** Compliance with the floodplain regulations of the Municipality and the

Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.

- 13.1.10** Permanent screening, landscaping and buffer yards shall be provided in accord with Sections 12.14 and 12.15 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 13.1.11** Lighting facilities shall be designed in accordance with Section 12.12 and to assure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 13.1.12** Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development regulations.
- 13.1.13** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 13.1.14** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.
- 13.1.15** All lots and buildings shall have access by way of an internal driveway or street system and shall have convenient emergency vehicle and equipment access.

13.2 Adult Entertainment Uses

- 13.2.1** Adult Uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.
 - 13.2.1.1** No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.
 - 13.2.1.2** In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.
 - 13.2.1.3** An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft² in size.

13.3 Agriculture & Agricultural Operations

When applicable the following criteria shall apply for Agriculture or Agricultural Operations:

13.3.1 Manure Storage Facilities

New or expanded manure storage facilities shall be constructed in accord with 25 Pa. Code § 83.351 through § 83.491 (Subchapter D. Nutrient Management Act) and 25 Pa. Code § 91.36 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above referenced regulations, and/or federal and state laws.

13.3.2 Stormwater Requirements for New Agricultural Buildings

Applicants for new agricultural buildings shall submit a storm water management (SWM) site plan for approval in accord with the township's stormwater management regulations unless qualifying for an exemption under the regulations.

13.3.3 Truck Access

An application for a building that will receive scheduled tractor trailer deliveries shall also demonstrate that the roadways and intersections accessing the site are adequate for the type and size of trucks anticipated to serve the development. In addition, building layout shall be designed to accommodate on site truck turning movements.

13.4 Animal Hospitals or Animal Kennel

Animal Hospitals and Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

13.4.1 For kennels the applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.

13.4.2 Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

13.4.3 Demonstration that all animals will be confined to the property.

13.4.4 Demonstration of adequate methods for sanitation and sewage disposal.

13.4.5 Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 100 feet from any lot line.

13.4.6 Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.

- 13.4.7** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

13.5 Automotive, Car Wash, Repair, Sales or Service Facility

An automotive car wash, repair facility, sales facility, or service facility may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing, or which may hereafter be enacted.

- 13.5.1** No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly. Entrance and exit driveways shall have an unrestricted width of not less than twelve (12) feet nor more than thirty (30) feet and shall be located not less than twenty (20) feet from any property line.
- 13.5.2** The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than fifty (50) feet from any property line other than the street line. Additional permits may be necessary to meet State requirements regarding storage tanks. Fuel pumps may be located within the front yard but shall be at least twenty (20) feet from the front lot line.
- 13.5.3** All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.
- 13.5.4** Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain noise, vibrations, air emissions, and odor generated by the activity.
- 13.5.5** Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.
- 13.5.6** No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.
- 13.5.7** Screening, landscaping and buffer yards shall be provided in accord with Sections 12.14 and 12.15 when this use is adjacent to residences, churches or similar uses.

13.6 Bed and Breakfast

13.6.1 Intent

A Bed and Breakfast shall provide temporary travelers' accommodations and meals in a single-family residence for a fee, on a daily or weekly room rental basis.

13.6.2 Standards

13.6.2.1 Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

13.6.2.2 Off-street parking shall be provided in accord with Section 12.10. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

13.6.2.3 All necessary state and municipal permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

13.6.2.4 Compliance with the sign regulations of Article 14 shall be maintained.

13.7 Child Care or Day Care Centers

A facility which provides daytime care and/or instruction for *four (4)* or more persons at any one time unrelated to the operator on a regular basis, including nursery schools, preschools and adult day care. The facility shall comply with the following provisions:

13.7.1 The facility shall be in an area that is free from conditions dangerous to the physical and moral welfare of children or adult clientele.

13.7.2 The applicant shall provide a copy of the license or registration issued or required by PA Dept. of Human Services for the facility. If on-lot sewage facilities are to be utilized the Township Sewage Enforcement Officer shall provide evidence of adequate sewage facilities for the use.

13.7.3 A site plan shall also be provided, drawn to scale, and clearly showing the following:

13.7.3.1 The dimensions and acreage of the site and its relationship to surrounding properties.

13.7.3.2 The layout of the entire project including the proposed use and location of all buildings.

- 13.7.3.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
- 13.7.3.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
- 13.7.3.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
- 13.7.3.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
- 13.7.3.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
- 13.7.3.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

13.8 Communications Antennas, Communication Equipment Buildings, and Communications Towers

This regulation is intended to control communication towers as defined in this Ordinance, and all other similar uses or structures shall be in accordance with this Section, and in addition, the following criteria shall apply:

- 13.8.1** Structure mounted Communication Antennas shall be permitted to exceed the height of the structure to which the antenna is attached by no more than twenty (20) feet.
- 13.8.2** Omni directional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 13.8.3** Direction or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 13.8.4** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other Structure, considering wind and other loads associated with the antenna location.
- 13.8.5** Any applicant proposing Communication Antennas to be mounted on Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 13.8.6** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the

antennas and Communication Equipment Building can be accomplished.

- 13.8.7** Communication Antennas shall not cause radio frequency interference with other communication facilities located in the Township.
- 13.8.8** A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 13.8.9** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antennas.
- 13.8.10** The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 13.8.11** Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 13.8.12** The applicant proposing construction of a new Communication Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communication Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (¼) mile radius of the proposed Communication Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
 - 13.8.12.1** The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 13.8.12.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
 - 13.8.12.3** Such existing Structures do not have adequate locations, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.
 - 13.8.12.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communication Commission

governing human exposure to electromagnetic radiation.

- 13.8.12.5** A reasonable agreement could not be reached with the owner of such Structures.
- 13.8.13** Access shall be provided to the Communication Tower and Communication Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width.
- 13.8.14** A Communications Tower may be located on a lot occupied by other principal Structure and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 13.8.15** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this ordinance.
- 13.8.16** Any applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 13.8.17** The foundation and base of any Communication Tower shall be set back from a property line (not lease line) at least 120% of the Tower height.
- 13.8.18** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communication Equipment Building from abutting properties.
- 13.8.19** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communication Tower will be designed and constructed in accordance with the current Structural Standards for Steel antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunication Industry Association and any applicable Building Code.
- 13.8.20** The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the Communication Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000. per occurrence and property damage coverage in the minimum amount of \$1,000,000. per occurrence covering the Communication Tower and Communication Antennas.
- 13.8.21** All guy wires associated with guyed Communication Towers shall be clearly marked for the first eight (8) feet from ground level to be visible at all times and shall be located within a fenced enclosure.

- 13.8.22** The site of a Communication Tower shall be secured by a fence with a height of eight (8) feet to limit accessibility to the public.
- 13.8.23** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 13.8.24** The preferred tower design is for a monopole of color that blends with the landscape. The second priority is for a lattice or truss tower that is engineering to collapse into itself in the event of a structural failure.
- 13.8.25** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 13.8.26** The applicant shall provide a decommissioning plan and a decommissioning bond sufficient to cover the costs associated with decommissioning the tower facility and satisfying all regulatory requirements associated with said decommissioning in a form and amount approved by the Board of Supervisors. The plan shall stipulate that if a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communication Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communication Tower if the owner or operator fails to perform the removal. This shall be noted on all subdivision or land development plans.
- 13.8.27** One off street parking space shall be provided within the fenced area.

13.9 Correctional Facility

In addition to the use regulations of this Chapter, a Corrective or Penal Facility shall comply with the provisions of the Township's Subdivision and Land Development Chapter and the criteria enumerated below:

- 13.9.1** A site plan shall be provided showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings and structures to be used as part of the facility.

- 13.9.2** An explanation of the traffic, sanitary and environmental safety measures to be utilized and made operational before commencing operations.
- 13.9.3** An indication as to how the light fixtures to be used for security and night operations are to be designed and positioned to avoid directing glare onto adjacent roadways and neighboring properties thereby preventing nuisance effects associated with the lighting.
- 13.9.4** A written commitment shall be presented, signed by the highest responsible official, indicating what operational policies, practices (including the size of the inmate population) and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety or nearby residents.
- 13.9.5** An Emergency Response plan shall be provided which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed necessary by the Township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or another potential incident.
- 13.9.6** A Communications Plan shall be provided which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner.
- 13.9.7** A Manpower Chart which identifies the on-site or parent organization chain-of-command by position and name.
- 13.9.8** A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not adversely affect neighboring properties.
- 13.9.9** All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the Corrective or Penal Facility. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Zoning Permit.
- 13.9.10** Nothing in this section is intended nor shall be interpreted to attempt to regulate those aspects of Corrective or Penal Facilities which are specifically regulated by the Pennsylvania Department of Corrections of the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much detail as required herein.

