

PENN TOWNSHIP

ZONING

ORDINANCE

NO. 2005 - 01

Adopted: January 18, 2005
Effective: January 24, 2005
Amended: Ordinance No. 2007-02 (7-17-07)
Revision: May 1, 2013

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Per May 1, 2013 Supervisors Meeting – Revisions to Section 506 - Signs

ARTICLE I

PURPOSE

SECTION 101 SHORT TITLE

This ordinance shall be known and cited as the "Penn Township Zoning Ordinance."

SECTION 102 PURPOSE

The provisions of this Zoning Ordinance are adopted for the following purposes:

- A. To accomplish the purposes enumerated in Section 604(1) of the PA Municipalities Planning Code including promotion, protection and facilitation of the public health, safety and general welfare.
- B. To assure in particular, a safe, reliable and adequate water supply.
- C. To prevent the overcrowding of land, blight, danger, travel congestion, loss of health and life, or property, from fire, flood, panic or other dangers.
- D. To preserve prime farmland and agricultural activities based upon soil type and present use.
- E. To provide for residential housing of various types and in appropriate locations.
- F. To accommodate and guide overall community growth.

SECTION 103 COMMUNITY OBJECTIVES

This ordinance also is enacted to implement the Penn Township Comprehensive Plan of 2002, the specific objectives of which are as follows:

- A. To create a reasonable balance between development and open space conservation while protecting agriculture and environmentally sensitive areas and providing an attractive setting for new home development.
- B. To preserve the natural and scenic qualities of the rural landscape, recognizing their role in securing a satisfying quality of life.
- C. To concentrate residential growth within areas served by sewer and water or as an extension to such developments.
- D. To encourage "smart growth" practices that will promote high quality residential neighborhoods.
- E. To recognize that agriculture is the Township's primary industry and that it should be encouraged and protected from excessive or inappropriate development.

- F. To shield productive farmland from non-agricultural development by use of buffer yards.
- G. To utilize land use ordinances more strategically to preserve agriculture, particularly in and around the Ag Security Area.
- H. To protect groundwater and surface water from land use that would jeopardize the future local water supply.
- I. To safeguard the public water supply by regulating land use in the vicinity of municipal wells.
- J. To enhance water resources by effective "low impact" stormwater management in all new development.
- K. To improve efficiency and safety of local roads by considering land use and transportation as related issues.
- L. To consolidate access points and driveways to the greatest extent possible.
- M. To improve the appearance and function of the Route 522 corridor through improved landscaping, setback, buffer yards and consolidated access.
- N. To increase the density of commercial development by creating deep zones for commercial activities along Route 522.

ARTICLE II

INTERPRETATION AND VALIDITY

SECTION 201 COMPLIANCE WITH ORDINANCE

No land, building, structure or premises shall be used, and no building or part thereof or other accessory structures shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations specified for the district in which it is located.

SECTION 202 INTERPRETATION

- A. In interpreting and applying the provisions of this Ordinance, all persons shall be held to the minimum requirements for the promotion of the health, safety and general welfare of the Township residents.
- B. This Ordinance has been formulated to reflect and implement the guidelines of the Penn Township Comprehensive Plan of 2002.
- C. This Ordinance does not intend to impede, or abrogate or annul any Ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with this Ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance. It is also not intended to impede or abrogate or annul any easements, covenants, or other agreements between parties not in conflict with this Ordinance.

SECTION 203 SEVERABILITY

If any article, section, paragraph, sentence, or phrase of this Ordinance is for any reason held to be invalid to a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 204 REPEALER

The Board of Supervisors of Penn Township may repeal any parts or portions of this Ordinance, provided there is a proper notification for public review and comment.

SECTION 205 MUNICIPAL LIABILITY IN FLOODPLAIN

This Ordinance does not imply that areas outside the One-Hundred (100) Year Floodplain or those lands uses permitted within such areas will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Township or its employees for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE III

DEFINITIONS

SECTION 301 DEFINITIONS

For the purpose of this ordinance, certain terms and words shall be interpreted as follows:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The word "person" includes an individual, partnership or corporation.
5. The term "shall" or "must" is always mandatory.

Accessory Building

A building subordinate to (attached or detached) from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory Use

A use located on the same lot with a principal use, incidental and subordinate to the principal use.

Adult Commercial

Facilities offering entertainment of a sexual nature such as adult bookstores, adult cabarets, adult theaters, adult massage parlors and other activities from which minors are excluded.

Airport and Related Terms

- A. ***Airport*** - The Penn Valley Airport
- B. ***Airport Elevation*** - The highest point of an airport's usable landing areas measured in feet from mean sea level. The Penns Valley Airport elevation is 441'.
- C. ***Approach Surface*** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Article 6-Airport, Nonconformities and Status Plans, of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- D. ***Approach, Transitional, Horizontal and Conical Overlay Zones*** - An overlay of these zones on the existing zoning districts as shown on the Penn Township Zoning Map.

- E. **Conical Surface** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- F. **Hazard to Air Navigation** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.
- G. **Height** - For the purpose of determining the height limits for airport zones, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
- H. **Horizontal Surface** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- I. **Nonprecision Instrument Runway** - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or any type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- J. **Obstruction** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Article 6- Airport, Nonconformities and Status of Plans, of this Ordinance.
- K. **Primary Surface** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Article 6- Airport, Nonconformities and Status of Plans, of this Ordinance; the elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline.
- L. **Runway** - A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- M. **Transitional Surfaces** - These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended to a slope of seven (7) feet horizontally for every foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- N. **Visual Runway** - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on the FAA approved airport layout plan, military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Alterations

An alteration for the purpose of this ordinance is any change or rearrangement in the construction, use, or an enlargement of a building, whether horizontally or vertically, or the moving from one location or position to another.

Animal Equivalent Unit (AEU)

An AEU is equal to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

Aquifer

A geologic formation that contains a usable supply of water.

Aquifer Protection Area — See Wellhead Protection Area**Aquifer Recharge Area**

The outcropping part of the aquifer through which water enters the aquifer.

Automobile Related Terms

- A. **Body Shop** - A building or portion of a building, on a lot that is used for the repair and/or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.
- B. **Car Wash** - A building on a lot designed for the washing and polishing of vehicles.
- C. **Gas Station** - A building on a lot, or part of building, that is used primarily for the retail sale of gasoline, oil, other fuel and which may include facilities used for routine servicing of vehicles.
- D. **Vehicle Sales** - A building or a lot designed and used primarily for the display or sale of new and used cars and mobile homes, where mechanical repairs may be conducted as an accessory use incidental to the primary use.

Basement

The story of a structure which has its floor at least three (3) feet below average ground level surrounding the structure and which is not used for business dwelling purposes. A basement shall not be considered in determining the required number of stories.

Bed and Breakfast

A single family detached dwelling where 1-6 rooms are rented to overnight guests on a daily basis. Meals may be offered to registered guests only.

Billboard

A wood or metal sign located along the roadway for the purpose of advertising products usually not sold on the premises, sometimes paired and double-sided. These signs generally range in size from 60 sq. ft. to 200 sq. ft. are erected and maintained by professional advertising firms

Board

The body granted jurisdiction hereunder to render a final decision, and being, as appropriate, the Zoning Hearing Board or Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Buffer Yard

An area at the side property line(s), consisting of existing natural vegetation or created by the planting of trees and/or shrubs for the purpose of separating one land use from another. Unlike screening, a buffer yard provides intermittent visual obstruction and may have an informal, natural appearance. (see **Screening** definition for a different but related concept)

Buildings and Related Terms

- A. **Building** - Any structure on a lot having a roof supported by columns or walls and intended for the shelter, housing enclosure and storage of persons, animals or property.
- B. **Building Area** - The total area on a horizontal plane at the main grade level of the principal building.
- C. **Building Coverage** - That portion of a lot covered by any and all buildings including accessory buildings.
- D. **Building Envelope** - An area of a lot enclosed by the front, rear, and side yard setback lines.
- E. **Building Height** - The height of a building measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.

Campground

A parcel of land upon which two or more campsites are located, intended and maintained for transient uses in recreational vehicles or tents.

Communication Tower

A tall structure that contains an antennae for cellular phones or other communications.

Commercial

A business owned, operated and supported by private individuals or a corporation, on a for-profit basis for the use or benefit of the public.

Commission, Planning

The Planning Commission of Penn Township, Snyder 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, parking, and public facilities. Common open space shall be substantially free of structures, but may contain recreational improvements.

Community Water Supply

A private water supply that services a specific neighborhood or area that is paid for and maintained by the developer, owner and/or residents, or any private water system two or more dwelling units of any type.

Comprehensive Plan

This refers to the Penn Township Comprehensive Plan of 2002, consisting of maps, charts and textural matter; officially recommended by the Planning Commission and adopted by the Board of Supervisors.

Concentrated Animal Operation (CAO)

Agricultural operations where the animal density exceed two (2) animal equivalent units (AEU) per acre on an annual basis. An AEU is one thousand (1,000) pounds of live weight of any animal. A table of Standard Animal Weights used to make calculations is found in the Appendix.

Conditional Use

A use permitted by the Board of Supervisors in accordance with specific standards following recommendation from the Planning Commission and a public hearing.

Conversion Apartment

A multi-unit dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building.

County

Snyder County, Pennsylvania.

Daycare Center

A private facility enrolling twelve (12) or more children between the ages of 2 and 6 years of age and where tuition, fees, or other compensation is charged and which is licensed and approved to operate as a child day care center by the Pennsylvania Department of Public Welfare. (See also Group Home and Family Daycare Home.)

Deck

A platform with railings but without a roof projection from the main wall of a dwelling and intended to be used as an area for seating, dining or recreation outdoors.

Decision

A final adjudication of the Zoning Hearing Board or Board of Supervisors.

Density and Related Terms

- A. **Density** - A measure of the intensity of the use of a land parcel. It shall be expressed in housing units per acre, which is calculated by dividing the number of housing units by the net buildable site area. Also defined as the number of dwelling units per developable area.
- B. **Low** - Areas in which the density is equal to or less than one (1) dwelling unit per forty thousand (40,000) square feet of lot area.
- C. **Medium** - Areas in which the density is between ten thousand (10,000) and forty thousand (40,000) square feet lot area per dwelling unit.
- D. **High** - Areas in which the density is equal to or greater than one (1) dwelling unit per ten thousand (10,000) square feet of lot area.

Determination

A final action by an officer, body or agency charged with the administration of this Ordinance or application hereunder, except: (1) the Board of Supervisors; or (2) the Zoning Hearing Board.

Developer

A person, partnership, association, corporation or any responsible agent thereof that undertakes to create a subdivision of land or land development.

Development and Related Terms

- A. **Development** - The entire area encompassed by a land development or subdivision.
- B. **Cluster Development** - A group of single-family dwellings located in a subdivision having relatively smaller lot sizes than allowed in conventional development and common open space.
- C. **Planned Residential Development** - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, for which the development plan does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one

residential zone. Such development may include Traditional Neighborhood Development.

District or Zone

A portion of Penn Township, as shown on the zoning map, containing a class of uses or structures, to which regulations described in the Zoning Ordinance text apply.

Dwelling and Related Terms

- A. ***Dwelling*** - Any building or portion thereof designed for or used for residential purposes.
- B. ***Dwelling Unit*** - One (1) or more rooms arranged for the use of one (1) Family or Household, with cooking, living, sanitary and sleeping facilities.
- C. ***Duplex*** - A freestanding building containing two (2) dwelling units for two (2) families, arranged either side-by-side or over-under.
- D. ***Mobile home*** - A single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See HUD Code)
- E. ***Multi-family*** - A building used or designed as a residence for three (3) or more independent units.
- F. ***Single Detached*** - A freestanding building having only one (1) dwelling unit, including a mobile home, meeting the minimum habitable floor area requirement.
- G. ***Townhouse*** - A multi-family dwelling. Each dwelling unit (except the end units) contains walls on two sides in common with the walls of adjoining dwelling units, constructed as party or lot line walls.

Efficiency Apartment

An apartment dwelling unit that features a combination of certain uses in order to lessen total living area required. An "efficiency unit" shall have no more than three (3) rooms.

Family or Household

Either:

- a. one (1) person occupying a dwelling unit and maintaining a household, including not more than five (5) unrelated boarders or roomers, or
- b. two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a household, including not more than five (5) unrelated boarders or roomers, or
- c. not more than five (5) unrelated persons occupying a dwelling unit who are living together and maintaining a common household.

Family Day Care Home

A family residence where care is provided for up to six (6) young children by an occupant of the home and which is registered by the Pennsylvania Department of Public Welfare. Such facility may be permitted by the Township as a home occupation.

Farm Occupation

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

Farm-Related Business

Business activities and/or services directed at meeting the needs of those engaged in local farming, such as providing materials and services needed to farm. Such activities are specifically sized to primarily serve local users.

Farmette or "Gentleman's Farm"

A parcel of primarily open space purchased by a person or family for the enjoyment of the rural countryside and who may raise field crops or animals for pleasure or incidental income.

Flexible Zoning

Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated.

Flood and Related Terms

- A. ***Flood*** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.
- B. ***Floodplain*** - Any land area susceptible to inundation by water from any natural source or delineated by applicable HUD Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area. This area includes both floodway and floodway fringe areas.
- C. ***Floodplain Development*** - Any man-made change to improved or unimproved real estate in the flood plain, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. ***Flood Proofing*** - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- E. ***Floodway*** - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA.
- F. ***Floodway Fringe*** - The area between the floodway and the boundary of the 100-year flood.

Floor Area

As applied to a building or building part, the sum of the horizontal areas and its accessory buildings on the same lot, excluding basement floor areas not devoted to residential use. For determining parking and loading requirements, floor area shall mean the floor area intended to be used by tenants or for service to the public not including areas used for non-public purposes such as storage.

Floor Area - Habitable

The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen or bedroom.

Garage - Private

An accessory building for the storage of vehicles and/or other items, accessory and incidental to the primary use of the premises.

Grade, Finished

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans.

Group Daycare Home

A daycare facility located in a family residence, registered and licensed by the Department of Public Welfare, accommodating a maximum of 12 children with two caregivers present at all times.

Group Home

A residential facility for mentally challenged or mentally ill individuals not related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit and licensed by the State.

Hearing

An administrative proceeding conducted by the Zoning Hearing Board or the Board of Supervisors pursuant to Section 909 of the Municipalities Planning Code.

Home Commercial

A business conducted on a residential lot in conjunction with a residential dwelling unit as a secondary use to the principal residential use and with direct involvement by a family resident.

Home Occupation or “No-impact Home-Based Business”

A business, trade or profession carried on within a dwelling unit and conducted by a member of the family residing in the dwelling and clearly incidental and secondary to the residential use of the dwelling, the character of which is unchanged by the home occupation.

HUD Code

Manufactured Home Construction and Safety Standards enacted by the U.S. Department of Housing and Urban Development in 1976 with a uniform construction code that classifies mobile homes as manufactured homes. The HUD Code preempts state and local building regulations.

Impervious Surface

A surface that has been covered with material or compacted so that it is resistant to infiltration by water, including paved streets, compacted stone and sidewalks, graveled areas for vehicles and paved blocks.

Industrial Park

A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites.

Industrial Use

Area indicated for the manufacturing, assembly or fabrication of any product.

Junk

Junk shall include all scrap metals and alloy, bones, rags, cloth, rubber, rope, tinfoil, bottle, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, vehicles, tires and all other manufactured goods that are worn, deteriorated or obsolete which makes them unusable in their existing condition and therefore subject to being dismantled. This definition is to be construed as including two (2) or more abandoned or unlicensed vehicles.

Junk Yard

Any lot, land or structure or part thereof, used commercially for the collection, storage, or sale of junk or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Kennel

Any structure or premises where ten (10) or more dogs or cats or both are boarded or trained.