13.10 Group Living Quarters

13.10.1 Group Home

- 13.10.1.1** The Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 13.10.1.2** The Group Home shall maintain a residential neighborhood character.
- 13.10.1.3** The Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 13.10.1.4** The Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 13.10.1.5** Off-street parking spaces shall be provided for all vehicles associated with the Group Home including the householder, residents, attendant caregivers, and visitors (see Section 12.10).
- 13.10.1.6** A Group Home shall be a maximum of 1000 ft. from a Child Care or Day Care Facility.

13.10.2 Institutional Residence including Nursing Home, Personal Care Facility, Assisted Living

13.10.2.1 Minimum Lot Area: 3 acres

13.10.2.2 Maximum Gross Density for Multi-family Dwelling:

5 dwelling units per acre

13.10.2.3 Minimum Lot Width: 300 ft.

13.10.2.4 Minimum Perimeter Yards

front: 50 ft.
side: 20 ft.
rear: 30 ft.

13.10.2.5 Minimum Building Separation: 30 ft.

13.10.2.6 Water and Sewage Facilities: The development must be served by central water and central sewage facilities.

13.11 Junk Yard or Salvage Yard

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the following:

- 13.11.1** Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a twenty-five (25) foot buffer yard and/or landscaping as set forth in Sections 12.14 and 12.15 of this Ordinance shall be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- 13.11.2** Such premises shall always be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
- 13.11.3** No garbage or other organic waste shall be stored in such premises.
- 13.11.4** All junk shall be stored or arranged to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility and shall not exceed a maximum height of eight (8) feet.
- 13.11.5** No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be always controlled.
- 13.11.6** No junk material, *accessory* structure, related activity or other enclosure shall be stored, placed, located or conducted within twenty-five (25) feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. The applicant shall be required to prepare and secure a Soil and Sedimentation Control Plan Permit and NPDES Permit for his facility.

13.12 Manufacturing, Research & Testing Laboratories, Trucking Terminal, Warehousing, Distribution Center, & Sawmill Uses

- 13.12.1** These uses shall abut or provide direct access to a highway which can accommodate heavy trucks and industrial employee and related traffic.
- 13.12.2** At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses

which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.

13.12.3 Manufacturing uses generating noises, vibration, radioactivity, toxic or noxious materials, glare, heat, dust, fly ash, smoke or odors shall address such problems in building construction, screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

13.12.4 Land development plans shall be required showing all structures, roadways, pathways, parking areas, service drives, loading and unloading areas, utility and exterior lighting installations and landscaping on the site, drainage and stormwater management facilities, all existing structures and usages within two hundred (200) feet of the site boundaries, location of proposed sewage disposal and water supply facilities, and other elements as may be deemed essential by the Board of Supervisors.

13.12.5 Design Standards

13.12.5.1 Access: All proposed site accessways must be adequate, but not excessive in number, adequate in grade, width, alignment and visibility, and not situated too close to a street intersection, entrances to schools or places of public assembly. (See the Township Subdivision and Land Development Ordinance for additional design criteria.) In addition, a copy of the proposed development shall be submitted to PennDOT for review when access is to be created along a state highway. Any permits required by that agency must be obtained by the developer before final approval is granted for the land development.

13.12.5.2 Circulation and Parking: The interior circulation system must be adequate for safe movement of all vehicles, and all required parking spaces must be provided and be easily accessible by driveways within the site. See Off Street Parking and Loading Requirements in Section 12.10.

13.12.5.3 Streets and Drainage System Requirements: All structures within a planned commercial or industrial development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road standards of the Township and the Township Subdivision and Land Development and Stormwater Management Ordinances unless qualifying for an exemption under those ordinances.

13.12.5.4 Arrangement of Buildings: Adequate provisions must be made for

light, air, access, and privacy in the arrangement of the buildings to each other.

13.12.5.5 Sewage Treatment and Water Supply: Adequate public or community sewer and water facilities must be available or provided by the developer. Proper approvals for proposed systems must be presented to the Supervisors and Planning Commission by the applicant.

13.12.5.6 Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans): Evidence of an Erosion and Sediment Control Plan and NPDES Permit (when applicable) shall be furnished to the Township.

13.12.5.7 Landscaping: A landscaping plan shall be prepared as part of the land development application which enhances the natural qualities of the land, including screening and buffer strips when necessary to separate conflicts with adjoining property or land uses. See Section 12.14 and 12.15, Screening, Landscaping and Buffering.

13.12.5.8 Loading and Unloading: All required loading and unloading facilities and spaces shall be provided and designed in accordance with the Off Street Parking and Loading requirements found in Section 12.10.

13.12.5.9 Solid Waste Collection and Disposal: The Developer shall present information describing the proposed method of solid waste collection and disposal.

13.12.5.10 Outdoor Lighting: All outdoor lighting for such a facility shall be non-flashing, non-animated, non-glaring and shall be of an intensity consistent with the standards of Section 12.11, Outdoor Lighting Standards.

13.12.6 Sawmills

13.12.6.1 Intent: The following conditions are intended to provide for the reasonable operation of sawmills within the Township while providing reasonable protection to the neighborhood in which the sawmill operation will occur against possible detrimental effects of operations.

13.12.6.2 General: Sawmills shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operations. The following setbacks shall apply:

(1) Sawmill activities shall not occur within 500 feet of the SR or VC Districts.

(2) Sawmill activities shall not occur within 500 feet of any residential dwelling unless the applicant obtains written permission of the property owner (s) consenting to the operation.

(3) Sawmill activities shall not occur within 500 feet of any public or quasi-public building, public park, or other public institution unless the governing body having jurisdiction over the site has consented to the operation.

13.12.6.3 Operational Conditions

(1) Discontinuance of Use. Discontinuation of the operations for a period of more than one year shall result in the loss of the vested status for the operation.

(2) Hours of Operation. The hours of operation at any site may be limited as the Board of Supervisors deems appropriate.

(3) Site-specific conditions. The Board of Supervisors may impose other conditions not listed above as are determined to be necessary and appropriated to protect the public health, safety and welfare, provided that the conditions do not preclude the reasonable conduct of the sawmill operations.

(4) Fencing and Screening. The applicant shall provide details showing any fencing and/or screening proposed for the site. The Board of Supervisors may impose fencing and/or screening conditions as it deems necessary to protect the public health, safety and welfare.

(5) Minimum Lot Size. The sawmill operation shall be located on a parcel a minimum of 20 acres in size.

(6) Erosion and Sedimentation Controls. If applicable an Erosion and Sedimentation Control Plan and NPDES Permit shall be secured for the sawmill operations.

13.13 Medical Marijuana Grower/Processor

13.13.1 A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. The grower/processor facility shall not be in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

13.13.2 The floor area of a medical marijuana grower/processor shall include sufficient

space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

- 13.13.3** There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- 13.13.4** The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- 13.13.5** Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
- 13.13.6** All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 13.13.7** Parking requirements will follow the parking schedule found in Section 12.10 Off-Street Parking Regulations for the Manufacturing use category.
- 13.13.8** A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.
- 13.13.9** Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
- 13.13.10** Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

13.14 Mobile Home Park/Mobile Home Court Regulations

13.14.1 Procedure

No person, firm, or corporation shall construct, expand, maintain or operate a Mobile Home Park within the Township without obtaining a Building Permit from both the Township and the Department of Environmental Protection. The procedures for reviewing mobile home park plans shall be the same as for the subdivision and land development plans in accordance with the provisions of the applicable Ordinance. Unless specified in this Section, the design standards and improvement requirements for Mobile Home Parks shall be the same as for subdivision and land development projects.

13.14.2 Minimum Park Area

A mobile home park shall have a minimum gross area of ten (10) contiguous acres of land suitable for development.

13.14.3 Lot Requirements

Individual mobile home lots located in a Mobile Home Park shall contain at least six thousand (6,000) square feet of lot area and shall not be less than fifty (50') feet wide at the building setback line exclusive of easements or right-of-way. All mobile home lots shall be given street numbers, and all park streets shall be given names.

13.14.4 Yard and Setback Requirements

All mobile homes shall be located at least thirty-five (35') feet from any street right-of-way which abuts a mobile home park boundary and at least fifty (50') feet from any other boundary of the park.