Land Development

Any of the following activities:

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

Landowner

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

Loading Space and Loading Area

A space, accessible from a street or way, in a building or on a lot, for the temporary use of a vehicle, while loading or unloading people, merchandise or materials.

Lot and Related Terms

- A. **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.
- B. **Lot Area** - The total area within the lot lines, excluding any area within a street or private road right-of-way, but including the area of any easement.
- C. **Lot, Corner** - A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street line is less than one hundred (100) feet.
- D. **Lot, Coverage** - The percentage of the lot area covered by the area of all buildings and structures as viewed from the site plan and/or roof line, and shall include all appurtenances, such as decks, balconies, stairs, stoops, etc.

- E. **Lot, Depth** - The mean horizontal distance between the front and rear lot line. Measurements shall be from the street or highway right-of-way line to the opposite rear line.
- F. **Lot, Frontage** - That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- G. **Lot, Interior** - A lot other than a corner lot or through lot.
- H. **Lot Line** - A property boundary line of any lot held in single and separate ownership.
- I. **Lot of Record** - Any lot which individually, or a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Snyder County, Pennsylvania.
- J. **Lot, Through** - An interior lot having frontage on two (2) parallel or approximately parallel streets or roads.
- K. **Lot, Width** - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Low Impact Development

Layout of development that allows portions of the site to remain undisturbed, particularly with mature trees and woodland preserved. This type of development is encouraged, particularly in achieving sound stormwater management.

Manufactured Home

A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

Mobile Home

A single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See HUD Code)

Mobile Home Lot

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for placement of a single mobile home.

Mobile Home Park

A parcel or contiguous parcels of land which has been so designated and improved that it contains three or more mobile home lots for the placement of mobile homes.

Multi-family — See Dwelling Types**No-impact Home-based Business: See Home Occupation****Non-conforming Lot**

A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-conforming Structure

A sign or a structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation.

Non-conforming Use

A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendments enacted hereto, where use was lawfully in existence prior to enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation.

Nuisance

Any use considered to be inconsistent with the public comfort, convenience, health, safety and the general welfare.

Nursing or Convalescent Home

A building designed or licensed for the full-time care of human beings, which includes housing or lodging, meals and nursing.

Open Space

Land that is unoccupied by any building or structure that is used primarily for resource protection, agriculture or recreation.

Overlay District

The overlay district, or zone, represents extra provisions that are superimposed on specific areas of the Township. See the Appendix.

Parking Space

The space within a building, or on a lot or parking lot, designed for the parking of one (1) automobile.

Passive Recreation

Outdoor activities of a quiet nature such as sitting, bird watching and picnicking.

Personal Service

Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.

Plat

The map or plan of a subdivision or land development, whether preliminary or final.

Premises

Any lot, parcel, or tract of land and any building constructed thereon.

Prime Agriculture Land

Land used for agricultural purposes that contain soils of Class I, II or III as defined in the Snyder County Soil Survey.

Private

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

Private Road

A right-of-way owned by private individuals or a corporation that provides vehicular access not intended for general public use.

Professional Offices

Offices and related spaces used for such professional services as provided by doctors, dentists, lawyers, architects, engineers and realtors.

Public

Owned, operated, or controlled by a government agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions.

Public Notice

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

Public Utilities

Essential services supplied by corporations, municipal departments or authorities under regulation of State, Federal or Local government; such services may include gas, electricity, steam, fuel, water and sewage transmission, distribution or collection systems whether underground, on the surface, or overhead.

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 purposes of assisting the recipient of such report in the rendering of any decision or determination.

Screening

The method by which the view of one site is hidden from an adjacent side or from a public road. Screening involves an opaque material such as fencing, walls, or evergreen hedge. (See buffer yard for a related, but different concept).

Semi-Public

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

Sign

Any surface, fabric, device or structure (including billboards or poster panels) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public.

Special Exception

Permission or approval granted by the Zoning Hearing Board.

Stacking

The line of vehicles with drivers waiting for service at such locations as gas stations or truck stops.

Story

The portion of a building included between the surface of any floor and the floor above it. If there is no floor above it, the story then is considered as the space between the floor and the ceiling above it. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story shall be called a half-story. A basement shall be counted as a story if its floor is less than three (3) feet below the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street Grade

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

Structural Alteration

Any change in the structural members of a building, such as walls, columns, beams and girders.

Structure

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision

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

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either:

- a. before the improvement or repair is started or
- b. if the structure has been damaged, and is being restored before the damage occurred.

Supervisors

The Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Swimming Pool, Private

A private swimming pool, but not including farm ponds or lakes, as regulated in this Ordinance shall be any pool, be it permanently installed or temporarily erected upon the ground or a platform, and not located within an enclosed building. Swimming pools shall be considered structures and shall be subject to all the regulations and set back rules that apply to any structure in the Township. Small inflatable pools or structures that contain water no more than 1-1/2 feet deep at any point shall not be regulated.

Terrace

A raised level or a platform of earth, supported on one or more faces by a wall, a bank of turf, or the like, or a series of raised levels or platforms arranged one above the other on a slope.

Trailer — See Mobile Home

Traditional Neighborhood Development (TND)

A new development resembling pre-World War II communities featuring compact clustering of buildings with a mix of housing, small scale commercial uses and recreation — all within walking distance.

Transferable Development Rights

The attaching of development rights to specific lands which are desired by a municipality to be kept underdeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Truck Stop

A complex of buildings and structures that provide services to truckers, including fuel sales, truck accessory sales, overnight accommodations, chapels and restaurant.

Truck Terminal

Land and buildings used by trucks, semi-trailers, tractor trailers and/or other trucks for assembling, storing or relaying freight. Terminal may include facilities for repair and short-term storage.

Variance

Permission or approval granted by the Zoning Hearing Board, constituting a modification of, or deviation from the exact requirements of this Ordinance.

Wellhead

The upper portion of a well, (such as the Penn Township Municipal Authority well) of a public water supply.

Wellhead Protection Area

The area of land surface within a calculated and/or delineated radius of a public water well. Upon hydro-geologic study of the underground aquifer, this area shall include the aquifer recharge area or area where the groundwater is replenished.

Yard and Related Terms

- A. ***Yard*** - The space between the lot line and building line.
- B. ***Front Yard*** - A yard extending the full width of the front of a lot between the front lot line and the front building line.
- C. ***Rear Yard*** - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.
- D. ***Side Yard*** - A yard extending the full length of the lot in the area between a side lot line and a side building line.

Zoning Map

The map or maps containing the zoning districts of Penn Township, Snyder County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Permit

The written authorization issued by the Township for the use of land, building or other structure.

ARTICLE IV

DISTRICT REGULATIONS

SECTION 401 ZONES AND BOUNDARIES

401.1 Establishment of Districts

Penn Township is divided into the following zoning districts:

- RR Rural Residential
- R-1 Residential, Low Density
- R-2 Residential, Medium Density
- VC Village Center
- NC Neighborhood Commercial
- HC Highway Commercial
- I Industrial
- C Conservation
- AC Agricultural Conservation
- WPOD Wellhead Protection Overlay District
- AOD Airport Overlay District

401.2 Zoning Map

Zone boundaries shall be shown upon the map entitled "Zoning Map of Penn Township," which is a part of and attached to this Ordinance.

401.3 Boundaries of Zones

Where uncertainty exists as to the boundaries of any zone the following rules shall apply:

- A. Boundaries that approximately follow municipality limits shall be construed as following municipality limits.
- B. Boundaries that approximately follow platted lot lines shall be construed as following such lot lines.
- C. Boundaries that approximately follow the center lines of streets, highways or alleys shall be construed to follow such center lines.
- D. Boundaries that approximately follow the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
- E. Boundaries that follow railroad lines shall be construed to be midway between the main tracks.

- F. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Subsection A. through E., interpretation of the district boundaries shall be according to the judgement of the Supervisors.

SECTION 402 USE REGULATIONS

402.1 Uses Permitted

The uses permitted in the zones established by this Ordinance, and the permitted extent of these uses, are as shown below. The uses listed as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use and bulk regulations are the requirements for each use.

402.2 Uses Not Provided For

Any use not specifically allowed elsewhere in this Ordinance shall be allowed by conditional use in the zone or zones where similar uses are permitted or allowed by conditional use, provided that it meets the requirements for a conditional use and does not constitute a public nuisance and is approved by the Board of Supervisors.
(See Conditional Use, Article VIII)

402.3 Uses with Nuisance Effect

Uses which by reason of noise, odor, dust, appearance, or other objectionable factor create a nuisance, hazard, or other substantial adverse effect upon surrounding property shall not be permitted. See Article X – Performance Standards for Nuisance Elements, of this Ordinance.

SECTION 403 RURAL RESIDENTIAL ZONE (RR)

403.1 Purpose

The purpose of this Zone is to promote a continuation of the rural character of the area, while allowing residential uses, and small-scale nonresidential uses. This zone provides the opportunity for single family living in a rural setting. These areas are not likely to be served by public sewer or water facilities. Nevertheless, clustering of homes is encouraged to the greatest extent that soils permit in order to retain rural open space. Extensive farming areas are found within this Zone.

403.2 Permitted Uses

- A. Agricultural uses.
- B. Farmette, subject to Section 813-Farmette or Gentleman Farm, of this Ordinance.
- C. Single-family detached dwellings.

- D. Home occupation, subject to Section 817-Home Occupation, of this Ordinance.
- E. Public and/or non-profit parks.
- F. Group homes, subject to Section 815-Group Homes, of this Ordinance.
- G. Accessory uses customarily incidental to all above-permitted uses.
- H. Planned Residential Development, subject to Article IX-(PRD) of this Ordinance.

403.3 Conditional Uses

The following uses shall be permitted as Conditional Uses when approved by the Board of Supervisors.

- A. Farm occupational and farm-related businesses. (See definitions.)
- B. Home commercial, subject to Section 816 of this Ordinance.
- C. Animal hospital, kennels, subject to Section 804.
- D. Church and cemetery, subject to Section 807.
- E. Daycare center/private school, subject to Section 811.
- F. Conversion apartments, subject to Section 810.
- G. Bed and breakfast, subject to Section 806.
- H. Cluster Development, subject to Section 808.

403.4 Density

The maximum number of units shall be two (2) per acre if served by public sewer and One (1) unit per acre with on-lot sewage.

403.05 Lot Area and Widths

Lot area and lot width not less than the following dimensions at the required front setback shall be provided for each principal use hereafter established in this zone.

- A. With public sewer: Minimum lot area: 25,000 sq. ft.
Minimum lot width at front: 125 ft.
- B. With on-lot sewage disposal: Minimum lot area: one (1) acre (43,560 sq. ft.)
Minimum lot width at front: 150 ft.

403.6 Setbacks

Each lot or tract shall provide front, side and rear setbacks not less than the following:

- A. Front setback-All structures: fifty (50) feet from the centerline of the road. Corner lots shall be construed to have two (2) front yards.
- B. Side setback-Principal structures: thirty (30) feet
Accessory structures- fifteen (15) feet
- C. Rear setback-Principal structures: thirty (30) feet
Accessory structures- fifteen (15) feet

403.7 Building Height

A maximum height of thirty-five (35) feet, or two and one half (2-1/2) stories. No dwelling shall be less than one (1) story in height.

403.8 Airport Regulations

Uses shall be subject to Section 601 when located in the Airport Overlay District. See map of airport zones in the Appendix.

403.9 Lot Coverage

The maximum coverage for all buildings including accessory buildings is twenty (20) percent.

403.10 Impervious Surface Coverage

Not more than twenty-five (25) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

403.11 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of four (4) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public or community sewer and water in the interest of public safety.

403.12 Signs

Signs shall comply with Section 506 of this Ordinance.

403.13 Water Resource Protection

Uses located in the Municipal wellhead areas or any other public well areas (See maps in Appendix) shall comply with provisions of the Wellhead Overlay District in Section 412.

SECTION 404 LOW DENSITY RESIDENTIAL ZONE (R-1)

404.1 Purpose

This Zone accommodates low-density suburban residential development growth within the Township. Nonresidential uses have been largely excluded from this Zone to ensure a pleasant neighborhood setting. Utilization of public sewer and water facilities is encouraged where feasible.

404.2 Permitted Uses

- A. Single-family detached dwellings.
- B. Home occupation, subject to Section 817.
- C. Group homes, subject to Section 815.
- D. Accessory uses customarily incidental to the above permitted uses.
- E. Planned Residential Development, subject to Article IX of this Ordinance.

404.3 Conditional Uses

The following uses are permitted as Conditional Uses when approved by the Board of Supervisors:

- A. Bed and Breakfast, subject to Section 806.
- B. Churches and cemeteries, subject to Section 807.
- C. Cluster developments, subject to Section 808.
- D. Farmette, subject to Section 813.

404.4 Density

The maximum number of units shall be three (3) per acre if served by public sewer and one (1) per acre with on-lot sewage.

404.5 Lot Area and Widths

Lot area and lot width shall not be less than the following dimensions at the required front:

- A. With public sewer: Minimum lot area: 10,890 sq. ft.
Minimum lot width at front: 100 ft.
- B. With on-lot sewage disposal: Minimum lot area: one (1) acre (43,560 sq. ft.)
Minimum lot width at front: 150

404.6 Setbacks

Each lot or tract shall provide front, side and rear setbacks not less than the following:

- A. Front setback-All structures: fifty (50) feet from the centerline of the road. Corner lots shall be construed to have two (2) front yards.
- B. Side setback-All structures: ten (10) feet.
- C. Rear setback-All structures: ten (10) feet

404.7 Building Height

The height limit for a principal building shall not exceed thirty-five (35) feet or two and one-half stories. The maximum height for an accessory building shall be twenty-two (22) feet.

404.8 Airport Regulations

Uses shall be subject to Section 601 when located in the Airport Overlay District. See map of airport zones in the Appendix.

404.9 Lot Coverage

Buildings may cover not more than twenty (20) percent of the lot area.

404.10 Impervious Surface Coverage

Not more than forty (40) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

404.11 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of four (4) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public sewer and water in the interest of public safety.

404.12 Signs

Signs shall comply with Section 506 of this Ordinance.

404.13 Water Resource Protection

Uses located in the Municipal wellhead areas or any other public well areas (See maps in Appendix) shall comply with provisions of the Wellhead Overlay District in Section 412.

SECTION 405 MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

405.1 Purpose

The Township wishes to promote preservation of open space by establishing areas for more intensive residential development where public sewer and water are available. Activities not compatible with residential neighborhoods are to be discouraged. Newly-proposed villages may be located in this zone, where a clustering of residential and non-residential structures could co-exist.

405.2 Permitted Uses

The following principal uses are permitted in the R-2 zone.

- A. Single-family detached dwelling.
- B. Two-family dwelling with both dwelling units located on a single lot.
- C. Two-family dwelling with each dwelling unit having a separate lot.
- D. Home occupation, subject to Section 817 of this Ordinance.
- E. Group homes, subject to Section 815.
- F. Family Daycare, subject to Section 812.

405.3 Conditional Uses

The following uses shall be permitted as conditional uses:

- A. Multi-family dwellings subject to Section 819.
- B. Conversion apartments, subject to Section 810.
- C. Cluster development, subject to Section 808.
- D. Day care center/private school, subject to Section 811.
- E. Planned Residential Development, subject to Article IX of this Ordinance.
- F. Mobile Home Park, subject to Article VII of the Subdivision and Land Development Ordinance.
- G. Churches.

405.4 Density

The maximum of units shall be five (5) per acre if served by public sewer and three (3) per acre with on-lot sewage.

405.5 Lot Area and Widths

Lot area and lot width not less than the following dimensions at the required front setback.

A. Width public sewer

Minimum lot area: Six thousand (6,000) sq. ft.

Minimum lot width: Sixty (60) feet

B. With On-lot sewage

Minimum lot area: Eight Thousand (8,000) sq ft

Minimum lot width: Sixty (60) feet.