There shall be a minimum distance of twenty-five (25') feet between an individual mobile home and adjoining pavement of a park, street or common parking area or any other common areas.

No mobile home or patio on a mobile home lot shall be located closer than ten (10') feet to any internal lot line of the park.

13.14.5 Park Street System

13.14.5.1 Park Access

Each Mobile home Park shall be provided with at least two (2) points of ingress and egress and a distance of at least one hundred and fifty (150') feet shall be maintained between centerlines of access streets.

13.14.5.2 Lot Access

All Mobile home Parks shall be provided with safe and convenient paved access streets to and from each mobile home lot. Alignment and gradient shall be properly adapted to topography.

13.14.5.3 Streets

All streets within any Mobile Home Park shall be designed and improved as minor streets in accordance with the applicable Ordinance. The Board of Supervisors reserves the right to require curbs when warranted by topographic and related characteristics.

13.14.5.4 Intersections

Not more than two (2) streets shall intersect at any point and a distance of at least one hundred and fifty (150') feet shall be maintained between centerlines of offset intersecting streets.

13.14.5.5 Required Off-Street Parking

Off-street parking areas shall be provided in all Mobile Home Parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot.

Each off-street parking space shall contain at least two hundred (200) square feet and shall not exceed a distance of one hundred and fifty (150) feet from the mobile home lot that it is intended to serve.

13.14.5.6 Utility Improvements

(1) Sewer and Water

All mobile homes shall be connected to Community Sewer and Water Systems approved by the Department of Environmental Protection and the Township.

(2) Electrical Distribution

All Mobile Home Parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

(3) Individual Electrical Connections

Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

(4) Required Grounding

All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors with other approved metallic wiring. The neutral conductors shall not be used as an equipment ground for mobile homes or other equipment.

(5) Natural Gas Systems

Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

(6) Liquefied Petroleum Gas System

Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures shall include the following:

- a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- b. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- c. All LPG piping outside the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas shall not be conveyed through piping equipment and systems in mobile homes.
- d. Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
- e. No LPG vessel shall be stored or located inside or beneath any storage cabinet unless such installations are specifically approved by the Township.

(7) Fuel Oil Supply Systems

All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the following regulations:

- a. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- b. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within in five (5) inches of storage tanks.

- c. All fuel storage tanks or cylinders shall be securely placed and shall not be closer than ten (10) feet from any mobile home exit.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

13.14.5.7 Usable Open Space

All Mobile Home Parks shall provide not less than ten percent (10%) of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, and other solid material, or protected with a vegetation growth that can prevent soil erosion and emanation of dust during dry weather.

13.14.5.8 Screening

Screening as defined herein shall be provided by the developer along all of the property and street boundary lines separating the park from adjacent uses.

13.14.5.9 Other Site Improvements

Individual mobile homes in the Mobile Home Park shall be subject to the following:

- (1) Provisions shall be made by the Park Operator to have garbage and waste collected at least once every week.
- (2) Individual tenants at the Mobile Home Park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not exceed 10 feet x 30 feet.
- (3) All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

13.14.5.10 Park Areas for Non-Residential Uses

No part of any mobile home park shall be used for a non-residential purpose, except such uses that are required for the direct servicing and

wellbeing of park residents and for the management and maintenance of the parks.

Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

13.14.5.11 Anchoring

Every mobile home shall be anchored to prevent uplift or overturning of the mobile home.

Every mobile home shall be firmly anchored to withstand a lateral wind pressure of twenty (20) pounds per square foot.

The dead load resisting moment of a mobile home shall not be less than one and one-half (1-1/2) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Township Engineer shall determine the sufficiency of the method of anchorage.

13.14.5.12 Arrival and Departure from the Park

(1) The Owner shall notify the appropriate officials in accordance with the state and local taxation laws on the arrival and departure of each mobile home.

(2) No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the municipality in which located without first obtaining a permit from the local tax collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of Seventy Dollars (\$70.00) and real estate taxes assessed against the home and paid at the time the permit is requested.

13.15 No Impact Home Based Business

The business or commercial activity must satisfy the following requirements:

(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 inventory 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 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

13.16 Oil and Gas Well Development and Related Facilities

13.16.1 Purpose

The purpose of this Part is to provide for the health, safety and welfare of the residents of the Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Township.

The Township acknowledges that it is preempted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 or that accomplish the same purposes set forth in Chapter 32 of Act 13. Furthermore, the Township acknowledges that environmental acts are of statewide concern and that it is preempted from regulating oil and gas operations to the extent that such operations are regulated by the environmental acts. This Part is intended to comply with such preemptive restrictions.

13.16.2 Criteria for Specific Activities

13.16.2.1 Pipeline Construction and Seismic Operations

Pipeline construction and seismic operations shall be a permitted use within all zoning districts; provided, that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

13.16.2.2 Compressed Natural Gas Terminal, Metering Station

- 13.16.2.2.1** No compressed natural gas terminal or metering station shall have an entrance or exit for vehicles within 300 feet of any school playground, church or public place of assembly.
- 13.16.2.2.2** Compressed natural gas terminals shall be no closer than 500 feet any residential structure.
- 13.16.2.2.3** The underground storage of liquids or fuels and onsite vehicular storage and maintenance are prohibited.
- 13.16.2.2.4** The site shall be surrounded by a chain link fence and all vehicles shall enter and exit through a security gate.
- 13.16.2.2.5** All machinery and engines necessary for the compression of gas shall be fully contained in sound attenuating housing.
- 13.16.2.2.6** Where adjacent land use dictates (i.e. residential home sites, churches or similar uses), proposed screening and/or buffer strips of 25 feet shall be provided. (See Section 12.15).
- 13.16.2.2.7** Where adjacent land use dictates (i.e. residential home sites, churches or similar uses), reasonable conditions regulating the amount of traffic generated by the site as well as the total capacity of the site may be imposed and should be provided for by the applicant.
- 13.16.2.2.8** Where adjacent land use dictates (i.e. residential home sites, churches or similar uses), reasonable conditions regulating the future growth of the site to maintain compatibility with the adjacent land uses may be imposed and should be provided for by the applicant.
- 13.16.2.2.9** Applicant to provide a decommissioning plan and a decommissioning bond sufficient to cover the costs associated with decommissioning the compressed natural gas facility and satisfying all regulatory requirements associated with said decommissioning in a form and amount approved by the Board of Supervisors.

13.16.2.3 Water Reuse Storage Facility, Water Withdrawal Facility

- 13.16.2.3.1** A written commitment shall be submitted with the zoning application stating that a complete site restoration within 1

year following the termination of production in accordance with PADEP regulations.

13.16.2.3.2 Impoundments that are used solely for freshwater storage do not require a zoning permit.

13.16.2.3.3 Water reuse storage facility shall be fenced and buffered from adjacent areas in accordance with the requirements of Section 12.15 of this Ordinance. Such a facility shall only be located on an oil and gas drilling site or at a nearby site required to serve the site during drilling and fracking operations.

13.16.2.3.4 Entrances and exits to any public access roads shall be a minimum of 50 feet from any intersection. All entrance driveways shall be paved for 50 feet from the public street to prevent stone, soil, and dust from being deposited on the public roadway.

13.16.2.3.5 Adequate truck maneuvering and standing areas shall be provided for the anticipated traffic volumes at the site in order to not impact public roads in the vicinity.

13.16.2.4 Oil and Gas Development

13.16.2.4.1 These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of the ordinance codified in this Part.

13.16.2.4.2 Any physical modification to an existing site materially altering the size, type, location and/or number of wells or other accessory equipment shall require a permit or, in the case of additional wells, notice under this Part.

13.16.2.4.3 Permit fees will be based on the area of the well pad or the area to be developed for accessory uses for a well pad.

13.16.2.4.4 Wells may not be drilled within 500 feet, measured horizontally from the vertical well bore to a building or water well unless the written consent is obtained from the owner of the building or water well.

13.16.2.4.5 Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 300 feet of an existing building.

13.16.2.4.6 All machinery and engines necessary for the extraction of gas at the well location shall be fully contained in sound attenuating housing.

13.16.2.4.7 The staging of equipment and materials shall be limited to the permitted drilling site or to a nearby location required to serve the site during drilling and fracking operations.

13.16.2.4.8 Oil and gas development shall be prohibited in any mapped 100 year floodplain area.

13.16.2.5 Application Requirements

A zoning permit shall be required prior to the commencement of all new oil or gas activities, and to the addition to any existing activity or sites that materially alter the size or location of the existing site or activity. The applicant shall provide the Township with the following information at the time of permit application:

13.16.2.5.1 All information required on the zoning permit application.

13.16.2.5.2 A narrative describing the proposed activity.

13.16.2.5.3 The approximate number of acres to be disturbed for development.

13.16.2.5.4 Proposed structures and buildings; for oil and gas activity applications, the proposed number of wells, including the DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later.

13.16.2.5.5 Identification of area roads that will be used to access the site and description of the vehicles relating to the use. When appropriate, furnish a copy of the excess maintenance agreement for any road with weight limits that will be used.

13.16.2.5.6 A “site address” for the site in compliance with the Lycoming County 911 addressing system for emergency and safety services; and

13.16.2.5.7 A copy of any permits issued at the time of submittal, including any DEP permits and any applicable PennDOT or municipal highway occupancy or driveway permits.

13.16.2.6 Floodplain Considerations

- 13.16.2.6.1** Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain (see the Township Floodplain Ordinance).
- 13.16.2.6.2** Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
- 13.16.2.6.3** Drilling associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the regulated (or 100-year) floodplain, a zoning permit may be issued by the Zoning Officer, provided that compliance is demonstrated with the floodplain regulations of the Township and upon submission of a flood evacuation plan.

13.16.2.7 Noise Control Requirement

- 13.16.2.7.1** When noise is a potential issue occurring from the development of oil and gas facilities, the applicant shall take the following steps to minimize such noise. This requirement shall be used in lieu of Section 12.9.4 of this Ordinance.
- 13.16.2.7.2** Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or 100 feet from the nearest residence or, public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two-hour test the applicant may assume and use, for the purpose of compliance with this section, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American

National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

13.16.2.7.3 Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Township.

13.16.2.7.4 Complaints received by the Township shall be addressed by the applicant, by the next day following receipt of notification to the applicant, by continuously monitoring for a period of 72 hours at the same locations utilized for establishing the ambient noise levels referenced in Section 13.16.2.7.2 above. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

13.16.2.7.5 Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

13.17 Outdoor Recreation Uses, Campgrounds and Recreation Vehicle Parks

All of the above shall be subject to the following:

13.17.1 All such camp sites shall be planned as a unit and shall be located on a tract of land at least ten (10) acres in size. This said site shall be in single ownership or under unified control.

13.17.2 Access to the campground shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

Each campground shall be provided with at least two (2) points of ingress and egress and a distance of at least 150 feet shall be maintained between centerlines of access streets.

13.17.3 Where a private street or streets are proposed, there shall be installed as a

minimum a six-inch (6") base to consist of rolled stone or, in the alternate, an eight-inch (8") base of rolled shale, and twenty feet (20') in width. Any proposed street shall not exceed a grade of twelve percent (12%) measured at the street center line.

13.17.4 Each individual trailer or tent site shall be a minimum of forty feet (40') wide at the setback line and at least fifty feet (50') deep. The density shall not exceed fifteen (15) individual lots per gross acre.

13.17.5 No trailer, tent, or building shall be located closer than fifteen feet (15') to any internal street or closer than fifty feet (50') to any public road or property line.

13.17.6 All campgrounds shall provide not less than twenty percent (20%) of the total land area devoted toward the campground for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and be centrally located and easily accessible to all campers, where the topography permits.

13.17.6.1 Exposed ground surfaces must be adequately protected to prevent soil erosion and the emanation of excessive dust during dry weather.

13.17.6.2 Campgrounds shall be maintained free of vegetation and growth which is poisonous, or which may harbor rodents, insects or other pests harmful to man.

13.17.7 No campground permit shall be issued until the sewage disposal and water distribution systems for the campground have been approved by the Pennsylvania Department of Environmental Protection.

13.17.8 All means of ingress and egress shall be adequately lighted and shall be placed in a manner which will not cause direct glare into adjacent homes or properties.

13.17.9 All campgrounds shall make adequate provisions for controlling stormwater.

13.18 Residential Uses

13.18.1 Conversion to Two-Family Dwelling: The conversion of a one family dwelling for occupancy by not more than two (2) families, subject to the conditions below:

13.18.1.1 The lot area per family should not be reduced thereby to less than that required for the district in which such lot is situated.

13.18.1.2 The yard, building area, and other applicable requirements for the district shall not be reduced thereby.

- 13.18.1.3 No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
- 13.18.1.4 There shall be two (2) points for entering and exiting each dwelling unit;
- 13.18.1.5 Two (2) off-street parking spaces shall be provided for each dwelling unit; and
- 13.18.1.6 Any existing on-lot effluent disposal system shall be enlarged, or additional systems provided pursuant to the Pennsylvania Department of Environmental Protection Regulations.

13.18.2 Multiple-Family Dwellings

- 13.18.2.1 Multiple-Family Dwellings, including both new construction and the conversion of an existing dwelling structure shall be limited to one multiple-family dwelling structure per lot and shall meet the minimum lot area and maximum height and lot coverage standards for the applicable district (see Articles 4 -7). Newly constructed multiple-family dwellings and existing structure alterations shall also meet the minimum yard requirements of the district in which located.
- 13.18.2.2 There shall be no more than 4 units per structure for this use.
- 13.18.2.3 The applicant for this use shall demonstrate compliance with the applicable building code in order to receive an approval.
- 13.18.2.4 Sewer and water facilities shall be by connection to municipal systems or an on-lot sewage permit secured prior to any approval for this use.
- 13.18.2.5 All parking spaces shall be off-street in accordance with Section 12.10.

13.18.3 Multiple-Family Dwelling Developments

13.18.3.1 Minimum Lot Area: 3 acres

13.18.3.2 Maximum Gross Density for Multi-family Dwelling:

5 dwelling units per acre

13.18.3.3 Minimum Lot Width: 300 ft.

13.18.3.4 Minimum *Perimeter* Yards

front: 50 ft.

side: 20 ft.

rear: 30 ft.

13.18.3.5 Minimum Building Separation: 30 ft.

13.18.3.6 Water and Sewage Facilities: The development must be served by central water and central sewage facilities.

13.18.3.7 A maximum of 0.25 square feet of floor area shall be permitted for each square foot of lot area.

13.18.3.8 Open Space

Minimum of three (3) square feet of lot area per one foot of floor area shall be open space. Open space is the total horizontal area of all uncovered open space.

13.18.4 Townhouses

13.18.4.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

13.18.4.2 Minimum tract size for a development: 3 acres

13.18.4.3 Maximum Gross Density: 5 dwelling units per acre

13.18.4.4 Minimum Building Lines

front: 25 ft.
side: zero (between units)
40 ft. (between buildings)
rear: 30 ft.

13.18.4.5 Water and Sewage Facilities: The development must be served by central water and central sewage facilities.

13.19 Self-Storage Facility

13.19.1 No residential use or business activity other than the self storage units shall be permitted within the facility.

- 13.19.2** The premises shall be used exclusively for the storage of personal property, goods and materials. No explosive, toxic, radioactive or highly flammable materials or substances shall be stored within the units.
- 13.19.3** Limited Accessory Use – The sale of moving and storage supplies and the rental of moving trucks, clearly incidental to the primary use, shall be permitted out of the office of the self storage facility.
- 13.19.4** In connection with a Self Storage Facility, currently licensed recreation vehicles may be stored outside on the premises, provided, that the portion of the premises dedicated to such use is at least 300 feet from any public road right-of-way, is in a separate fenced area and does not abut any residential use.
- 13.19.5** A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 13.1.10, 13.1.11 and 13.1.12 respectively).

13.20 Shopping Center/Mini-Mall

- 13.20.1 Minimum Lot Area:** 1 acre
- 13.20.2 Minimum Lot Width:** 400 ft.
- 13.20.3 Minimum Yards**
- | | |
|--------|-------------------------------------|
| front: | 80 ft. |
| side: | 20 ft. |
| | (abutting a residential use) 40 ft. |
| rear: | 20 ft. |
| | (abutting a residential use) 40 ft. |
- 13.20.4 Access**

There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within seventy feet (70') of intersecting streets, unless such points are located directly at an intersection.

13.20.5 Management

A shopping center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including common areas.

13.20.6 Circulation

Traffic circulation within a shopping center project shall be designed to

minimize pedestrian and vehicular mixing and congestion. Circulation shall be provided along the outer perimeters and along store entrances.