405.6 Setbacks

Each lot or tract shall provide front, side and rear setbacks not less than the following:

A. Front setback-All structures: Fifty (50) feet from the centerline of the road. .
Corner lots shall be construed to have two (2) front yards.

B. Side setback: Ten (10) feet.

C. Rear setback: Ten (10) feet.

405.7 Building Height

The height limit for a principal building shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories. No dwelling shall be less than one story in height. The maximum height for an accessory building shall be twenty-two (22) feet.

405.8 Airport Regulations

Uses shall be subject to Section 601 when located in the Airport Overlay District. See map of airport zones in the Appendix.

405.9 Building Coverage

Buildings, including accessory buildings, may cover not more than forty (40) percent of the lot area.

405.10 Impervious Surface Coverage

Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

405.11 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public sewer and water in the interest of public safety.

405.12 Signs

Signs shall comply with Section 506- Signs, of this Ordinance.

405.13 Water Resource Protection

Uses located in the Municipal wellhead areas or any other public well areas (See maps in Appendix) shall comply with provisions of the Wellhead Overlay District in Section 412.

SECTION 406 VILLAGE CENTER (VC)

406.1 Purpose

- A. The intent of this Zone is to minimize urban sprawl by encouraging compact development. This Zone adapts the traditional community scale prior to the 1940's such as:
 - 1. Mixed uses,
 - 2. Easy access to neighborhood retail and recreation by pedestrians,
 - 3. Connecting sidewalks and bikeways, and
 - 4. Visually identifiable village edges.
- B. This Zone provides for a mixture of commercial and residential uses in older existing villages such as Salem and Kantz. Not intended for large-scale commercial development, this Zone would apply to in-fill development where compatible traditional scale is appropriate. Generally, any commercial use that encourages patrons to remain in their car would be incompatible with the Village Center Zone.
- C. These zoning provisions may also be applied, pending conditional use approval, for any new village, if proposed in another zone.

406.2 Permitted Uses

- A. Single-family detached dwellings.
- B. Home occupation, subject to Section 817 of this Ordinance.
- C. Group home, subject to Section 815.
- D. Retail sale, rental of goods and retail sale of personal services.
- E. Restaurants and taverns.
- F. Public open space.
- G. Churches.
- H. Buildings that contain a combination of residential and commercial uses.

406.3 Conditional Uses

The following principal uses shall be permitted as conditional uses:

- A. Bed and breakfast, subject to Section 806.
- B. Conversion apartment, subject to Section 810.
- C. Daycare, subject to Sections 811, 812 and 814 as applicable.
- D. Mobile home lots, subject to Section 818.
- E. Multi-family and townhouses provided there are public and/or community sewer and water.

406.4 Density

The maximum number of dwelling units shall be five (5) per acre if served by public sewer and three (3) dwelling units with on-lot sewage.

406.5 Lot Area and Width

Lot area and lot width not less than the following dimensions at the required front setback shall be provided for each principal use hereafter established in this zone.

- A. Minimum lot area: Six thousand (6,000) sq. ft.
- B. Minimum lot width: Fifty (50) feet.

406.6 Setbacks

Each lot or tract shall provide minimum front, side and rear setbacks as follows:

- A. Front setback: Thirty-five (35) feet from the centerline of the road or zero setback from sidewalk, whichever is less. For in-fill development in Salem or Kantz, the average setback of adjacent buildings may be used as the setback for new buildings.
- B. Side setback: Ten (10) feet. One side yard may have a zero setback but the combined side yards shall not be less than twenty (20) feet. If a setback of less than ten (10) feet for any one side yard is selected, there shall be at least five (5) feet to buildings on the adjoining lot. Additionally, all storm water drains from structures closer than ten (10) feet from property line shall be diverted away from the property line.
- C. Rear setback: Ten (10) feet.
- D. Corner lots are considered to have two front yards.

406.7 Building Height

The height limit shall be thirty-five (35) feet, except for churches which are unrestricted. The maximum height for an accessory building shall be twenty-two (22) feet.

406.8 Building Coverage

Buildings may cover not more than forty (40) percent of the lot.

406.9 Impervious Surface

Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed. This based on the Township Stormwater Management Ordinance 12/2005.

406.10 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public and/or community sewer and water in the interest of public safety.

406.11 Water Resource Protection

Uses located in the Municipal wellhead areas or any other public well areas (See maps in Appendix) shall comply with provisions of Wellhead Overlay District in Section 412.

406.12 Signs

Signs shall conform to Section 506 of this Ordinance.

406.13 Pedestrian Circulation

For all new village development, sidewalks and/or dedicated footpath easements shall be provided to enable safe pedestrian circulation throughout the Village Center Zone.

406.14 Parking

The parking standards of Section 502 shall apply to development in the VC Zone, in addition to the following requirements:

- A. Parking lots located at the side or front of buildings and shall be screened from the sidewalk by low walls, fences or hedges.
- B. Parking lots adjacent to each other shall have vehicular connections via an alley or internally.

- C. Required parking spaces may be reduced by twenty (20) percent if the developer can document, to the satisfaction of the Planning Commission and Supervisors that half of gross sales volume will originate from pedestrian or transit traffic rather than vehicle traffic.

SECTION 407 NEIGHBORHOOD COMMERCIAL (NC)

407.1 Purpose

The purpose of this district is to provide for a range of mixed uses in a variety of styles and scales in an area that is already urbanized.

407.2 Permitted Uses

- A. Single-family dwelling.
- B. Duplexes.
- C. Home occupation, subject to Section 817.
- D. Multi-family dwellings, subject to Sections 819.
- E. Professional offices.
- F. Churches, clubs and lodges.
- G. Retail and convenience stores.
- H. Personal service establishments.
- I. Financial institutions.
- J. Contractor facilities and storage.
- K. Radio station.

407.3 Conditional Uses

The following principal uses shall be permitted as conditional uses when approved by the Board of Supervisors, according to criteria established in ARTICLES VI, VIII AND IX of this Ordinance.

- A. Bed and Breakfast and boarding houses, subject to Section 806-Bed and Breakfast.
- B. Home commercial, subject to Section 816-Home Commercial.
- C. Vehicle sales (including motorcycles, snowmobiles, and all terrain) provided total operation occupies less than 8,000 sq. ft.) and subject to Section 805-Auto Related.
- D. Shopping plaza, subject to Section 822 – Shopping Center
- E. Restaurants and taverns.
- F. Multi-use building.
- G. Recreational facilities.
- H. Storage facility or mini-warehouse.

407.4 Lot Area and Width

Lot area and lot width not less than the following dimensions shall be provided:

- A. Minimum Lot Area- Eight thousand (8,000) sq. ft.
- B. Minimum Lot Width- Fifty (50) ft.

407.5 Setbacks

Each lot shall provide front, side, and rear setbacks not less than the following:

- A. Front Setback- Fifty (50) feet from the centerline of the road.
- B. Side Yard- Not required, except in the cases where a side yard abuts a residential zone, in which case a side yard on that side shall be ten (10) feet.
- C. Rear Yard- twenty (20) feet.
- D. Corner lots are considered to have two front yards.

407.6 Building Height

The height limit for a principal building shall not exceed thirty-five (35) feet. Exceptions to this limitation include chimneys, antennae, transmitting towers and similar structures. No dwelling shall be less than one story in height.

407.7 Airport Regulations

Uses shall be subject to Section 601- Airport, when located in the Airport Overlay District. See map of airport zones in the Appendix.

407.8 Building Coverage

Not more than forty (40) percent of the lot area shall be devoted to building(s).

407.9 Impervious Surface Coverage

Not more than fifty (50) percent of the lot area, including building coverage area, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

407.10 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public and/or community sewer and water in the interest of public safety.

407.11 Water Resource Protection

Uses located in the Municipal wellhead areas or any other public well areas (See map in Appendix) shall comply with provisions of the Wellhead Overlay District in Section 4.12.

407.12 Signs

Signs shall conform to Section 506-Signs, of this Ordinance.

407.13 Performance Standards

Uses in the NC District are subject to the performance standards in ARTICLE X-Performance Standards for Nuisance Elements.

SECTION 408 HIGHWAY COMMERCIAL DISTRICT (HC)

408.1 Purpose

The purpose of this district is to provide reasonable standards for the development of commercial uses along major arterial highways. Buffer yards are required in accordance with Section 413-Landscape Requirements, of the Subdivision and Land Development Ordinance, particularly where adjacent to agricultural land.

408.2 Permitted Uses

The following principal uses are permitted as of right in the HC District:

- A. Public buildings and facilities.
- B. Laundromats and dry-cleaning establishment.
- C. Retail sales, rental of goods
- D. Professional Offices Restaurants.
- E. Financial Institutions
- F. Churches, clubs, lodges, meeting halls

408.3 Conditional Uses

The following principal uses shall be permitted as conditional uses when approved by the Board of Supervisors, according to criteria established in ARTICLES VI, VIII AND IX of this Ordinance.

- A. Adult commercial, subject to Section 803.
- B. Auto related, subject to Section 805.
- C. Multi-family, subject to Section 819.
- D. Shopping Plaza, subject to Section 822.
- E. Office center.
- F. Restaurants/taverns.

- G. Heavy storage service (e.g., warehouse, building material yard).
- H. Mobile home sales.
- I. Recreational establishment.
- J. Motel.

408.4 Lot Area and Width

Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district.

- A. Minimum Lot Area- Thirty thousand (30,000) sq. ft.
- B. Minimum Lot Width- Three hundred (300) ft.

408.5 Setbacks

Each lot shall provide front, side and rear setbacks not less than the following:

- A. Front Setback- Eighty (80) feet from the highway centerline.
- B. Each Side Setback- Twenty-five (25) feet.
- C. Rear Setback- Thirty (30) feet.
- D. Corner lots are considered to have two front yards.

408.6 Building Height

The height limit for a main building shall not exceed forty (40) feet. The maximum height for an accessory building shall be twenty-two (22) feet. No dwelling shall be less than one story in height.

408.7 Airport Regulations

Uses shall be subject to Section 601 when located in the Airport Overlay District. See map of airport zones in the Appendix.

408.8 Building Coverage

Not more than forty (40) percent of the lot area shall be devoted to buildings.

408.9 Impervious Surface Coverage

Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

408.10 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public and/or community sewer and water in the interest of public safety.

408.11 Water Resource Protection

Uses located in the Selinsgrove Municipal Wellhead Areas or any other public well areas (See maps in Appendix) shall comply with provisions of Wellhead Overlay District in Section 412.

408.12 Signs

Signs shall comply with Section 506-Signs, of this Ordinance.

408.13 Performance Standards

All uses in the Highway Commercial District are subject to the Performance Standards in ARTICLE X- Performance Standards for Nuisance Elements.

SECTION 409 INDUSTRIAL DISTRICT (I)

409.1 Purpose and Performance Standards

The purpose of this district is to provide reasonable standards for industrial uses, to protect adjacent uses, and to minimize air, land and water pollution and noise, glare, heat, vibration and fire and safety hazard in accordance with Article X- Performance Standards and Nuisance Elements, of this Ordinance.

409.2 Water Resource Protection

Uses located in the Selinsgrove Municipal Wellhead Areas or any other public well areas (see maps in Appendix) shall comply with provision of the Wellhead Overlay District in Section 412.

409.3 Permitted Uses

The following principal uses are permitted in the Industrial District (I).

- A. Public building and facilities.
- B. Parking lot, parking garage.

- C. Enclosed, large processing establishment; i.e., with over five thousand (5,000) sq. ft. of ground floor area (e.g., laundry, large appliance or equipment repair shop).
- D. Heavy storage service, i.e., warehousing and building materials yard
- E. General manufacturing.
- F. Caretaker or watchman dwelling.

409.4 Conditional Uses

The following principal uses shall be permitted as conditional uses when approved by the Board of Supervisors, according to criteria established in ARTICLES VI, VIII AND X of this Ordinance.

- A. Truck stop and truck terminal, subject to Sections 823 and 824.
- B. Bulk feed storage.
- C. Manufacture of trailers, recreation vehicles and modular homes.
- D. Welding shops.
- E. Industrial Park.

409.5 Lot Area and Width

Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district.

- A. Minimum Lot Area- Three (3) acres.
- B. Minimum Lot Width- Three hundred (300) feet at front setback.

409.6 Building Setbacks

Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front Setback-
 - State Road: One hundred fifty (150) feet from centerline of roadway
 - Township Road: One hundred (100) feet from centerline of roadway
 - Private Road: Eighty (80) feet from centerline of roadway
- b. Each Side Setback- Twenty-five (25) feet.
- c. Rear Setback- Thirty (30) feet.
- d. Corner lots shall be considered to have two front yards.

409.7 Building Height

The height limit for any building shall not exceed forty (40) feet, or three (3) stories.

409.8 Building Coverage

Buildings may not cover more than forty (40) percent of the lot.

409.9 Impervious Surface Coverage.

Not more than sixty (60) per cent of the lot area, including building area coverage, may be covered with impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

409.10 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such service.
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public and/or community sewer and water in the interest of public safety.

409.11 Signs

Signs shall comply with Section 506- Signs, of this Ordinance.

SECTION 410 CONSERVATION ZONE (C)

410.1 Purpose

The purpose of the Conservation Zone is to preserve the rural quality of the Township, conserve prime agricultural/farmland, and provide open space.

410.2 Permitted Uses

The following are permitted:

- A. Farm buildings and structures.
- B. Animal farming buildings for both large and small animals.
- C. Stables.
- D. Crops and pasture.
- E. Forestation.
- F. Wildlife preservation.
- G. Fish farming.
- H. Greenhouse and/or nursery.
- I. Single family detached dwelling that function as a primary residence.
- J. Home Occupation, subject to Section 817.
- K. Supplemental computer work station in the home conforming to the requirements of Section 817- Home Occupation.
- L. Sawmill.
- M. Roadside stand for selling self-produced farm products.

410.3 Conditional Uses

The following principal uses shall be permitted as a conditional uses when approved by the Board of Supervisors, according to the criteria established in Articles VI, VII and IX of this ordinance:

- A. Public utility building
- B. Licensed private day care center
- C. Licensed day care home
- D. Home commercial

410.4 Lot Area and Width

Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district.

- A. Minimum Lot Area- Eighty (80) acres.
- B. Minimum Lot Width- Two hundred (200) feet at required setback.

410.5 Setbacks

Each lot shall provide front, side and rear setbacks not less than the following:

- A. Front Setback- All structures, one hundred (100) feet from the centerline of roadway.
- B. Each Side Setback- Principal structures, thirty (30) feet.
Accessory Structures- Twenty (20) feet.
- C. Rear Setback- Principal structures, thirty (30) feet.
Accessory Structures- Twenty (20) feet.
- D. Corner lots are considered to have two front yards.

410.6 Building Height

Maximum height of thirty-five (35) feet, or two and one-half stories, except for farm buildings, for which there shall be no height limitation.

410.7 Airport Regulations

Uses shall be subject to Section 601-Airport Supplemental Regulations, when located in the Airport Overlay District. See map of airport zones in the Appendix.

410.8 Impervious Surface Coverage

Not more than five (5) percent of the lot area may be covered with impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

410.9 Signs

Signs shall comply with Section 506- Signs, of this Ordinance.

SECTION 411 AGRICULTURE CONSERVATION ZONE (AC)

411.1 Purpose

The purpose of this zone is to encourage the preservation of farming as a primary land use in the Township. Land and properties in this zone, presently support primarily agricultural activities. Furthermore, non-farmer owners in this zone typically lease their land to support other farming operations. Consequently, residential uses are limited.

411.2 Agricultural Nuisance Disclaimer

Owners, residents and other occupants in the AC Zone may be subjected to inconvenience and discomfort arising from agricultural operations. These may include noise, odors, dust, and the operation of machinery, the storage and disposal of manure. Residents should be prepared to accept such inconveniences and discomfort and are hereby put on official notice that the "The Right to Farm Law" may bar them from obtaining a legal judgment against agricultural operations.

411.3 Permitted Uses

The following are PERMITTED BY RIGHT in the AC Zone, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

- A. Agricultural Uses, subject to Section 411.12- **Level 1** Agriculture Standards.
- B. Agriculture retail, farm occupations and farm-related business, subject to Section 411.14-Ag Retail, Farm Business and Occupations.
- C. Animal kennels/hospitals, subject to Section 804, Animal Kennel and Vet Hospital.
- D. Farmette, subject to Section 813, Farmette.
- E. Game preserve, wildlife sanctuary, forestry.
- F. Fish farming.
- G. Home occupation, subject to Section 817, Home Occupation.
- H. Single-family detached dwelling, subject to Section 411.5, Residential Development in AC Zone.
- I. Green house and/or nursery.
- J. Roadside stands for selling self-produced farm products.

411.4 Conditional Uses

The following are permitted as a Conditional Use in the Agriculture Conservation Zone:

- A. Intensive Agriculture Uses, subject to Section 411.13, **Level 2** Ag Standards.
- B. Bed and breakfast, subject to Section 806.
- C. Cemeteries, subject to Section 807.

- D. Communication or cell towers, subject to Section 809.
- E. Daycare, subject to Sections 811, 812, and 814.
- F. Home Commercial, subject to Section 816.
- G. Outdoor Recreation, subject to Section 821.

411.5 Residential Development in Agriculture Conservation Zone (AC)

In the AC Zone, single-family dwelling units shall be located so as to utilize the least agriculturally productive land in order to minimize interference with agricultural production.

A. Lot Areas for Residential

The tract sizes below apply to existing tracts at the adoption date of this Ordinance. The following lot areas are considered minimum standards and shall be provided for each principal use established in this zone:

Table 411.5 (A): Acreage per Residential Units

Minimum size of land in contiguous acres:	Number of lots or single dwellings permitted (in addition to an original house or parent tract)
1 — 10 acres	1
11 — 30 acres	2
31 — 80 acres	3
81 — 130 acres	4
131 — 180 acres	6
181 — 230 acres	8
231 — 280 acres	10
281 — 350 acres	12
351 — acres and over	14

B. Lot Area and Width for Residential:

1. Lot Minimum Lot Area: 1 acre
2. Minimum Lot Width: 150 ft.
3. Maximum Lot Area: 2.5 acres
 - a. Proposed lots not falling in the above range shall be considered a Conditional Use.
 - b. For multiple lots, developers are encouraged to utilize provisions for Cluster Homes, Section 808, or consider, Article IX- Planned Residential Development.

C. Non-Agricultural uses should be directed to:

1. The which cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of fifteen (15) percent; or
2. The land consists of Soil Classes IV, or V; or
3. Land identified as such by the Snyder County Conservation District.

D. Family Transfer

A transfer of land to a child of a farmer/landowner on a once per lifetime basis for each child is exempt and will not count toward the maximum number of dwelling units listed in the above Table. Minimum lot size and contiguous acre requirements apply, but not maximum lot size.

E. Parent Tract and Date of Ownership

All plans for subdivision in the AC Zone should show the boundaries of the parent tract as they existed as of the adoption date of this ordinance.

411.6 Minimum Setbacks

A. Non-Residential

1. There shall be a fifty (50) foot building setback from all property lines.
2. For animal-related agriculture, see setbacks in Section 813 of this Ordinance.

B. Residential and Public Recreation

1. Front Setback – All structures: fifty (50) feet from the centerline of the road. Corner lots shall be construed to have two (2) front yards.
2. Side Setbacks – Principal structures: thirty (30) feet
Accessory structures – fifteen (15) feet
3. Rear Setback – Principal structures: thirty (30) feet
Accessory structures – fifteen (15) feet

411.7 Building Height

- A. There are no height limitations for farm-buildings, except for restrictions in the airport zone subject to Section 601, Airport. See airport map in Appendix.
- B. Except farm structures, building shall be have a maximum height of 35 feet.
- C. Residential buildings shall be the lower of 35 feet or two-and-one half stories.
- D. No dwelling shall be less than one story in height.

411.8 Lot Coverage

- A. For single-family dwellings, maximum coverage shall be 15 percent.
- B. For intensive animal-related uses see Section 411.13, Level 2 Ag Standards.

411.9 Impervious Surface

- A. For single-family dwellings, the maximum lot area for driveways, parking and sidewalks, including the dwelling, is twenty-five (25) percent and no paved frontage area shall exceed twenty-five (25) feet in width.
- B. For intensive agricultural uses, see Section 411.13, Level 2 Ag Standards.
- C. All driveways shall be in accordance with Section 504, Access Driveways.

411.10 Required Utilities

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot will be required to connect to such services
- B. If a plan is submitted that proposes a development of three (3) or more lots, a feasibility study/cost analysis shall be required at the time of plan submission to examine the availability of public and/or community sewer and water in the interest of public safety.

411.11 Signs

Signs shall comply with Section 506, Signs, of this Ordinance.

411.12 Level 1 Agriculture Standards

Note: *Different requirements apply to each of the two levels of agricultural activity. Applicant shall identify the appropriate level of agriculture prior to fulfilling requirements.*

- A. **Level 1:** This level represents the traditional and least-intensive agricultural land use. It includes traditional farm structures, crops and pasture. It includes non-intensive rearing and keeping of animals and livestock. **Level 1** agriculture activity as described by any of the characteristics below are PERMITTED BY RIGHT in the AC Zone:
 - 1. Pastureland, vegetable patch and the growing of field crops, trees, nursery and horticultural stock.
 - 2. The non-intensive raising of horses, cattle, swine, sheep, goats, poultry, rabbits or exotic animals (excluding house pets).
 - 3. Farmette or gentleman farm, subject to Section 813.
- B. The following requirements shall apply to all **Level 1** agriculture.
 - 1. **Lot Area** - The minimum lot size shall be two (2) acres.
 - 2. **Water Resources** - Animal access to streams should be limited to stabilized crossings. For unfenced streams, contact the County Conservation District for applicable programs.
 - 3. **Fencing Requirements** - Animals shall be kept within a fenced enclosure or under the control of Owner at all times.
 - 4. **Vegetative Cover** - The land designated for use by the animals shall be covered and maintained in natural vegetation.

5. **Conversion** - Additional requirements shall apply with any conversion to a more intense livestock operation. (See Section 411.13, if applicable).

411.13 Level 2 Agriculture Standards

- A. Level 2: Intensive Agricultural activities as described below may be permitted only as a CONDITIONAL USE:
 1. All Concentrated Animal Operations (CAOs) as defined by State regulatory agencies, but no more than three (3) Animal Equivalent Units (AEU) per acre.
 2. All Concentrated Animal Feeding Operations (CAFOs) as defined by federal regulatory agencies.
- B. Level 2 agriculture operations must comply with the Pennsylvania requirements regulating CAOs and/or the Federal requirements regulating CAFOs.
- C. CAO and CAFO operators who will export manure to other locations in the Township must secure from the importer a Nutrient Balance Sheet for the receiving fields. This document shall accompany the applicant for the Manure Export Permit.
- D. CAO and CAFO operators shall comply with the Wellhead Protection Overlay District if operation (including manure disposal) is located within one-half (1/2) mile of the Penn Township Municipal Well, or any other municipal or private water system, well or community water supply. See Section 412 of this Ordinance.
- E. Building Permit: Supplemental Documentation
 1. Existing vegetation, waterways, springs and wetlands.
 2. Proposed animal-related structures and their orientation.
 3. Direction of prevailing winds.
 4. Distance to nearest off-site residence.
 5. Distance to the nearest RR, R1 and R2, HC and NC zones.
- F. In addition, the following requirements shall be met:
 1. **Building Permit:** Supplemental Documentation
Level 2 agricultural activities shall require a Township Building.
 2. **Minimum Lot Size:**
Level 2 agricultural activities shall require a minimum sixty (60) contiguous acres under same ownership.
 3. **Impervious Cover:**
Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface. Appropriate Stormwater Management practices shall be followed based on the Township Stormwater Management Ordinance.

4. Minimum Setbacks:
Agricultural structures used for Level 2 shall be a minimum five hundred (500) feet from the nearest off-site residence in the AC Zone, twelve hundred fifty (1250) feet from the R-R Zone and twenty-five hundred (2500) feet from the R1, R2, HC, VC and NC zones.
5. Floodplain:
Level 2 agricultural structures shall not be located in the five hundred (500) year floodplain.
6. Odor Abatement:
The applicant shall prepare an Odor Abatement Plan. The Supervisors shall consider the applicant's ability to reduce or abate odors and the continuing ability of the applicant to do so. In addition, the Supervisors may require a Fly Abatement Plan.
7. Traffic Impact:
The Supervisors shall consider the traffic that may be caused by the proposed activity. The applicant shall show that the activity will not overburden Township roads nor cause a road-related nuisance to neighbors.

411.14 Agriculture Retail, Farm Business and Occupations

- A. For the purposes of this section, farm-related commerce may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use.
- B. Farm occupations involving machinery likely to create noise, cause fumes or noxious odors must be located within a farm building.
- C. Outdoor storage areas shall be screened from adjoining roads and properties and preferably be located behind the building containing the farm occupation.
- D. Farm-related businesses shall demonstrate that the proposed use is important to local farming.
- E. Signs shall comply with Section 506 of this Ordinance.

SECTION 412 WELLHEAD PROTECTION OVERLAY DISTRICT (WPOD)

- A. All proposed subdivision and land development located in the vicinity of public municipal wells or private community water supply shall constitute a Constitute use.
- B. The wellhead protection overlay district shall comprise the mapped area as delineated by the PA Department of Environmental Protection. (See Appendix.)
- C. The precise WPOD boundary location shall be identified on the Preliminary Plan application for subdivision or land development or with the application for a zoning permit.

- D. If, in the judgment of the Township Supervisors, the proposed development falls within the wellhead protection area, the following information must be provided in addition to the standard requirements for Conditional Uses:
1. At the required Public Hearing for Conditional Uses, the applicant shall present evidence that groundwater resources will not be negatively impacted by the proposed activity.
 2. If such evidence is deemed deficient by the Township Supervisors, a second and/or independent hydro geologic study may be required.

SECTION 413 AIRPORT OVERLAY DISTRICT (AOD)

Regulations pertaining to the Airport District are found in Section 601 of this Ordinance. A map of the Airport Overlay District is found in the Appendix.

ARTICLE V

GENERAL PROVISIONS

SECTION 501 ACCESSORY USES AND STRUCTURES

501.1 Attached Structures

A permanent, roofed accessory structure, attached to the principal building, is considered a part of the principal building.

SECTION 502 PARKING

502.1 Size of Parking Space

Each parking space must have an area of not less than one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it.

502.2 Spaces Required

Off-street parking spaces must be provided for each building (whether new or enlarged) in accordance with the following schedule:

Type of Use	Minimum of Two parking Spaces for Each
Residential Dwelling	dwelling unit
Mobile Home Parks	mobile home lot
Type of Use	Minimum of One Parking Space for Each
Bed and Breakfast, Hotel, Motel	bedroom
Office Building	three hundred (300) sq. ft. of gross floor area
Retail Store or Shop	one hundred (100) sq. ft. of gross floor area
Eating Establishments	four (4) seats
Gas Station/Vehicle Repair	four hundred (400) sq. ft. of gross floor area
Other Commercial Buildings	two hundred (200) sq. ft. of gross floor area
Church, Auditorium	four (4) seats*
Industrial and Commercial	In addition to the above requirements, the following shall apply: One and two-tenths (1 2/10) employees on major shift, but no less than one (1) space for each five thousand (5,000) sq. ft. of gross floor
Clubs, Lodges, Funeral Homes	one hundred (100) sq. ft. of gross floor area

* Where individual seats are not otherwise delineated, a seating space of 18 inches shall equal one seat.

502.3 Location

The parking area must be on the same premises as the structure for which it is required. In the event any owner or occupant of a lot cannot comply with the requirements for off-street parking and load/unloading spaces on the same premises as the structures for which it is required, the Board of Supervisors may, as a conditional use, allow the parking to be on adjoining or near-by premises owned or occupied by the owner or occupant of the structure, taking into consideration the nature of the use of the structure and the proximity of the proposed parking and/or loading/unloading spaces to the structure.

502.4 Controlled

The parking area must be under control of the owner or operator of the use to which the parking area is appurtenant.

502.5 Layout

Parking areas must be arranged so there will be no need for motorists to back out over public streets (except for individual residential use).

502.6 Parking Area Adjacent to Street

- A. The access point shall be designed so that a continuous parking lot with an open-sided apron does not exist adjacent to the street. Rather, a landscaped strip of at least fifteen (15) feet depth shall be planted along the street line.
- B. Access points shall be consolidated at one (1) location and shall have a maximum width of 25 feet.
- C. More than one access point shall require a conditional use if proposed on a Township road.

502.7 Landscaping of Parking Lots

- A. Parking areas shall be landscaped with one (1) canopy tree for every ten (10) parking spaces
- B. The required canopy trees may be located at the parking lot perimeter or in one or more islands.
- C. Existing mature trees of 2" caliper or more shall be retained, whether at the perimeter or a internal island locations.
- D. Planted Trees shall be nursery grown stock with a minimum caliper of two (2) inches.
- E. Where a parking lot is located in a front or side yard, a landscape strip of at least fifteen (15) foot depth shall be planted and maintained along the lot's street

frontage. However, where the parking lot is a corner lot, landscaping shall not impede the line of sight at the intersection. Such landscaping shall be comprised of either:

1. trees and grass, or
2. mixed shrubs or two to five feet in height
3. hedge of three to four feet in height

502.8 Paving

For commercial uses, driveways and parking areas shall be constructed with concrete, bituminous or stabilized porous material. **See Stormwater Management Ordinance for related considerations and applicable bonuses for minimizing the amount of impervious surface.**

502.9 Handicapped Parking

All off-street parking areas shall provide parking space(s) for vehicles transporting physically disabled persons.

502.10 Lighting

Parking lots shall be illuminated as is necessary to protect the public safety. In all cases such illumination shall be diverted and designed to prevent glare or excessive brightness which may become a nuisance or adjacent residential uses or hazardous to the motoring public.

SECTION 503 LOADING SPACE

503.1 Applicability

In addition to required parking space, off-street areas for vehicle loading and unloading shall be provided for any commercial use with gross floor area of 6,000 sq. ft. or more, and any public assembly of 20,000 sq. ft. or more.

503.2 Spaces Required

Off-street loading spaces must be provided in accordance with the following schedule:

Type of Use

Manufacturing, Retail, Industry,
Hospitals

Number of Loading Spaces

One (1) space for a gross floor area of six thousand (6,000) to twenty-five thousand (25,000) sq. ft. and one (1) additional space for each ten thousand (10,000) sq. ft. of gross floor area in excess of twenty-five thousand (25,000) sq. ft.

Offices, Hotels, Theaters, or other
Public Assembly

One (1) space for a gross floor area of from
twenty thousand (20,000) to one hundred
thousand (100,000) sq. ft. and one (1)
additional space for each forty thousand
(40,000) sq. ft. of gross floor area in excess
of one hundred thousand (100,000) sq. ft.

503.3 Spaces, Size and Location

- A. The size of each loading space shall be not less than sixty (60) feet long and twelve (12) feet wide.
- B. A loading area must be at least twenty (20) feet from all property lines.
- C. The loading area must be arranged so that there will be no need for motorists to back over public right-of-way.

SECTION 504 ACCESS DRIVEWAYS

Access to all land development shall be in accordance with the Subdivision and Land Development Ordinance and the Township's Driveway Ordinance.