13.20.7 Landscaping and Lighting

A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Sections 13.1.10, 13.1.11 and 13.1.12 respectively).

13.21 Solar Farm

13.21.1 Exemptions

A Solar Farm or Principal Solar Energy System (PSES) constructed prior to July 10, 2024 shall not be required to meet the terms and conditions contained herein. Any physical modification to an existing PSES, whether existing prior to the effective date of this Section that materially alters the PSES shall require all appropriate permits. Routine maintenance or like-kind replacement do not require a permit.

13.21.2 Principal Solar Energy System Design and Regulation

13.21.2.1 The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The PSES layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

13.21.2.2 The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

13.21.2.3 The applicant shall provide the Township with an executed copy of its contract with a public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected, the same to be subject to review and approval of the Township.

13.21.2.4 No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of

ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

- 13.21.2.5** All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.
- 13.21.2.6** The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses. Township will require anti-glare coating and the Township may, in its sole and absolute determination, require applicant to provide the Township with a glare report/study. The said report/study may be required at the time of application or any time thereafter. The said report/study shall be subject to review and approval by the Township. The cost of the review and approval shall be paid by applicant or owner.
- 13.21.2.7** A noise study will be performed and submitted with the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, except during construction, as measured at the property line of non-participating landowners. The study shall be subject to review and approval of the Township, the costs of the same to be paid by applicant.
- 13.21.2.8** No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES, subject to approval of the Township.
- 13.21.2.9** The PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the complaint was filed.
- 13.21.2.10** PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.
- 13.21.2.11** A Contingency Plan of Emergency Procedures shall be developed by

the PSES owner consistent with standard operating practices of the industry and furnished to the Township, the local fire company and the County Department of Emergency Services at the time the application for a permit is submitted. The same shall be reviewed and updated, if necessary, every five (5) years.

13.21.2.12 Decommissioning

13.21.2.12.1 The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, the PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

13.21.2.12.2 The PSES owner shall then have six (6) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Township may authorize on six (6) month extension for just cause shown by the PSES owner.

13.21.2.13 Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit 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 energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

13.21.2.14 Permit requirements

13.21.2.14.1 PSES shall comply with the Township subdivision and land development requirements. The installation of

PSES shall follow all applicable statutes, ordinances, permit requirements, codes and regulations.

- 13.21.2.14.2** The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

13.21.3 Ground Mounted Principal Solar Energy Systems

13.21.3.1 Minimum lot size: five (5) acres

13.21.3.2 Minimum yards:

- 13.21.3.2.1** PSES shall comply with the following minimum setback requirements measured from the property line:

Fence: 25 ft.

Panels:

Front: 50 ft.

Side: 50 ft.

Rear: 50 ft.

- 13.21.3.2.2** In all cases, there shall be a minimum distance of one hundred twenty-five (125) feet between the boundary line of adjacent non-participating lands utilized for residential purposes and any component of the PSES including buildings, panels and other equipment.

- 13.21.3.2.3** The minimum side and rear yards specified above may be waived in the case of adjoining tracts of land within a single PSES. In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

13.21.3.3 Height: Ground mounted PSES shall not exceed twenty (20) feet in height.

13.21.3.4 Impervious Coverage

- 13.21.3.4.1** The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious

construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations provided for in the applicable statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

13.21.3.4.2 The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

- (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- (b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.
- (c) Gravel or paved access roads servicing the PSES.

13.21.3.5 PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

13.21.3.6 Ground mounted PSES shall be screened from adjoining residential uses that are not part of the PSES development with a minimum planting height of 6', unless the residential landowner waives such requirement and provides it in writing. Also, highly trafficked sections of road shall be screened as determined by the Township. The location and specifications for required screening shall be indicated on the land development plan. Refer to Sections 12.14 and 12.15 for screening requirements.

13.21.3.7 Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

13.21.3.8 Security

13.21.3.8.1 All ground mounted PSES shall be completely enclosed

by a minimum six foot (6') or a maximum eight foot (8') high fence and all gates shall have locks.

- 13.21.3.8.2** A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

13.21.3.9 Access

- 5.22.3.10.1** At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.

- 5.22.3.10.2** Service roads, at a minimum 16' width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

- 13.21.3.10** The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local statutes, ordinances, rules and regulations as determined by the Township.

- 13.21.3.11** If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

13.21.4 Roof and Wall Mounted Principal Solar Energy System

- 13.21.4.1** For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building code of the Township and that the roof or wall supporting the system can hold the load imposed on the structure.

- 13.21.4.2** PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

- 13.21.5** The landowner and developer shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township and shall be submitted with the application for a permit signed by said owner and developer.

13.21.6 The applicant for a Zoning Permit for a PSES shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) per cent of the estimated cost to decommission the PSES. The estimated cost shall be prepared by the applicant and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the PSES is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the PSES, or the land as provided herein.

Every five (5) years, a new estimate of the said costs shall be submitted to the Township in writing by the owner of the PSES. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) per cent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner of the PSES shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) per cent.

The Township shall be entitled to an administrative fee of ten (10%) per cent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner of the PSES shall be liable for the costs and fees not paid from the financial security.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in reviewing the estimates or enforcing the said agreement shall be paid by the owner of the PSES within ten (10) days of receiving a bill for the same.

13.22 Surface Mining

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

13.22.1 The applicant shall demonstrate compliance with all pertinent environmental

requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.

13.22.2 This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.

13.22.3 This use shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.

13.22.4 The applicant shall submit an appropriate screening plan which may make use of spoils material if it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

13.22.5 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information.

13.22.5.1 Hydrologic analysis and information.

13.22.5.2 Information concerning geologic conditions.

13.22.5.3 *USDA - NRCS* soils classification information.

13.22.5.4 Information on mineral bearing areas.

13.22.5.5 Land use analysis.

13.22.5.6 Information regarding transportation impacts.

13.22.5.7 Information regarding emergency and safety services.

13.22.5.8 Economic impact analysis; and

13.22.5.9 Air quality impact analysis.

13.23 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. Subject to the requirements of this Section, the Board of Supervisors shall have the authority to permit the proposed use or deny the use in accordance with the standards governing conditional use applications set forth in Section 18.2 of this

Ordinance. Applicant's proposed use may only be permitted by the Board of Supervisors if:

- 13.23.1** It is not allowed as a permitted use, a conditional use, a special exception use, or otherwise in any zoning district under the terms of this Ordinance.
- 13.23.2** It is like and compatible with the other uses permitted in the zoning district where applicant's proposed use is located; and
- 13.23.3** It in no way conflicts with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

13.24 Waste Facilities

- 13.24.1** No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.
- 13.24.2** All facilities considered for a Special Exception Use under this section shall not be in the following locations (as measured from the property line of the facility):
 - 13.24.2.1** Within 2 miles of a well or spring used for a community water supply.
 - 13.24.2.2** Within 2 miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply.
 - 13.24.2.3** Within any 100-year floodplain or a larger area that the flood of record has inundated.
 - 13.24.2.4** Within any wetland area.
 - 13.24.2.5** Over any active or inactive oil or gas wells or storage areas.
 - 13.24.2.6** Over any formations of carbonate bedrock.
 - 13.24.2.7** Within 2 miles of any National Landmark or historic site as listed on the National Register of Historic Places.
 - 13.24.2.8** Within any Agricultural Security Area.

- 13.24.2.9** In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service.
- 13.24.2.10** Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building.
- 13.24.2.11** Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or
- 13.24.2.12** Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

13.24.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information.

- 13.24.3.1** Hydrologic analysis and information.
- 13.24.3.2** Information concerning geologic conditions.
- 13.24.3.3** *USDA - NRCS* soils classification information.
- 13.24.3.4** Information on mineral bearing areas.
- 13.24.3.5** Land use analysis.
- 13.24.3.6** Information regarding transportation impacts.
- 13.24.3.7** Information regarding emergency and safety services.
- 13.24.3.8** Economic impact analysis; and
- 13.24.3.9** Air quality impact analysis.

13.24.4 Application Requirements

The Applicant shall submit the following information pertaining to the site or project:

- 13.24.4.1** A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site.
- 13.24.4.2** A description of the specific technology and procedures the

applicant proposes to use to treat, process, and dispose of the waste at the facility.

13.24.4.3 A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility.

13.24.4.4 A statement of qualifications to operate a waste disposal facility.

13.24.4.5 A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:

- Facility construction and maintenance procedures.