SECTION 505 DRAINAGE AND GRADING

All land development shall be in accordance with the Penn Township Stormwater Management Ordinance.

SECTION 506 SIGNS

506.1 Sign Type, Location and Size

- A. Type and Size of Sign: The signs listed below apply to all districts except where noted. The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. Sizes shall be limited as follows:

<u>Type of Sign</u>	<u>Maximum Size</u>
(Permitted in all districts except as noted)	
Home Occupation/Commercial(where permitted)	Two (2) sq. ft.
Directional	Six (6) sq. ft.
Trespassing	Two (2) sq. ft.
Temporary or Seasonal	Six (6) sq. ft.
For Sale, For Rent	Six (6) sq. ft.
Identification and Information of Churches, Schools, and Other Non-Profit Institutions	Twelve (12) sq. ft.
Apartment Development, Subdivision	Thirty (30) sq. ft.

Industrial Park, Shopping Plaza	Eighty (80) sq. ft.
Drive-in Business	Forty (40) sq. ft.
Business (excluding RR and R1 zones)	Sixty (60) sq. ft.

- B. No sign exceeding thirty (30) square feet may be located within three hundred (300) feet of the RR, R1 or R2 zones.
- C. Message Boards, electronic or manual, are permitted in Penn Township. Specifications for such are on file at the Township Office.

506.2 Signs Prohibited

Noise producing signs are prohibited in all residential districts and within one hundred (100) feet of any residence.

506.3 Setbacks of Signs

- A. Attached Signs: No portion of an attached sign may extend beyond the building setback line, except in the VC zone where appropriate.
- B. Free-standing Signs: Free-standing sign may not be located within a street right-of-way.

506.4 Projection of Signs

No sign shall project:

- A. Over a public sidewalk area, except in the VC zone where the clearance shall be not less than nine (9) feet above the sidewalk.
- B. Over a public highway or street, unless such sign is necessary for traffic control purposes and meets current PA DOT specifications.
- C. More than twenty-two (22) feet above the ground, except for an attached sign which may not project above the roof of a building.

506.5 Illumination of Signs

Illuminated signs are permitted only if the lighting is directed away from an adjacent residence and does not obstruct or distract the vision of motorists.

506.6 Temporary Signs

- A. Temporary signs shall be removed no later than three (3) days following the advertised event.
- B. A temporary sign for non-profit events and political campaigns may be erected for a period not exceeding forty-five (45) days.

506.7 Sign Maintenance

Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

506.8 Termination of Enterprise

Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

506.9 Billboards and Flashing or Intermittent Lights on Signs Permitted by Conditional Use

- A. Billboards are permitted in the Highway Commercial (HC) and the Industrial (I) Districts as a conditional use subject to the criteria set forth in Article VIII and Section 825.
- B. Flashing or intermittent lights on signs are permitted only in the Highway Commercial (HC) and Industrial (I) Districts as a conditional use subject to the criteria set forth in Article VIII and Section 825.

SECTION 507 LANDSCAPE BUFFER REQUIREMENTS

All subdivision and development shall provide landscaping and buffering in accordance with Section 413 of the Township's Subdivision and Land Development Ordinance.

SECTION 508 SETBACK MODIFICATIONS

- A. Front Setback of Buildings on Built-up Streets: Where at least two (2) adjacent buildings within one hundred (100) feet of a property are setback a lesser distance than required in the regulations for the District, the average of these lesser distances becomes the required minimum front setback for the property.
- B. Setback on Corner Lots: In the case of corner lots, two (2) front yards shall be provided.
- C. Accessory Appurtenant Structures: Setback regulations do not apply to:
 - 1. School bus shelters, telephone booths, and eaves, chimneys, cornices, steps, canopies, and similar extensions but not including porches or patios whether covered or not.
 - 2. Articles of ornamentation or decoration.
 - 3. Fences, retaining walls, unless in the case of a corner lot where clear sight shall be maintained.
 - 4. Open fire escapes.

SECTION 509 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections, provided that the height of any such projection shall not be greater than twice the height of the building to which it is attached.

- A. Projections: Projections such as chimneys, standpipes, flagpoles or television antennae.
- B. Ornaments: Parapet walls or cornices used solely for ornamental purposes, if not in excess of five (5) feet in height.
- C. Building Projections: Projections on buildings, such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25) percent of the roof on which they are located.
- D. Airports: Height modifications and supplemental regulations for airports are found in Article VI of this Ordinance.

ARTICLE VI

AIRPORT NONCONFORMITIES AND STATUS OF PLANS

SECTION 601 AIRPORT

601.1 Purpose

Supplementary regulations and restrictions are imposed on structures and objects of natural growth and on the use of property in the vicinity of the Penn Valley Airport because:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the airport;
- B. It is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land.

601.2 Definitions Used In This Subsection (See Article III)

- A. Airport
- B. Airport Elevation
- C. Approach Surface
- D. Approach, Transitional, Horizontal, and Conical Overlay Zones
- E. Conical Surface
- F. Hazard to Air Navigation
- G. Height
- H. Horizontal Surface
- I. Nonprecision Instrument Runway
- J. Obstruction
- K. Primary Surface
- L. Runway
- M. Transitional Surfaces
- N. Visual Runway

601.3 Description of Airport Zones

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Penn Valley Airport. Such zones are shown on both the Penn Valley Airport Zoning Map and as overlay zones to the basic zoning districts of the Penn Township Zoning Map. An area located in more than one (1) of the following Airport Zones is considered to be only in the airport zone with the more restrictive height limitation; such height limitation shall serve as a supplement to the underlying district regulations. The various airport zones are hereby established as follows:

- A. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Runway Larger than Utility Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and its five hundred (500) feet wide. The approach zone expands uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. The centerline is the continuation of the centerline of the runway.
- C. Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.
- D. Horizontal Zone: The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone: The conical zone is established by the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet.

601.4 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any Airport Zone to a height in excess of the applicable height in limit herein established.

- A. Runway for Utility Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- B. Transitional Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation which is four hundred fifty (450) feet above mean sea level (MSL). In addition to the foregoing there are established height limits sloping seven (7) feet outward for each foot upward beginning at the

sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

- C. Horizontal Zone: Established at one hundred fifty (150) feet above the airport elevation or at a height of six hundred (600) feet above the mean sea level (MSL).
- D. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation, or a total of eight hundred (800) feet above mean sea level (MSL).
- E. Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty (40) feet or such lesser height as may be required by more restrictive provisions of this Ordinance.

601.5 Use Restrictions

- A. The Airport Zones shall be deemed overlay zones on the basic zoning districts as shown on the Penn Township Zoning Map. Except as limited by this Section, permitted uses on any lot within the Airport Zones shall be as prescribed in the applicable basic zoning districts.
- B. Should the Airport Zones be declared inapplicable by legislative or administrative actions or judicial discretion, the zoning applicable to such lot shall be deemed to be the basic zoning district in which it is located without consideration of this Section.
- C. Should the basic zoning of any parcel be changed through any legislative or administrative or judicial discretion, such change shall have no effect on the Airport Zones unless such effect was clearly specified as part of the originally proposed change.
- D. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, create bird strike hazards, or in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft.

601.6 Nonconforming Uses in Airport Zones

- A. Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations of this Ordinance, or otherwise interfere with the continuance of nonconforming uses. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance.

- B. Marking and Lighting: Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Penn Valley Airport Authority to indicate to operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Penn Valley Airport Authority.
- C. Expansion of Nonconforming Structures: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
- D. Nonconforming Structures Abandoned or Destroyed: Whenever the Zoning Hearing Board determines that a nonconforming structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed (but not including the sudden destruction of sound structures), it shall not allow the Zoning Officer to issue a permit that would allow such structure or tree to exceed the applicable height limit.

601.7 Permits

- A. Proposed Uses: No material change shall be made in the use of land, no structure shall be erected, and no tree shall be planted in any airport zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. The application shall conform to the regulations herein prescribed. The application shall be forwarded to the Penn Valley Airport Authority, which shall determine whether the structure or use will create an obstruction and shall indicate its findings to the Township within ten (10) days of receipt of the application. If the Authority determines that no obstruction is created, the Township Zoning Officer shall proceed with the zoning requirements for granting a permit.
- B. Future Obstructions: It will be the responsibility of the Penn Valley Airport Authority to notify the Township Board of Supervisors of any obstructions within the limits of Penn Township. The Township shall, within thirty (30) days thereafter, notify the appropriate property owner in writing of the obstruction and indicate to him the necessity for its removal. The time limit for removal of any obstruction will be one (1) year from the date of notice to the property owner.
- C. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Zoning Hearing Board for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe,

efficient use of navigable airspace. Additionally, no application for a variance may be considered by the Board unless a copy of the application has been furnished to the Penn Valley Airport Authority for advice as to the aeronautical effects of the variance. If the Authority does not respond to the application within fifteen (15) days after receipt, the Board may act on its own to grant or deny such application.

- D. Obstructions, Markings and Lighting: Any variance granted by the Zoning Hearing Board may, if such action is deemed to be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, or maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Penn Valley Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 602 NONCONFORMITIES

A. Continuance:

1. Except as otherwise provided in this Section, the lawful use of land or any building existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the district in which such land or building is located.
2. Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Ordinance may be continued.

B. Expansion or Alteration:

1. Any expansion or alteration of nonconformity shall be regarded on a Conditional Use subject to approval by the Board of Supervisors.
2. Dimension nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance. However, upon approval of a conditional use, the Board of Supervisors may authorize additions or improvements to the dimensional nonconformities.

C. Replacement:

1. A nonconforming use may be replaced by a similar nonconforming use by special exception granted by the Board of Supervisors.
2. A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.

D. Restoration:

If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or public enemy the nonconformity may be rebuilt, restored or repaired upon issuance of a building permit.

E. Abandonment:

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity 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 year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be re-occupied except in conformance with this Ordinance.

F. Reversion:

No nonconformity shall, if once charged to conform to the regulations of this Ordinance, be changed back again to a nonconformity.

G. District Changes:

Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of a difference classification, the foregoing provisions shall also apply to any nonconforming use or dimensional nonconformities existing therein or created thereby.

H. Identification and Registration

Nonconforming uses, structures, and lots, at the request of the owner or user, shall be identified and registered by the Zoning Officer as such. The reason for such identification and registration shall be noted by the Zoning Officer.

SECTION 603 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application plan, whether preliminary or final, is duly filed and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. Also, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

Changes in the Zoning Ordinance may affect subdivision or land development plans more than five years after approval has been granted provided the development is not substantially complete, estimated at seventy-five (75) percent.

SECTION 604 BUILDINGS UNDER CONSTRUCTION

If the construction is completed within one (1) year after effective date, a building, the foundation of which was completed before the effective date, may be construed without being bound by the requirements of this Ordinance. In addition, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

SECTION 605 DIVISION OF BUILT-ON LOTS

No lot may be formed from part of the lot occupied by building unless each newly-created lot will meet all of the applicable provisions of this Ordinance.

SECTION 606 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance of any amendment thereto, which lot does not fulfill the regulations for the minimum lot area and/or lot width for the district in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, providing setbacks established on the lot area at least equal to the average setbacks of existing adjacent properties.

ARTICLE VII

ZONING HEARING BOARD (ZHB)

SECTION 701 MEMBERSHIP

- A. **Appointment** There shall be a Zoning Hearing Board (ZHB) consisting of three (3) members who shall be appointed by resolution of the Board of Supervisors. Member term shall be three (3) years.
- B. **Officers** The elected officers of the ZHB shall be a Chairman, Vice-Chairman, and Secretary. The elected officers shall be selected at the annual meeting by a majority vote by the ZHB. Their terms shall begin immediately following the annual meeting and shall expire at the next annual meeting.
- C. **Vacancies** When any vacancies occur, the ZHB shall notify the Board of Supervisors, which shall appoint a member for the unexpired portion of the term.
- D. **Zoning Officer** The Zoning Officer shall be present at all meetings for the purpose of providing technical assistance, as needed.

SECTION 702 FUNCTIONS OF THE BOARD

The following matters pertain to the jurisdiction of the ZHB to hear and decide:

- A. Substantive challenges to the validity of any land use ordinance.
- B. Procedural challenges to any land use ordinance.
- C. Appeals from the determination of the zoning officer, including the granting or denial of any permit.
- D. Appeals from a determination by the municipal engineer or zoning officer with respect to the administration and provisions of the flood plain ordinance.
- E. Applications for variances.
- F. Applications for special exceptions.
- G. Appeals from the determination of the zoning officer regarding transfers of development rights or performance density provisions of the zoning ordinance.
- H. Appeals from the zoning officer's determination for a preliminary opinion.
- I. Appeals from the determination of the zoning officer or municipal engineer regarding stormwater management for building on single lot.

SECTION 703 PUBLIC HEARINGS

703.1 Scheduling and Notice of Hearings

- A. Upon receiving an appeal or application, the Board shall fix a time and place for a public hearing and shall give the required notice of the hearing.
- B. The hearing shall commence within sixty (60) days of receipt of the applicant's application.
- C. Each subsequent hearing shall be held with 45 days of the prior hearing, unless otherwise agreed to be the applicant. Any party aggrieved by the schedule or progress of the hearing s may apply to the court of common pleas for judicial relief. The hearing shall be completed no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common please.
- D. Notice of the hearing, which shall state the time and place of the hearing, the name of the owner of the property in question, the parcel location and existing use, and the purpose of the hearing, shall be given:
 - 1. To the public, by advertising at least one (1) time in a newspaper of general circulation in the Township. This advertisement shall appear at least ten (10) days prior to the hearing; and
 - 2. To the applicant, the Zoning Officer, the Planning Commission, such other persons as the Township Supervisors may designate, and any person who makes a timely request for the notice. This notice shall be mailed, or delivered in person, at least fifteen (15) days prior to the hearing date.
 - 3. By posting in a conspicuous manner on the property in questions at least one (1) week prior to the hearing.
- E. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by this Ordinance.

703.2 Conduct of Hearing

- A. The Board shall conduct the hearings, or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Board. However, the appellant or applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board, and accept the decision or findings of the Hearing Officer as final.
- B. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- C. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports,

staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings with any party unless all parties are given an opportunity to be present.

703.3 Parties to the Hearing

- A. Parties to the hearings shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations who, at the discretion of the Board, may be permitted to appear as a party. The Board shall have parties enter appearances in writing or on forms provided by the Board for that purpose.
- B. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

703.4 Statements

Statements are to be made in the following order, or as the Chairman may direct and the applicant or appellant must be given opportunity for rebuttal.

- A. Applicant or appellant.
- B. Zoning Officer and other officials.
- C. Any private citizen.

703.5 Witnesses

The Chairman or the Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

703.6 Records

The Board or the Hearing Officer shall keep a stenographic record of the proceedings. The applicant and the Board shall share the appearance fee for a stenographer equally. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

703.7 Decision Procedure

- A. The Board or the Hearing Officer shall render a written decision, or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based on the

findings, together with the reasons for the decision. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

- B. If a Hearing Officer conducts the hearing, and there has been no stipulation that his decision or findings are final, the Board shall make this report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to submit a written response to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.
- C. Where the Board fails to render the decision within the period required by this subsection, or fails to commence or complete the requested hearing as provided in Section 703.1, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in this manner, the Township shall give public notice of this decision within ten (10) days in the same manner as provided above. If the Board shall fail to provide such notice, the applicant may do so.
- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

703.8 Notice of Decision

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or finding and a statement of the place at which the full decision or findings may be examined. The Zoning Officer shall retain the decision or findings as a public record.

703.9 Conditions Imposed

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, these conditions must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

SECTION 704 VARIANCES

704.1 Filing of Variance

An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided by the Zoning Officer. It must be filed with the ZHB Chairman and copies given to the Zoning Officer and Township Planning

Commission and the Township Supervisors. The applicant must provide all the information requested on the form, together with any other information and data that may be required whether such information is called for by the official form or not.