- Operating procedures and practices, the design of the facility and its associated activities.

- Monitoring procedures, practices and standards necessary to assure safe operation of the facility.

- The services to be offered by the applicant to the community.

- The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision.

- Provisions for controlling odors and noise associated with this use.

- Provisions for renegotiations of any term, condition or provision of the siting agreement.

- Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties.

- Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts.

- Provision for direct monetary payments to the Township and special services to be provided for demonstrated adverse impacts.

- Provision to assure the health, safety, comfort, convenience and social and economic security of the township.

- Provision to assure the protection of environmental and natural

resources.

-Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.

13.25 Wind Energy Facility

13.25.1 Purpose

The purpose of the section is to provide for the construction and operation of Wind Energy Facilities in areas of Lycoming Township, subject to reasonable conditions that will protect the public health, safety and welfare.

13.25.2 Applicability

13.25.2.1 These regulations apply to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this Ordinance is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

13.25.2.2 Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

13.25.2.3 No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within the areas of Lycoming Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.

13.25.2.4 Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

13.25.3 Permit Application

13.25.3.1 The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.

13.25.3.2 Among other things, the application shall contain the following:

- 13.25.3.2.1** A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- 13.25.3.2.2** An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
- 13.25.3.2.3** Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
- 13.25.3.2.4** A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility 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.
- 13.25.3.2.5** Documents related to decommissioning.
- 13.25.3.2.6** Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
- 13.25.3.3** Within (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
- 13.25.3.4** Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present

the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

13.25.3.5 Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the permit application.

13.25.3.6 Throughout the permit process, the Applicant shall promptly notify Township of any changes to the information contained in the permit application.

13.25.3.7 Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

13.25.4 Design and Installation

13.25.4.1 Design Safety Certification

The design of the Wind Energy Facility 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.

13.25.4.2 Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142.

13.25.4.3 Controls and Brakes

All Wind Energy Facilities 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.

13.25.4.4 Electrical Components

All electrical components of the Wind Energy Facility shall conform to

relevant and applicable local, state and national codes, and relevant and applicable international standards.

13.25.4.5 Visual Appearance; Power Lines

- 13.25.4.5.1** Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- 13.25.4.5.2** Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 13.25.4.5.3** Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
- 13.25.4.5.4** On-site transmission and power lines between Wind Turbines shall, to the maximum extent *practical*, be placed underground.

13.25.4.6 Warnings

- 13.25.4.6.1** A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- 13.25.4.6.2** 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 feet from the ground.

13.25.4.7 Climb Prevention/Locks

- 13.25.4.7.1** Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- 13.25.4.7.2** All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

13.25.5 Setbacks

13.25.5.1 Occupied Buildings

- 13.25.5.1.1** Wind Turbines shall be set back from the nearest Occupied

Building a distance not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

13.25.5.1.2 Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

13.25.5.2 Property lines: All Wind Turbines shall be set back from the nearest property line not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

13.25.5.3 Public Roads: All Wind Turbines shall be set back from the nearest public road not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

13.25.6 Alteration of Setbacks

13.25.6.1 Property owners may alter the setback requirements in Section 13.25.5.1.2 (Occupied Buildings on Non-participating Landowner's property) and Section 13.25.5.2 (Property Lines) by signing a document that sets forth the applicable setback provision(s) and the proposed changes.

13.25.6.2 The written document shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

13.25.6.3 Any such document shall be recorded in the Recorder of Deeds Office for Lycoming County. The document shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the setback alteration shall run with the land and may forever burden the subject property.

13.25.6.4 Upon application, the Township may alter the setback requirement for public roads for good cause.

13.25.7 Use of Public Roads

- 13.25.7.1** The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
- 13.25.7.2** The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- 13.25.7.3** The Township may bond the road in compliance with state regulations.
- 13.25.7.4** Any road damage caused by the applicant, or its contractors shall be promptly repaired at the applicant's expense.
- 13.25.7.5** The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

13.25.8 Local Emergency Services

- 13.25.8.1** The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
- 13.25.8.2** Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

13.25.9 Noise and Shadow Flicker

- 13.25.9.1** Audible sound from a Wind Energy Facility shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility 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*.
- 13.25.9.2** The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

13.25.10 Waiver of Noise and Shadow Flicker Provisions

13.25.10.1 Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.

13.25.10.2 The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.

13.25.10.3 Any such waiver shall be recorded in the Lycoming County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

13.25.11 Signal Interference

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 Wind Energy Facility.

13.25.12 Liability Insurance

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

13.25.13 Decommissioning

13.25.13.1 The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

13.25.13.2 Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches below ground level, and any other associated facilities.

- 13.25.13.3** 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.
- 13.25.13.4** 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.
- 13.25.13.5** The Facility Owner or 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 percent (25%) 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.
- 13.25.13.6** 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.
- 13.25.13.7** If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 13.25.13.1, then the landowner shall have six (6) months to complete decommissioning.
- 13.25.13.8** If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 13.25.13.1 and 13.25.13.7, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- 13.25.13.9** The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the

decommissioning plan.

13.25.14 Public Inquiries and Complaints

13.25.14.1 The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

13.25.14.2 The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

13.25.15 Remedies

13.25.15.1 It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance.

13.25.15.2 If the Township determines that a violation of the Ordinance or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

13.25.15.3 If after thirty (30) days from the date of the notice of violation the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

ARTICLE 14

Sign Regulations

14.1 Sign Policies

- 14.1.1 It is the purpose of these provisions to place strict limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.
- 14.1.2 The regulations of this Chapter relating to signs shall be strictly construed, and signs not specifically permitted by the provisions of this Chapter shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.
- 14.1.3 It is the intent of these provisions that the signs listed in Section 14.2 shall be exempt from permitting requirements. Such signs are generally for public service purposes or are temporary or minor in nature.
- 14.1.4 Regulated signs, which are not exempt from permitting requirements, shall comply with the standards of Section 14.3.

14.2 Exempt Signs – No Zoning Permit Required. The following sign types do not require a permit or license and shall not be counted toward the maximum sign area.

- 14.2.1 Any sign which is less than two (2) square feet in area, or a sign for a home occupation or home business which shall not exceed six (6) square feet in area.
- 14.2.2 Public Service Sign. A sign located for the purpose of providing traffic safety, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, etc.). Such signs may bear no commercial advertising and shall not exceed six (6) square feet. Civic organization sponsored public service signs and public auction signs shall not be considered commercial advertising.
- 14.2.3 Community Directory Sign. An accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility which shall not exceed twenty-five (25) square feet in total area if single faced or fifty (50) square feet if double faced. One such sign, not located upon a public right-of-way, is allowed for each property street frontage.
- 14.2.4 Memorial signs or tablets and signs denoting the date of erection of building.

14.2.5 The flag, pennant or insignia of any government or of any religious, charitable or fraternal organization.

14.2.6 Clocks, time and temperature signs and barber poles, provided that they are not larger than twenty-five (25') feet. Any commercial advertisements attached to such structure must be permitted or licensed.

14.2.7 Interior signs.

14.2.8 Temporary Signs.

14.2.8.1 A zoning permit shall not be required for the placement of a Temporary Sign.

14.2.8.2 No Temporary Sign shall be placed within ten (10') feet of boundary line of the lot or parcel upon which it is placed, nor within ten (10') feet of any street right-of-way line abutting the lot or parcel upon which it is placed.

14.2.8.3 Temporary Signs shall not exceed the size or area of permanent signs in the zoning district in which it is placed.

14.2.8.4 Temporary Signs shall not be placed within any public right-of-way.

14.2.8.5 Temporary Signs within the clear sight triangle shall not exceed two (2') feet in height.

14.2.8.6 Temporary Signs shall not be placed upon or attached to utility poles, street sign poles, traffic signs, traffic light poles, trees or similar vertical structures.

14.2.8.7 Signs offering the sale or rental of the premises upon which the sign is erected, shall be permitted without a permit, provided that not more than one (1) such sign may be erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one (1) sign may be erected on each street frontage.

14.2.8.8 Temporary Signs for contractors, developers, architects, engineers, builders, artisans and lenders, erected and maintained on the premises where the work is being performed, shall be allowed without a zoning permit.

14.2.8.9 Signs indicating "No Trespassing", private use of a road, driveway or premises, or signs controlling fishing or hunting on the said premises, shall be allowed without a permit.

14.2.8.10 Temporary Signs required by law or any government agency shall be allowed without a zoning permit and shall be posted for a period of time as provided by said law or government agency.

14.2.8.11 Temporary Signs advertising the sale of farm products produced on the premises or advertising auctions or events of charitable, political or public service groups.

14.2.8.12 Temporary Business Signs.

(a) A-frame and movable signs are permitted as long as the sign is secured to the ground so as not to become a hazard during windy conditions.

(b) No Temporary Business Sign shall be placed so as to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.

14.3 Regulated Signs – Zoning (Sign) Permit Required.

14.3.1 Maximum Sign Area for Regulated Signs. A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of one and one half (1½) square feet for each lineal foot of building face parallel or substantially parallel to a street line. See Section 2.2 for definition of Sign Area.

14.3.1.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.

14.3.1.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft.

14.3.1.3 There shall be no limit on the total number or types of signs provided that the maximum sign area for the building shall not be exceeded and that the standards for the types of signs found below shall be met.

14.3.2 Standards for Regulated Signs.

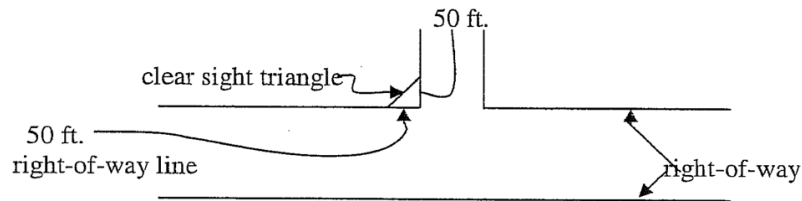
14.3.2.1 Off Premises Direction Sign. A sign stating the name(s) and directions to a business located off premises (from the sign location). Requirements are as follows:

(a) The maximum sign area for a sign which provides directions to a single business shall be four (4) square feet. The maximum sign area for a sign serving more than one business, regardless of the number of businesses listed on the sign, shall be twenty (20) square feet.

(b) The maximum number of Off Premise Direction signs per business shall not exceed three (3).

(c) Such signs shall not be located upon a public right-of-way; the written permission of the property owner shall be furnished with the permit application.

(d) The direction sign shall comply with the visibility at intersection criteria specified in §507 of this Chapter and shall not be placed in a location which may obstruct the vision of vehicle operators at the intersection (see illustration below).



(e) Only one Off Premises Direction sign shall be permitted on a lot, which shall be allowed in addition to any other sign limitations imposed by this Chapter.

(f) All applicable provisions of the Pennsylvania Outdoor Advertising Control Act of 1971, Act 160 as amended, shall be adhered to where signs are to be erected in areas adjacent to Federal Aid Primary or Interstate Highways as classified by PA DOT (e.g. Routes 87 and 973). Any individual desiring to erect a sign in these areas shall contact the PA DOT District 3-0 Highway Beautification Manager.

14.3.2.2 Free Standing Sign. A self-supporting sign in a fixed location and not attached to any building or structure.

(a) Such sign shall have no more than two (2) faces.

(b) The area of each face shall not exceed thirty-two (32) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.

(c) The top of such sign may not exceed a height of twenty (20) feet above grade.

(d) A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.

(e) Such signs shall be erected so as to not obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.

(f) There must be no exposed connecting wires.

14.3.2.3 Projecting Sign. A permanent sign this is hung at a 90⁰ angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.

(a) If flat, each face shall not exceed nine (9) square feet.

(b) The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.

(c) Such sign must be hung at right angles and shall not project beyond four (4) feet of the building face.

(d) The bottom of said sign shall have an eight (8) foot pedestrian clearance from the ground or sidewalk level.

14.3.2.4 Wall Sign. A sign which is attached parallel on the exterior surface of a building or structure. Canopy signs, awning signs, marquee signs, and individual letters or symbols shall be classified as wall signs for the purposes of this Chapter.

(a) A wall sign shall not project more than fifteen (15) inches from the building surface.

(b) The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.

(c) Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

14.3.2.5 Billboards/Off Premises Advertising Sign (Free-Standing Signs). A sign with a fixed message or an electronic graphic display (see Section 2.2 for definition) stating the name of an advertised product or name(s), directions to a business and information concerning the business located off-premises (from the sign location). Requirements are as follows:

(a) The maximum sign area for such a sign shall be thirty-two (32) square feet.

(b) For an electronic graphic display sign the minimum message interval shall be 7 seconds between the start of displays in series.

(d) The minimum separation between Off Premises Advertising Signs shall be five hundred (500) feet.

(e) The top of such sign may not exceed a height of twenty (20) feet above the road grade adjacent to the sign.

(f) There must be no exposed connecting wires.

(g) Such signs shall not be located upon a public right-of-way.

(h) Compliance with Penn DOT regulations shall be secured when applicable.

14.3.3 Sign Application and Permit. A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Board of Supervisors and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

14.3.4 Illumination of Signs. A sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

14.3.4.1 All electricity illuminated signs shall conform to the requirements of the International Building Code/2000 as amended.

14.3.4.2 Any illumination must be non-glaring or shielded to prevent direct light from shining onto any street or adjacent property.

14.3.4.3 No forms of illumination that is flashing, moving, animated or intermittent shall be allowed.

14.3.4.4 There must be no exposed connecting wires.

14.3.5 Setback Requirements. Unless otherwise specified in the Code, signs are exempt from setback requirements.

14.3.6 Supports and Brackets. Supports and brackets for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.

14.4 Prohibited Signs. Prohibited Signs shall include:

- 14.4.1** Any sign which flashes, rotates, or has a motorized part that is visible from a public street.
- 14.4.2** Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- 14.4.3** Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.
- 14.4.4** Any sign or sign structure which:
 - 14.4.4.1** Is structurally unsafe;
 - 14.4.4.2** Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - 14.4.4.3** Is not kept in good repair; or
 - 14.4.4.4** Is capable of causing electrical shocks to persons likely to come in contact with it.
- 14.4.5** Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 14.4.6** String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
- 14.4.7** Spinners and streamers.
- 14.4.8** Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.
- 14.4.9** Any sign affixed to a fence, utility pole or utility structure, or tree, shrub, rock or other natural objects.
- 14.4.10** Off premise signs unless a Business Directory Sign (see Section 14.3.2.1) or a Billboards/Off Premises Advertising Sign (see Section 14.3.2.5).
- 14.4.11** Portable or moveable signs other than as temporary signs (see Section 14.2.8.12).

14.4.12 Signs which depict nudity or sexual conduct (see also Section 13.2 for Adult Entertainment uses).

14.5 Maintenance. Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and may remove the sign and keep possession of same until the owner pays the costs of removal.

14.6 Table of Allowed Sign Uses By Zoning Districts

SIGN TYPE	Further Information See Section	ZONING DISTRICT			
		<i>Conservation</i>	<i>Agriculture Residential</i>	<i>Suburban Residential</i>	<i>Village Center</i>
*Address, Name Plate or Identification Signs	14.2.1	P	P	P	P
*Community Bulletin Board Sign	14.2.3	P	P	P	P
*Contractor or Construction Sign	14.2.8.8	P	P	P	P
Free Standing Sign	14.3.2.2	P	P	P	P
Highway Billboard Sign	14.3.2.5	P	P	P	P
Individual Letters or Symbols	14.3.2.4	P	P	P	P
*Memorial Signs	14.2.4	P	P	P	P
*Occupation Signs	14.2.1	P	P	P	P
*Off-Premises, Directional, & Information Sign	14.3.2.1	P	P	P	P
Projecting Sign	14.3.2.3	P	P	P	P
*Public Signs	14.2.2	P	P	P	P
*Real Estate Signs	14.2.8.7	P	P	P	P
*Religious, Governmental, Charitable or Fraternal Sign	14.2.5	P	P	P	P
*Temporary Business Sign	14.2.8.12	P	P	P	P
*Temporary Sign for Holidays or Special Events	14.2.8.11	P	P	P	P
Wall Sign, Facia Sign	14.3.2.4	P	P	P	P
*Window Sign	14.2.7	P	P	P	P

***Signs Not Requiring Permits (see §14.2) P – Permitted Sign X – not permitted**

Articles 15-16

Reserved

ARTICLE 17

Zoning Hearing Board Proceedings

17.1 Organization and Procedure

17.1.1 Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for Upper Fairfield Township.