704.2 Referral to Planning Commission and Supervisors

All applications for variances shall be referred to the Township Planning Commission and Township Supervisors for reports. The Planning Commission and Supervisors may make a recommendation to the ZHB regarding the requested variance.

ARTICLE VIII

CONDITIONAL USES AND SPECIFIC STANDARDS

SECTION 801 CONDITIONAL USE STANDARDS

A conditional use may be granted when the Board of Supervisors follows a Public Hearing and finding from a preponderance of evidence that:

- A. The proposed use, including its nature, intensity, scale and location, is consistent with the appropriate development of the zone.
- B. The use has proper access to streets and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.
- C. The use has adequate water supply, sewage disposal, storm drainage, and fire and police protection.
- D. The value of adjacent land and buildings will not be impaired by proposed use.
- E. The specific standards set forth for each particular conditional use have been met.
- F. The applicant shall have the burden of proof with evidence and persuasion on all questions of fact.
- G. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 802 SPECIFIC STANDARDS

- A. In addition to the general standards above, specific standards for particular uses set forth in this article must be met before the Board of Supervisors grants approval.
- B. Included in this Article are special requirements for some uses permitted as of right. These requirements must be met before the Zoning Officer may issue a permit.
- C. Planned Residential Development (PRD) and Traditional Neighborhood Development (TND) shall require Conditional Use Approval. See Article IX for procedures.
- D. All subdivision and land development shall meet the buffer yard requirements of Section 413 of the Township's subdivision and Land Development Ordinance.

SECTION 803 ADULT COMMERCIAL

Subject to the applicable district and is herein modified and provided:

- A. An adult commercial facility may not be located within one thousand (1,000) feet of any public or private school, recreation facility or church.
- B. An adult commercial facility may not be located within one thousand (1,000) feet of any other such adult facility.
- C. Any building used for adult commercial shall be windowless, or have an opaque covering on all windows or doors where materials, merchandise, or film are displayed so that they shall not be visible from outside of the building.
- D. No sign may give a visual representation of the type of materials, merchandise or film offered therein.
- E. No materials, merchandise, or film offered for sale, rent, lease, and loan or for view shall be exhibited or displayed outside of a building.
- F. Each entrance to the premises shall be posted with a notice specifying that persons under the age 21 are not permitted and warning all persons that they may be offended upon entry.
- G. Approval of this use shall require findings that it would not entice minors, and would not be detrimental to the health, safety and welfare of the public.
- H. No adult-oriented business shall be allowed to convert to another type of adult business without approval of the Township Supervisors.

SECTION 804 ANIMAL KENNEL AND VETERINARY HOSPITAL

Subject to the requirements of that district in which located except as herein modified and provided:

- A. All animals shall be housed within a completely enclosed building which shall be located a minimum of one hundred (100) feet from any property line.
- B. All areas used for exercise shall be securely fenced and located a minimum of one hundred (100) feet from any property line.
- C. Parking, signs, and buffers shall be in accordance with Article V.
- D. The accumulation and storage of manure shall not be permitted.

SECTION 805 AUTO RELATED

Subject to the requirements of the applicable district except as herein modified and provided:

805.1 Body Shop/Paint Shop/Repair Shop

- A. Activities involving the repair and/or painting of vehicle bodies shall be conducted within an enclosed building where measures shall be taken to minimize noise, fumes and dust.
- B. Only vehicles to be repaired on the premises or picked up by the vehicle's owner may be stored in the yard area. Junk cars shall not be stored on the lot.
- C. A junkyard shall not be established, except in strict compliance with the Township's Junkyard Ordinance (No. 92-4).
- D. Licensed towing operations and/or repossessors shall provide a secure, fenced-in area for the storage of all vehicles.

805.2 Car Wash

- A. Car wash structures shall be set back one hundred (100) feet from streams and sinkholes. Under no circumstances shall wastewater be drained into a stream or sinkhole.
- B. Each bay shall have a fifty (50) foot long on-site stacking lane.
- C. Car wash operations shall also comply with all regulations of the PA DEP.

805.3 Gas Station/Routine Service

- A. Use shall not be permitted within one thousand (1,000) feet of any public or private drinking water supply or well.
- B. Buildings must be set back at least sixty (60) feet from the street center line and fuel pumps must be set back at least (40) feet from the street center line.
- C. Driveways must be located as follows:
 - 1. Minimum distance from any street intersection: two hundred (200) feet.
 - 2. Minimum width: twenty (20) feet.
 - 3. Maximum width: thirty (30) feet.
 - 4. Minimum separation of drives on the same lot: seventy-five (75) feet.
- D. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screen from view of adjoining properties, shall be provided whenever outdoor storage is required.

- E. Use shall not constitute a public or private nuisance or create a fire hazard.
- F. Any repair activities shall be conducted within an enclosed building where adequate measures shall be taken to minimize dust, noise and fumes. Paint spraying and body/fender work shall not be permitted.

805.4 Vehicle Sales

- A. Vehicles offered for rent or for sale must be set back a minimum of fifteen (15) feet from the front property line.
- B. Accessory uses, such as engine or body repair, painting and undercoating, may be provided where such uses are clearly subordinate and incidental to the principal use. Accessory uses must be completely enclosed within a building in order to minimize dust, noise and fumes.
- C. No vehicles shall be parked in the right-of-way of any adjacent street or alley.

SECTION 806 BED AND BREAKFAST

Subject to the requirements of those zones except as herein modified and provided:

- A. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- B. All floors above-grade shall have direct means of escape to ground level.
- C. One (1) off-street parking space shall be provided for each room available for rent.
- D. All parking areas shall be screened from adjoining residentially-zoned properties.
- E. A sign may be erected in accordance with Section 506 of this Ordinance.

SECTION 807 CEMETERY

Subject to the requirements of the zone in which located except as herein modified and provided, and with reference to both human and pet cemeteries:

- A. Assurances must be provided that water supplies for surrounding properties will not be contaminated by burial activity. This assurance shall include a report on the soil types, geology and drainage of the site.
- B. No burial plots or facilities are permitted in the 100-year floodplain.
- C. A cemetery must conform to all applicable State regulations.

SECTION 808 CLUSTER DEVELOPMENT

Subject to the procedures for conditional use and the requirements of the zone in which located except as herein modified and provided, Cluster Developments may be permitted in

order to increase flexibility in the arrangement of homes, and to provide a pattern of more usable open space.

- A. Minimum lot size and lot width may be reduced by as much as one-half (1/2) of the minimum requirements for the zone in which the development is located.
- B. Building height and building setbacks shall remain as required for the zone in which the development is located.
- C. Open Space: An area sufficient to bring the development into conformance with density requirements of the appropriate zone shall be reserved for open space. These provisions and any agreements, such as by-laws for a property owners association, shall be subject to the Supervisor's approval.
- D. For mobile home parks, see Article VII of the Subdivision and Land Development Ordinance.

SECTION 809 COMMUNICATION OR CELL TOWERS

- A. The applicant must be licensed by the Federal Communications Commission.
- B. A cell site with antenna or other communication tower that is attached to an existing communications tower or other tall structure, is PERMITTED in all zoning districts, provided:
 - 1. The height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
 - 2. The antenna conforms to the requirements of the Penn Valley Airport zone. See Section 601.
 - 3. The applicant provides certification that the proposed tower will not exceed the structural capacity of the existing structure.
- C. A tower or antenna that is either not mounted on an existing structure or is more than ten (10) feet higher than the structure on which it is mounted, may be PERMITTED AS A CONDITIONAL USE in the AC, I, HC and C zones subject to the following:
 - 1. The applicant shall demonstrate, using technological evidence that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
 - 2. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), he shall demonstrate that he contacted the owners of all tall structures and cell site antenna within a one-half-mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than economic reasons. This shall include smoke stacks, water towers, and antenna support structures of other companies, other towers, farm silos, and other tall structures.
 - 3. The applicant must demonstrate that the antenna is the minimum height required to function satisfactorily.

- D. If a new antenna support structure is constructed (as opposed to mounted on an existing structure), the minimum distance between the base of the support structure or any guide wire anchors and any property line shall be the largest of the following:
 - 1. Thirty (30) percent of antenna height
 - 2. The minimum setback in the underlying zoning district
 - 3. Forty (40) feet
- E. The applicant shall demonstrate that the proposed support structure is safe and certify that the tower design meets current national standards for steel towers.
- F. Large trees shall be required to mitigate the visual impact of the tower and support structure:
 - 1. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - 2. An evergreen buffer yard (e.g. pine plantation) shall be required at the site. Trees shall be massed as a plantation on one or two sides of the structure with length and width comprising, one-half (1/2) acre.
- G. No antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration.
- H. The applicant shall submit a plan for the removal of the facility when it is not placed in use, becomes obsolete, or is no longer in use. The applicant shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility.

SECTION 810 CONVERSION APARTMENTS

Subject to the requirements of the zone in which located except as herein modified:

- A. There shall be a minimum of eight hundred (800) square feet of habitable floor area per family.
- B. The conversion of a single-family dwelling is prohibited in an existing dwelling of less than 2,000 square feet.
- C. No more than three (3) apartments can be created in any single dwelling.
- D. The character of the existing structure shall be maintained. No exterior modifications shall be permitted which alter the original style of the dwelling, except for safety purposes.
- E. The owner shall provide proof that the existing water and sewage disposal systems are adequate for the additional dwelling units. The Township Sewage Enforcement Officer must approve the proposed method of sewage disposal.
- F. Off-street parking and other applicable requirements of this Ordinance shall be met.

SECTION 811 DAYCARE CENTER AND PRIVATE SCHOOLS

Subject to the requirements of that zone except as herein modified and provided:

- A. The use shall be approved and licensed by the Department of Public Welfare of the Department of Education.
- B. Outdoor play area shall be provided at a minimum rate of one hundred (100) square feet per student enrolled. Enrollment shall be the largest number of students at any one time.
- C. A four (4) foot high fence shall enclose the outdoor play area.
- D. The outdoor play area must contain a means of shade, either shade tree(s) or pavilion.
- E. At least one parking space for each full-time person employed plus one (1) space for every five (5) children to be served by the facility shall be provided. Driveways and parking areas shall be located so as not to endanger children entering or exiting the building.
- F. "Drop off" and "pick up" areas shall be provided.

SECTION 812 FAMILY DAYCARE HOME

Subject to requirements of the applicable zone, except as herein modified:

- A. The use shall be registered and licensed with the Department of Public Welfare.
- B. The location shall be a family residence.
- C. An occupant of the home may care for a maximum of six (6) young children.

SECTION 813 FARMETTE

Subject to the requirements of the applicable zone where there are animals being raised or kept for the owner's pleasure, hobby or supplemental income, subject to the following restrictions:

- A. The raising and ownership of horses, sheep, goats, poultry, rabbits or exotic animals (excluding house pets) shall be subject to the following scales and requirements.

Group 1: Animals whose adult average weight is less than fifteen (15) pounds.

Minimum Lot: two (2) acres

Maximum Density: twenty-four (24) per acre

Group 2: Animals whose average adult weight is between fifteen (15) and two hundred fifty (250) pounds.

Minimum Lot: two (2) acres

Maximum Density: eight (8) per acre.

Setback: twenty-five (25) feet

Group 3: Animals whose average adult weight is more than two hundred fifty (250) pounds.

Minimum Lot: two (2) acre

Maximum Density: one (1) per acre.

Setback: fifty (50) feet

For a combination of animals: Each animal type shall meet the allowed density for its group. The sum of the three groups determines the total acreage needed. See examples in Appendix.

- B. For animal numbers or densities exceeding the above, the requirements of Level 1 Agriculture shall apply. See Section 411.12B of this Ordinance.

SECTION 814 GROUP DAYCARE HOME

Subject to the requirements of the applicable zone, except as herein modified:

- A. The use shall be registered with the, and licensed by the Department of Public Welfare.
- B. The maximum number of young children shall be twelve (12) with a staff minimum of two (2).

SECTION 815 GROUP HOME

Where provided and subject to the following requirements:

- A. Group homes shall have the appearance of a conventional, single-family residence and shall meet the minimum yard, setback and lot width requirements for detached dwelling in the applicable zoning district.
- B. The number of clients living in a group home shall not exceed four (4) plus a minimum of one (1) on-site support staff member.
- C. The Department of Public Welfare must license a group home; Proof of licensing shall be furnished to the Township Zoning Officer at the time of application.
- D. It is not recommended that a group home be located within one-half (.5) mile radius of any other group home.

SECTION 816 HOME COMMERCIAL

Subject to the requirements of a Conditional Use (see Section 801) and the following:

- A. The primary use of the lot shall be residential
- B. Home commercial activities must meet all applicable licensing and environmental regulations.

- C. Home commercial shall not in any way alter the residential character of a neighborhood or in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.
- D. Home commercial shall not create objectionable noise that can be detected beyond the property line nor shall it create a traffic nuisance.
- E. The following shall be permitted as home commercial: animal kennel, body shop, restaurant, dance studio.
- F. Off-street parking shall be provided in accordance with Section 502 of this Ordinance.
- G. Minimum parking spaces for the following specific uses are required:
 Beauty shop, licensed insurance and real estate agents: 3 spaces
 A non-resident employee: 1 space
- H. Lot coverage and impervious surface ratios of the applicable zoning district shall apply and the use shall comply with the Township Stormwater Management Ordinance.
- I. A sign not larger than two (2) square feet in the area is permitted. It may be illuminated only by indirect lighting.
- J. No more than two (2) non-resident employees may be employed.
- K. If the home commercial activity cannot be contained in an existing building, an addition or a new freestanding building may be built according to the following guidelines based on the lot size:

Lot size:	Maximum Size of Addition (to house or other existing building)	Maximum Size of New Building
Less than 1 acre	No addition allowed	No new building allowed
1-2 acres	25% of the house footprint	50% of the house footprint
2-4 acres	50% of the house footprint	100% of the house footprint
4-8 acres	50% of the house footprint	5,000 square feet
More than 8 acres	50% of the house footprint	10,000 square feet

SECTION 817 HOME OCCUPATION

Also known as “No-impact Home-based Business” and permitted by right in all residential zones subject to the following:

- A. The primary use of the lot shall be residential.
- B. Home occupation must meet all applicable licensing and environmental regulations.
- C. Home occupation shall not in any way alter the residential character of a neighborhood or in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.
- D. Home occupation shall not create objectionable noise, vibration, glare, fumes, odors or electrical/electronic interference that can be detected beyond the property line nor shall it create a traffic nuisance.
- E. The following shall not be permitted as home occupation: animal kennel, body shop, restaurant, dance studio.
- F. Off-street parking shall be provided in accordance with Section 502.
- G. Three parking spaces for the following specific uses are required: beauty shop, licensed insurance and real estate agents.
- H. Lot coverage and impervious surface ratios of the applicable zoning district shall apply.
- I. No exterior evidence of the occupation shall be allowed.
- J. Only residents of the site may be engaged in the occupation.
- K. The use shall not involve the regular visitation by customers or clients.
- L. Not more than twenty-five percent (25%) of the net floor area of the dwelling may be devoted to a home occupation. If an addition to the home is proposed, its size shall not be larger than 25% of the home’s footprint.

SECTION 818 MOBILE HOME

- A. A building permit shall be required for placement of a mobile home on a lot, whether on an individual lot or in a mobile home park.
- B. Every lot used for an individual mobile home shall meet the minimum lot size of the district in which it is located.
- C. The individual mobile home must meet the applicable setbacks and all other requirements of the District in which it is located.
- D. Mobile homes shall be securely anchored to the ground or foundation sufficiently to withstand a maximum wind velocity of ninety (90) miles per hour. Each mobile home shall have at least one (1) tie-down at each of the four corners.
- E. No mobile home shall be occupied, unless it is supported on concrete blocks or jacks, or rests on a foundation and is connected with utilities.

- F. From the bottom of the walls to the ground, mobile homes shall be provided with masonry walls or skirting designed to compliment its appearance.
- G. For mobile home parks, see procedures for land development and related requirements in the Township Subdivision and Land Development Ordinance.

SECTION 819 MULTI-FAMILY DWELLING

Subject to procedures for land development and the requirements of the district in which located except as herein modified and provided for multi-family dwellings containing three (3) or more units, including garden apartments, condominiums, town or row houses:

- A. The minimum net lot area, per unit, shall be fifty-four hundred (5,400) sq. ft.
- B. Maximum height shall be two and a half (2.5) stories.
- C. The minimum distance between principal buildings shall be forty (40) feet where two (2) or more multi-family dwellings are located on a single lot or parcel.
- D. The maximum number of dwelling units in a row group is eight (8).
- E. A minimum of ten percent (10%) of the gross area of the development or one thousand (1,000) square feet per unit, whichever is greater, shall be provided for recreational use. This space shall be provided and maintained by the owner or developer.
- F. The buffer yard requirements of Section 413 of the Township's Subdivision and Land Development Ordinance shall be met. One-half (.5) of the required buffer yard area may be counted toward fulfillment of the required recreation area.
- G. Public sewer and public water must be utilized.

SECTION 820 NONCONFORMITIES

Expansion or alteration of Nonconformity shall be regarded as a Conditional Use subject to the requirements of Section 602 of this Ordinance.

SECTION 821 OUTDOOR RECREATION

Subject to the requirements of that district except as herein modified:

- A. The Township may require such conditions and safeguards as are necessary to protect adjoining properties from damage.
- B. The use must have access to a public street.
- C. The area used for recreation must be set back at least fifty (50) feet from any property or street right of way.

SECTION 822 SHOPPING CENTER

Subject to land development and Conditional Use requirements and the following provisions:

822.1 Shopping Plaza

- A. The shopping plaza shall be designed as a unit with a harmonious arrangement of building groups and pedestrian and vehicular circulation.
- B. The minimum tract area shall be three (3) acres.
- C. The minimum tract width shall be two hundred (200) feet.
- D. The minimum front yard shall be one hundred twenty (120) feet as measured from the street centerline.
- E. The minimum side and rear yards for the tract shall be fifty (50) feet.
- F. Coverage: No more than twenty-five (25) percent of the tract shall be covered with buildings.
- G. Building Height: The maximum height of any building shall be thirty-five (35) feet or two and one half (2-1/2) stories.
- H. Landscaping: Shopping plazas shall have a buffer yard along boundary lines in accordance with Section 413 of the Township's Subdivision and Land Development Ordinance. Such buffer shall be located within the plaza and shall be used for no other purpose than landscaping. Such a buffer shall be maintained in good condition and free of rubbish.
- I. Sewerage: All buildings within the shopping center shall be served by public sewerage.
- J. Utilities: All utilities serving the shopping plaza shall be placed underground.
- K. Ingress and Egress: Road access to public streets shall be located no less than two hundred and fifty (250) feet from any public street intersection.
- L. Consolidated Access: Not more than one point of ingress and egress shall be allowed on any abutting street. The Township shall require written justification if:
 - 1. More than one (1) access point is proposed and,
 - 2. If separate ingress and egress are less than 100 feet apart.
- M. Pedestrian Circulation: All structures in a shopping plaza shall be connected by means of pedestrian walkways.
- N. Adjoining Parcels: Internal driveway connection shall be provided where there are adjoining commercial parcels in order to lessen vehicular conflict along the frontage road.

- O. Off-Street Parking and Loading: Off-street parking and loading spaces shall be provided as an integral part of the shopping plaza and be physically separated from public streets, subject to Section 502. Off-street parking and loading areas shall be lighted so that no part of such area is in total darkness during the nighttime use.
- P. Drainage: Shopping plazas shall meet the requirements of the Township's Stormwater Management Ordinance.

822.2 Mixed Use Village

- A. See Conditional Use requirements provided in the Village Center (VC) Zone.
- B. Such requirements are applicable for the existing villages of Salem and Kantz when new commercial/retail development and uses are proposed in the VC Zone.
- C. Provisions of the VC Zone may also apply to all new mixed-use village development if proposed in other permitted areas of the Township.

SECTION 823 TRUCK STOP

Subject to the requirements of the applicable district except as herein modified:

- A. Minimum lot size shall be ten (10) acres.
- B. The truck stop parcel shall contain a buffer yard in compliance with Section 507.
- C. Setbacks:
 - 1. Minimum five hundred (500) feet to a stream or sinkhole.
 - 2. Minimum five hundred (500) feet to a residential district.
 - 3. Minimum two hundred fifty (250) feet from street centerline.
- D. The applicant shall provide a traffic study prepared by a professional traffic engineer with the following minimum considerations:
 - 1. Estimated vehicle trips to be generated, including peak periods.
 - 2. Existing traffic count, for all streets providing access.
 - 3. Capacity analysis on intersections that will be effected.
 - 4. Accident data at the above intersections.
 - 5. Description of proposed actions to alleviate negative effect upon the area.
- E. The applicant shall prepare a template diagram with a building permit application showing stacking locations for trucks while in line for fueling.

SECTION 824 TRUCK TERMINAL

Subject to the requirements of the applicable district except as herein modified:

- A. The Public Utilities Commission shall license the truck terminal.

- B. Minimum lot size shall be ten (10) acres.
- C. The lot shall meet the buffer yard requirements of Section 507.
- D. Setbacks:
 - 1. Minimum five hundred (500) feet to a stream or sinkhole.
 - 2. Minimum two hundred fifty (250) feet from street centerline.
- E. The applicant shall provide a traffic study prepared by a professional traffic engineer with the following minimum considerations:
 - 1. Estimated vehicle trips to be generated, including peak periods.
 - 2. Existing traffic count, for all streets providing access.
 - 3. Accident data at the above intersections.
 - 4. Description of proposed actions to alleviate negative effect upon the area.

SECTION 825 Billboards and Flashing or Intermittent Lights on Signs

Criteria for Conditional Use approval as follows:

- 1. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid being blown down and causing injury to pedestrians or passing motorists.
- 2. Billboards and signs with flashing or intermittent lights must be constructed in a manner to avoid the gathering of refuse and paper which may tend to spread conflagrations.
- 3. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid a dumping place for dirt, filth and refuse, and as private privies.
- 4. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid hiding places for criminals.
- 5. Billboards and signs with flashing or intermittent lights may not be utilized for any immoral purpose.
- 6. Billboards and signs with flashing or intermittent lights may not obstruct the vision of drivers and thereby constitute a traffic menace.
- 7. Billboards and signs with flashing or intermittent lights must not be constructed in a fashion which would impair the safety on the public highways.
- 8. No billboard or sign with flashing or intermittent lights can be constructed in a fashion which would distract drivers and/or constitute traffic hazards.
- 9. No billboard or sign with flashing or intermittent lights shall be permitted to exceed a maximum area of eighty (80) square feet, including border and trim but excluding supports.
- 10. No billboard or sign with flashing or intermittent lights shall exceed twenty-five (25) feet in height measured from the highest point to the ground, excluding supports.
- 11. No billboard or sign with flashing or intermittent lights shall be erected within five hundred (500) feet of any other such billboard, sign with flashing or intermittent lights or free standing sign.
- 12. No billboard or sign with flashing or intermittent lights shall be located within two hundred (200) feet of any street intersection.

13. No billboard or sign with flashing or intermittent lights shall be located within ten (10) feet of any building.
14. No billboard or sign with flashing or intermittent lights or any part thereof shall be erected or maintained within any right-of-way of a public street.
15. No billboard or sign with flashing or intermittent lights or any part thereof shall be erected or maintained within fifty (50) feet of any side or rear property line, nor within one hundred (100) feet of a residence.
16. No billboard or sign with flashing or intermittent lights shall be constructed which has a detrimental effect on surrounding properties including impairing the value of the same.

ARTICLE IX

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

SECTION 901 PURPOSE

The following are the purposes of the Planned Residential Development:

- A. To encourage innovations in residential and nonresidential development so that the demand for housing and other development may be met by greater variety in type, design, and layout.
- B. To encourage the conservation of natural features by “designing around” sensitive or attractive environmental areas.
- C. To provide a procedure that can relate the design of the development to the particular site characteristics.
- D. To encourage a more efficient use of land and public services by clustering structures and providing varying densities.
- E. To offer an incentive (12% bonus) to developers, increasing the number of allowable units and decreasing developer costs.

SECTION 902 PERMITTED ZONES AND USES

Planned Residential Development is permitted in the following zoning districts subject to the requirements and procedures of this Article.

- R-R – Rural Residential
- R-1 – Residential
- R-2 – Residential

Permitted uses in Planned Residential Development shall consist of the following:

- Single-family dwellings
- Two-family dwellings
- Multi-family dwellings
- Home Occupation
- Outdoor Recreation
- Customary accessory uses to the above.
- Retail sales of small scale.
- Personal services establishments.
-

SECTION 903 APPLICABILITY OF COMPREHENSIVE PLAN

All provisions and amendments thereto adopted pursuant to this Article shall be based on and interpreted in relation to the Penn Township Comprehensive Plan.

Resource	Acres of Land in Resource	Open Space Ratio	Resource Protection Land
Floodplains	12	10.0	12
Floodplain soils		1.00	
Lakes, ponds and shores		1.00	
Wetlands		1.00	
Steep Slope (25% or more)		.85	
Steep Slope (15-25%)		.80	
Steep Slope (8-15%)		.70	
Woodland	12	.60	7
Presence of 20" caliper trees		.80	
Agricultural Soils (Class I or II)		.90	
Total Resource Protection Land	XXXXXXXXXX	XXXXXXXXXX	19

** Applies to AC District and Ag Security Areas only.*

C. Calculate the amount of unrestricted land.

1. Take Base Site Area from Section A. 90acres
2. Subtract Resource Protection Land (from above table) - 19 acres
3. *EQUALS UNRESTRICTED LAND* **71 acres**

D. Calculate Recreation Land for Cluster and Multi-Family Development.

In order to provide recreation as near to the development as possible for cluster and multi-family unites, the following formula applies:

1. Take Unrestricted Land (from Section C) 71 acres
2. Multiply by Twenty Percent (20%). (Assumes single family)
Note: Not Applicable for single family development
3. *EQUALS TOTAL RECREATION LAND.* **0 acres**
Note: the recreation land is in addition to the open space set aside for all residential

E. **Calculate Net Buildable Site Acres.** Individual site capacity is determined by calculating the net buildable site area. For single-family performance subdivisions, the number of allowable dwelling units is determined by multiplying the net density by net buildable site area. The calculations are as follows:

- | | |
|--|------------------------|
| 1. Take Resource Protection Land from Tale of Section B. | 19 acres |
| 2. Add Recreation Land from Section D, if cluster or multifamily | 0 acres |
| 3. EQUALS TOTAL OPEN SPACE | <u>19 acres</u> |
| 4. Take Base Site Area from Section A | 90 acres |
| 5. Subtract Total Open Space. | 19 acres |
| 6. EQUALS NET BUILDABLE SITE AREA | <u>71 acres</u> |

F. **Calculate Allowed Number of Units.** Density is determined by the applicable zoning district and the overlay of public sewer.

- | | |
|--|-------------------------|
| 1. Find Applicable Zone in Section 906 below | Assume R1 with sewer |
| 2. Divide Net Buildable Site Area from Section E by Acreage per Unit as shown in Section 906 below (<i>divide by acreage per unit</i>) | $71 \div .33$ |
| 3. <i>EQUALS NUMBER OF DWELLING UNITS ALLOWED</i> | <u>234 Units</u> |

G. **Calculate Bonus.** The option of using a PRD allows the developer to gain a "bonus" of twenty percent (20%) additional units. The Township offers this bonus in order to meet the objectives listed in Section 907A. In order to determine the total allowed dwelling units with the twenty percent (20%) bonus:

- | | |
|--|-------------------------|
| 1. Take Number of Dwelling Units Allowed from Subsection F | 234 units |
| 2. Multiply by Twelve Percent (12%) | X 12% |
| 3. Add to Units Allowed | 28 bonus units |
| 4. <i>EQUALS TOTAL UNITS WITH BONUS</i> | <u>262 units</u> |

SECTION 906 DENSITY REGULATIONS

The net density standards of the table below shall apply.

Applicable Zones	Number of Dwelling Units Per District			
	With Public Sewer	Minimum Tract Size	On-Lot Sewage	Minimum Tract Size
RR	2 units/acre	14,000 sq ft	43,560 sq ft (1 acre)	21,780 sq ft (.5 acre)
R1	3 units/acre	10,890 sq ft	43,560 sq ft (1 acre)	21,780 sq ft (.5 acre)
R2	5 units/acre	6,000 sq ft	3units/acre	8,000 sq ft
VC	5 units/acre	6,000 sq ft	3 units/acre	8,000 sq ft

SECTION 907 OPEN SPACE

A minimum of thirty percent (30%) of the total tract shall be set aside as common open space.

- A. It is the expressed intent that this requirement for open space be used to achieve the following objectives:
 - 1. Maximization of groundwater recharge by reducing impervious surfaces.
 - 2. Protection of streams, wetlands, woodlands, and wildlife habitats.
 - 3. Extension or buffering of contiguous farmland enabling larger areas for agriculture.
 - 4. Provisions for recreation areas that are conveniently accessible to PRD residents.
 - 5. Integration of greenbelts and/or footpaths that link pedestrians with nearby parks, schools, or other destinations.
- B. Common open space shall be subject to the following:
 - 1. The Township may at any time accept or refuse to accept the dedication of land or any interest therein for public use and maintenance. The Township need not require, as a condition of the approval of a planned residential development, that land proposed to be set aside for common open space be dedicated or made available to public use.

2. The Township may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space.
3. The common open space shall not be disposed of, by sale or otherwise, without first offering to dedicate the same to the Township. Regardless, the common open space shall not be developed.
4. In the event of public dedication, any Township costs including maintenance shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien upon the affected properties in the County Office of the Prothonotary.

SECTION 908 APPROVAL SEQUENCE

The zoning approval shall be obtained first. The applicant can be spared expenditures of Plan preparation in the event the zoning application is denied. Once the developer has filed the zoning application for the conditional use, not intervening change or amendment to the zoning, subdivision or other governing ordinance may adversely affect the development plan.

SECTION 909 IMPROVEMENTS STANDARDS

All improvements for streets, driveways, utilities, landscaping, stormwater management, etc., unless otherwise accepted, shall be designed and constructed in conformance with the standards and requirements of the Township Subdivision and Land Development Ordinance. All such improvements shall be guaranteed under the provisions of that same Ordinance.

SECTION 910 ENVIRONMENTAL STANDARDS

- A. If streams (whether intermittent or perennial) are present at the site, compliance with Section 411 of the Subdivision and Land Development Ordinance is required.
- B. If slopes of fifteen percent (15%) or greater are present at the site, requirements of the Subdivision and Land Development Ordinance Section 412 requirements shall be met.
- C. If woodlands and/or mature trees are present at the site, requirements of Section 413 of Subdivision and Land Development Ordinance shall be met.
- D. The requirements of the Township Stormwater Ordinance must be met. "Low impact development" (see definition) is encouraged as a means of achieving stormwater management.

SECTION 911 WATER SUPPLY

- A. If water is to be provided by other than individual on-site systems (wells owned and maintained by the individual lot owners), the Final Plan must include evidence that the subdivision or development will be supplied by one of the following:
 - 1. A bonafide cooperative association of lot owners, or
 - 2. The Penn Township Municipal Authority.
- B. Water supply facilities must comply with Section 408 of the Subdivision and Land Development Ordinance.