17.1.2 Appointment and Membership

The Zoning Hearing Board shall consist of three (3) members who are residents of Upper Fairfield Township who are appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office or employment in the municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Township's intent to take such a vote.

The Township Board of Supervisors may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

17.1.3 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term becomes vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

17.2 Powers and Duties

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

17.2.1 To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria of the Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance.

17.2.2 To Hear and Decide Appeals

17.2.2.1 The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.

17.2.2.2 The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance of the Township or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.

17.2.2.3 The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

17.2.2.4 The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer regarding any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary.

17.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance

17.2.3.1 The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.

17.2.3.2 The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged

defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

17.2.4 To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and a public hearing (see Section 2.2).

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- 17.2.4.1** 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 the Zoning Ordinance in the neighborhood or district in which the property is located;
- 17.2.4.2** that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 17.2.4.3** that such unnecessary hardship has not been created by the applicant;
- 17.2.4.4** that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 17.2.4.5** that the variance, if authorized, will represent the minimum variance

that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

17.3 Hearing Procedures

17.3.1 Parties Appellant Before the Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

17.3.2 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body 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, knowledge, or reason to believe that such approval had been given.

17.3.3 Application Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 17.3.3.1** the name and address of the applicant or appellant;
- 17.3.3.2** the name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 17.3.3.3** a brief description and location of the parcel to be affected by such proposed change or appeal;
- 17.3.3.4** a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and

- 17.3.3.5** a reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

17.3.4 Procedure for Zoning Officer

- 17.3.4.1** The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 17.3.4.2** The Zoning Officer may recommend to the Zoning Hearing Board a modification or reversal of recommended action in cases where substantial justice requires the same but where he does not have sufficient authority to depart from the regulations.

17.3.5 Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 17.3.5.1** Public notice in accordance with the definition of *Public Notice* in Section 2.2 of this Ordinance;
- 17.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 17.3.5.3** Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Township Planning Agency shall be given notice at least 30 days prior to the hearing); and

17.3.5.4 In case of Special Exception, an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

17.3.6 Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall include the vote, failure to vote, or absence from the vote of each member upon each question. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

17.3.7 Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant

personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

17.3.8 Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain a Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

17.3.9 Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, which must be a majority of the total members.

17.3.10 Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 days (see Section 17.3.5) and/or 45 days (see Section 17.3.7) time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

17.3.11 Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having

jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

17.3.12 Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within 30 days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 18

Amendments and Conditional Uses - Board of Supervisors

18.1 Amendments to Zoning Ordinance or Map

The Township Board of Supervisors may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

18.1.1 Review by Planning Agency

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

18.1.2 Public Hearing

Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract together with property description to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted as required above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of the subsection.

18.1.3 Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

18.1.4 Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

18.1.5 Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

18.1.6 Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code.

18.1.7 Municipal Curative Amendment

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code.

18.2 Conditional Uses

The Township Supervisors may grant Conditional Use approval for only those instances specified in this Ordinance. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

18.2.1 Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Agency for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

18.2.2 Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

- 18.2.2.1** the location of the tract of land;
- 18.2.2.2** the present use of the tract for which the conditional use is requested;
- 18.2.2.3** the present use of adjoining tracts;
- 18.2.2.4** the type of conditional use for which the application is made;
- 18.2.2.5** a brief description of the type and extent of the proposed activities;
- 18.2.2.6** an estimate of the total development cost of the conditional use; and
- 18.2.2.7** the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

18.2.3 Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 18.2.3.1** title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 18.2.3.2** tract boundaries showing bearings and distances;

- 18.2.3.3** existing significant natural or man-made features of the site;
- 18.2.3.4** existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 18.2.3.5** existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 18.2.3.6** existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 18.2.3.7** proposed grading and drainage plan;
- 18.2.3.8** proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 18.2.3.9** plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 18.2.3.10** location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where minor site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

18.2.4 Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

18.2.5 Criteria for Review and Approval of Conditional Use

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 18.2.5.1** the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;

- 18.2.5.2** whether the specific site is an appropriate location for the use, structure or condition;
- 18.2.5.3** whether the use developed will adversely affect the neighborhood;
- 18.2.5.4** whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 18.2.5.5** whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 18.2.5.6** the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 18.2.5.7** whether satisfactory provision and arrangement has been made concerning the following:
- ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - off-street parking and loading areas;
 - waste collection, storage or disposal;
 - utilities, with reference to location, availability and compatibility;
 - screening and buffering with reference to type, dimensions and character;
 - signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
 - required yards and open spaces.

18.2.6 Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

18.2.7 Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Section 18.2.4 and 18.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice in the same manner as is done for the public hearing of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

18.2.8 Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

18.2.9 Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision in litigation.

ARTICLE 19

Administration and Enforcement

19.1 Generally: Appointment of Zoning Officer

For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Board of Supervisors. The appointment of a Zoning Officer is generally governed by Section 614 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. The Zoning Officer shall hold no elective office in the Township and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Board of Supervisors deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 19.2 herein.

19.2 Powers and Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 19.2.1** Receive and evaluate applications for permits, certificates, variances, special exception or conditional uses, appeals and other applications within the terms of this Ordinance;
- 19.2.2** Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 19.2.3** Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Board of Supervisors, as appropriate;
- 19.2.4** Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 19.2.5** Examine land, buildings, and structures to determine their consistency with the

Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials;

- 19.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 19.2.7** Issue written enforcement notices as specified in Section 19.6 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the Magisterial District Judge having jurisdiction on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;
- 19.2.8** Review the application for the permit to determine if 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. No permit shall be issued until this determination has been made;
- 19.2.9** Serve as the Township Floodplain Administrator when assigned that duty by the Board of Supervisors;
- 19.2.10** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 19.2.11** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) regarding whether a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;
- 19.2.12** Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;

19.2.13 Identify and register nonconforming premises in accord with the Nonconforming regulations of Section 12.8; and

19.2.14 Inform the Board of Supervisors prior to issuing violation and/or enforcement notices.

19.3 General Procedure: Zoning Permit Required

If required, persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Board of Supervisors, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

19.4 Zoning Permits and Certificates

19.4.1 Classes of Zoning Permits

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

19.4.1.1 Permitted Use - Issued by the Zoning Officer on the authority granted herein;

19.4.1.2 Special Exception Use - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;

19.4.1.3 Conditional Use - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Supervisors;

19.4.1.4 Permit On Appeal or Variance - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

19.4.2 Requirement for Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration

of signs, except as specified in Article 14; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 19.4.2.1** interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 19.4.2.2** exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 19.4.2.3** cultivation of crops;
- 19.4.2.4** landscaping including the erection of land terraces, steps or other similar features;
- 19.4.2.5** placement or location of utility distribution lines; or
- 19.4.2.6** razing of buildings or structures.

19.4.3 Application

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer. Completed applications shall be returned to the Zoning Officer along with the required filing fee as established by Township Resolution. Incomplete applications or those not accompanied by the correct fee shall not be considered as a Zoning Permit submission.

Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written

authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the

reason(s) for such action.

19.4.4 Plan Requirements

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as maybe necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

19.4.5 Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, County Conservation District (E&S Controls), PA DEP (state and federal environmental plans and/or permits, e.g NPDES), or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

19.4.6 Changes

After the issuance of a zoning permit by the Zoning Officer, no changes 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 Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

19.4.7 Permit and Permit Placard

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the

construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

19.4.8 Expiration of Permit

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire. Further work on the premises shall not continue until a new Zoning permit has been obtained.

19.4.9 Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

19.4.10 Revocation of Permit

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Board of Supervisors.

19.4.11 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Township and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Board of Supervisors may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

19.4.12 Occupancy Permits

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the

Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Township upon request. All applications for Occupancy Permits shall be in writing.

19.5 Violations

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

19.6 Enforcement Notice

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 19.6.1** The name of the owner of record and any other person against whom the municipality intends to take action.
- 19.6.2** The location of the property in violation.
- 19.6.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 19.6.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 19.6.5** 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 in the ordinance.
- 19.6.6** 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.

19.7 Cause 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 any ordinance enacted under this act or prior enabling laws, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

19.8 Enforcement Remedies

19.8.1 Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 19.8.2.

19.8.2 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement 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 judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

Nothing contained in this section shall be construed or interpreted to grant to

any person or entity other than Upper Fairfield Township the right to commence any action for enforcement pursuant to this section.

19.9 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer at the time of submission of the Zoning Permit application. Filing fee amounts shall be established by a resolution of the Township Board of Supervisors.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.