SECTION 912 STAGING OF DEVELOPMENT

PRDs may be constructed in phases if the following criteria are met:

- A. The application for tentative approval covers the entire PRD and shows the location and approximate time of construction for each stage, in addition to other information required.
- B. At least one-third (1/3) of the dwelling units in the tentatively approved plan are included in the first phase.
- C. The subsequent stages are completed consistent with the tentatively approved plan and in no stage contain less than one third (1/3) of the dwelling units receiving tentative approval.
- D. All stages are consistent with the Township's Stormwater Management Plan.

SECTION 913 ENFORCEMENT AND MODIFICATION OF PLAN

- A. The following provisions of the development plan shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law:
 - 1. The use, size and location of buildings and structures.
 - 2. The quantity and location of common open space.
 - 3. The density of residential units.
- B. All other provisions of the development plan shall run in favor of the residents of the PRD in accordance with the terms of the development plan, whether recorded by plat, covenant, and easement or otherwise. The provisions may be enforced at law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf. However, no provisions of the development plan shall be implied to exist in favor of residents of the PRD unless those portions of the development plan have been finally approved and recorded.
- C. Grants or easements relating to the service or equipment of a public utility may not be modified, remove, or released by the Township except by written authorization of the utility.

- D. All provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released, subject to the following conditions:
1. No modification, removal or release of the provisions of the development plan the Township shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided in this Section.
 2. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon findings by the governing body following a public hearing pursuant to public notice.
 3. Any modification removal or release of the development plan provisions shall:
 - a. Be consistent with the efficient development and preservation of the entire planned residential development.
 - b. Not adversely affect either the enjoyment of land abutting upon or across the street from the PRD or the public interest.
 - c. Not be granted solely to confer a special benefit upon any person or organization.
- E. Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the plan in accordance with the provisions of this Section.

SECTION 914 APPLICATION FOR TENTATIVE APPROVAL

- A. The application for tentative approval shall be filed with the Township Secretary and shall be accompanied with payment of application fee.
- B. The Board of Supervisors shall approve the application for PRD and any subsequent modification after review and recommendation by the Township Planning Commission.
- C. The Township shall forward applications to the County Planning Commission for review and recommendation.
- D. Information to be submitted

Five (5) copies of the plan shall be submitted consisting of the following:

1. A map showing the location, size and topography of the site.
2. A plan showing all the existing natural features of the site including:
 - Streams, whether perennial or intermittent
 - Wetlands, sinkholes and sinkhole-prone soils

- Woodland, hedgerows and mature trees
 - Slopes fifteen percent (15%) or greater
 - Prime Agriculture Land (See definition)
 - Historic structures or features, including cemeteries or burial sites
3. The above plan shall also show the municipal wellhead protection area, if applicable.
 4. The proposed density for each area of the site to be developed.
 5. The plans for stormwater management. See the Township Stormwater Management Ordinance.
 6. The plans for sewage disposal. See Section 407 of the Subdivision and Land Development Ordinance.
 7. The plans for water supply. See Section 408 of the Subdivision and Land Development Ordinance.
 8. The use and approximate height, bulk and location of buildings and other structures.
 9. The location and size of the common open space and the form of organization proposed to own and maintain it.
 10. The covenants, easements or other restrictions proposed to be imposed upon the use of the land and/or buildings, including proposed easements for public utilities.
 11. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 12. In the case of plans that call for development over a period of years, a schedule showing the proposed times for final approval application of all sections of the PRD are intended to be filed. This schedule must be updated annually, until the development is completed.
 13. Indication of landowner's interest in the land (e.g. owned, leased, optioned)

E. In Lieu of Procedures

The application for tentative final approval of a PRD prescribed in this Article shall be in lieu of all other procedures or approvals otherwise required pursuant to the Zoning Ordinance and the Subdivision and Land Development Ordinance of the Township, unless otherwise referenced.

SECTION 915 PUBLIC HEARINGS

- A. Within sixty (60) days after the filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice shall be held by the Board of Supervisors in the manner prescribed for an amendment to the Zoning Ordinance.
- B. The Board of Supervisors may continue the hearing from time to time, and where applicable, refer the matter back to the Planning Commission for a report; however, the public hearing process shall be concluded within sixty (60) days after the date of the first public hearing.
- C. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Article prior to final approval by the Board of Supervisors.

SECTION 916 THE FINDINGS

- A. Within sixty (60) days following the conclusion of the public hearing, or within 180 days after the dated of filing of the application, whichever occurs first, the Board of Supervisors shall by official written communication to the landowner, either:
 - 1. Grant tentative approval of the development plan as submitted.
 - 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted
 - 3. Deny tentative approval to the development plan.
- B. Failure to so act within the sixty (60) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.
- C. In the event, however, that tentative approval is granted subject to conditions, the landowners may, within thirty (30) days, notify the Board of Supervisors of his refusal to accept the conditions. In this case, the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within thirty (30) days, notify the Board of Supervisors refusal to accept all said conditions, tentative approval of the development plan, with all conditions, shall stand as granted.
- D. The grant or denial of tentative approval by official written communication also shall include findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - 1. Those respects in which the development plan is or is not consistent with the Township Comprehensive Plan.
 - 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location and amount of the common open space in the PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space.
 4. The physical design of the development and the manner in which design does or does not make adequate provision for pedestrian circulation, public services, and provide recreational and amenities and enjoyment of the natural environment.
 5. The relationship, beneficial or adverse, of the proposed PRD to the surrounding area.
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD.
- E. When a development plan is granted tentative approval, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

SECTION 917 STATUS OF PLAN AFTER TENTATIVE APPROVAL

- A. The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
- B. Tentative approval of a development plan shall not:
1. Qualify a plat of the PRD for recording, or
 2. Authorize development, or
 3. Authorize issuance of any building permits.
- C. A development plan which has been given tentative approval (and provided that the landowner has not defaulted nor validated any of the conditions of the tentative approval) shall not be modified, revoked, or impaired by action of the Township without the consent of the landowner. However, application for final approval must be filed within the periods of time specified in the official written communication granting tentative approval.

- D. Tentative approval shall be deemed to be revoked in the following instances:
1. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner abandons the plan and notifies the Board of Supervisors in writing.
 2. In the event the landowner fails to file application or applications for final approval within the required period of time or times.
- E. Such development plan whose tentative approval was revoked and for which final approval was not given shall be subject to those local ordinances otherwise applicable and the same shall be noted in the records of the Township Secretary.

SECTION 918 APPLICATION FOR FINAL APPROVAL

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval for a section thereof. Application shall be made to the Township Secretary within the time or times specified by the official written communication granting tentative approval.
- B. The application shall include all documents specified in this Ordinance, as well as any conditions set forth in the official written communications at the time of tentative approval. A public hearing on an application for final approval shall not be required provided the development plan, or the part thereof submitted for final approval, is in compliance with the development plan given tentative approval.
- C. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.
- D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of its refusal and setting forth the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either
1. Re-file the application for final approval without the variations objected.
 2. File a written request for a public hearing on the application.
- E. If the landowner wishes to take either such alternate action he may do so within the period of time to which he is entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after the landowner makes request for the hearing, and the hearing shall be conducted in the manner prescribed in this Article for public

hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Article.

- F. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded in the County Office of the Recorder of Deeds before any development shall take place. Upon final approval, the developer shall guarantee improvements and post financial security in accordance with Article V of the Township Subdivision and Land Development Ordinance.
- G. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner abandons such plan or the section thereof that has been finally approved, and so notifies the Board of Supervisors in writing; or, in the event the landowner fails to commence and carry out the planned residential development within a reasonable time, no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to the Zoning Ordinance in the manner prescribed for such amendments.

SECTION 919 AS BUILT DRAWINGS

Whenever a developer installs or causes to be installed any sewer lines or water lines, the developer shall, as soon as practicable after installations are complete, furnish the Township with a copy of a drawing that shows the exact location of such lines. The service provider must verify such drawings as accurate. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

SECTION 920 JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under this Section. The Enforcement remedies are as follows:

- A. Any person, partnership or corporation who or which has violated the PRD provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township. No judgment 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 judgment, the Township may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines otherwise. All judgments, costs, and reasonable attorney fees collected for the violation of PRD provisions shall be paid to the Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

ARTICLE X

PERFORMANCE STANDARDS FOR NUISANCES

SECTION 1001 APPLICATION

Permitted and conditional uses enumerated in Commercial and Industrial Districts, are subject to the following performance standards and procedures. However, if the dangerous and objectionable elements regulated by this Article should occur in Districts other than Commercial and Industrial, these same performance standards shall apply.

In addition, all property is subject to Township Ordinance 92-3; know as the Penn Township Nuisance Ordinance. Nuisances prohibited therein include abandoned or junked vehicles, garbing/rubbish and any offensive business.

SECTION 1002 PERFORMANCE STANDARDS PROCEDURE

- A. Prior to Construction and Operation: Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.
- B. Continued Compliance: Continued compliance with performance standards is required and enforcement of continued compliance shall be the responsibility of the Zoning Officer or Board of Supervisors.
- C. Determination of Violation: The Zoning Officer shall investigate any purported violation of performance standards and, if there are any reasonable grounds for the same, shall notify the Board of Supervisors of the occurrence or existence of a probable violation. If after public hearings on due notice, said Board finds that a violation occurred or exists, such violation shall be terminated as provided in Subsection 4 following.
- D. Termination of Violation: All violations as ascertained in accordance with Subsection C above shall be terminated within thirty (30) days of the decision of the Board of Supervisors or shall be deemed a separate violation for each day following and subject to fines as set forth herein.

SECTION 1003 NUISANCE ELEMENTS

- A. Definition of Elements: No land or building in the Industrial District or any other District to be used or occupied for manufacturing or similar purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbances; glare; or other nuisance, condition or element in such amount as to adversely affect the

surrounding area or premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted by this Ordinance may be undertaken and maintained in the Industrial District conforming to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of their existence.

- B. Locations Where Determinations Are to be Made for Enforcement of Performance Standards: The determination of the existence of any dangerous and objectionable elements shall be made at:
1. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
 2. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

SECTION 1004 NUISANCE STANDARDS TO BE ENFORCED

- A. Fire and Explosion Hazards: In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.
- B. Radioactivity or Electrical Disturbance: No activities shall be permitted which emit dangerous radioactivity or electrical disturbances adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- C. Noise: At the points of measurement the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association.
- D. The latest version of the following references shall be used: American Standard Sound level Meters for Measurement of Noise and Other Sounds, Z24.3 and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds Z24.10.

Table on following page...

Table I	
Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm ²
20 – 300	60
300 – 2400	40
Above 2400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

Table II	
Character of Noise	Correction in Decibels
Noise source operating less than 5% of any one-hour period	+5
Noise of impulsive character or hammering	-5
Noise of periodic character, hum, screech	-5
Property is located in the "I" District and is not within 500 feet measured horizontally or vertically of any R-District	+10

- E. Vibration: No vibration shall be permitted which is detectable without instruments at the points of measurement.
- F. Glare: No direct or sky-reflected glare or disruptive light whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- G. Smoke: No emission shall be permitted from any chimney or other source of visible grey smoke of a shade greater than No. 1 on the Ringleman Smoke Chart except that visible grey smoke of a shade not darker than No. 2 on the Ringleman Chart may be emitted for four (4) minutes in any thirty (30) minutes.

- H. Odors: No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.
- I. Other forms of Air Pollution: No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause excessive soiling.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

SECTION 1101 ZONING OFFICER

- A. Appointment: The Zoning Officer shall be appointed and compensated by the Governing Body. He shall meet the qualifications established by the Governing Body and shall be able to demonstrate a working knowledge of this ordinance and municipal zoning in general.
- B. Holding Other Public Office: The Zoning Officer may hold any other appointive office in the Municipality, but no elective office.
- C. Powers and Duties:
 - 1. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. He shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with this Ordinance and all nonconforming uses, record and file all applications for permits with accompanying plans and documents, and make such reports to the Governing Body, the Planning Commission and the Zoning Hearing Board (ZHB) as may be required.
 - 2. Building permits for a variance from the requirements of this Ordinance and for such special uses as may be enumerated in ARTICLE VII hereof shall be issued only upon written order of the ZHB.
 - 3. Building Permits for such conditional uses as may be enumerated in ARTICLE VIII hereof shall be issued only upon written order of the Governing Body.
- D. Appeals: All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in this Ordinance.

SECTION 1102 ZONING PERMITS

- A. Purpose: To determine compliance with the provisions of this Ordinance. No person shall erect, alter or convert any structure or building, or part thereof, nor alter the use of any land, until the Officer has issued a Zoning Permit.
- B. Type of Permits:
 - 1. Permitted Uses – A permit for a permitted use may be issued by the Zoning Officer.
 - 2. Conditional Uses – A permit for a conditional use may be issued by the Zoning Officer only upon the order of the Board of Supervisors after a public hearing following a review by the Planning Commission.

3. Special Exception Uses – A permit for a special exception use may be issued by the Zoning Officer only upon order of the ZHB after a public hearing.
- C. Application for Permits: All such applications shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot or lots to be built upon, its assessment map and parcel number as recorded, the date of official record of any lot or lots on which construction is proposed, the exact size and location of any building, sign, parking or loading area or other physical feature existing or proposed on the lot, the existing and intended use of each a building or part of a building, the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Ordinance. One copy of such plans shall be returned to the owner when such plans shall be approved; one (1) copy each of all applications that accompany plans and documents shall become a public record after a permit is issued or denied.
- D. Issuance of Permits: It shall be the duty of the Zoning Officer to issue a Permit, provided he is satisfied that the structure, building, sign, parking area of premises, and the proposed use conform with all requirements of this Ordinance and that all other reviews and actions, if any, have been complied with and all necessary approvals secured.

All Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected, and protected from the weather, whenever construction work is being performed. No owner, contractor, workman or other person shall perform any building operations regulated by this Ordinance of any kind unless a Permit covering such operation has been so displayed, nor shall they perform such building operations after notification of the revocation of said Zoning Permit.

- E. Denial of Permits: When the Zoning Officer is not satisfied that the applicant's proposed development will meet the requirements of this Ordinance, he shall refuse to issue a Permit and the applicant may appeal to the Zoning Hearing Board for a reversal of the Zoning Officer's decision.
- F. Revocation of Permits: If it appears to the Zoning Officer that the application or accompanying plans are in any material respect false or misleading or that work differs materially from that called for in the applications, he may forthwith revoke the Permit, whereupon it shall be the duty of the person holding the Permit to surrender it and all copies to the Zoning Officer. After the Permit has been revoked, the Zoning Officer may, in his discretion, before issuing a new Permit, require the applicant to file an indemnity bond in favor of the Municipality with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in sum sufficient to cover the cost of removing the building if it does not so comply.

SECTION 1103 OCCUPANCY PERMITS

- A. Upon written request from the owner, tenant or occupant, the Zoning Officer, after inspection, shall issue an Occupancy Permit for an existing use legally existing at the time this Ordinance is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this Ordinance.
- B. No change or extensions of use, and no alterations shall be made in a nonconforming use or premises without an occupancy permit having first been issued by the Zoning Officer stating that such change, extension or alteration is in conformity with this Ordinance.
- C. Any request for an occupancy permit for an existing use shall be accompanied by the certification of owner, tenant or occupant of a Commercial or Manufacturing use which is subject to the Performance Standards specified in ARTICLE X hereof, and any change or extension of use shall be in compliance with such Performance Standards. If such request is for an existing use that does not involve any change or extension of use, it shall be accompanied by the certification of the owner, tenant or occupant as to the extent of compliance or non-compliance of the property with ARTICLE X.

SECTION 1104 PLANNING COMMISSION

- A. Review Application and Appeals:
 - 1. The Zoning Hearing Board shall refer to the Planning Commission all applications or appeals which in their opinions require review by the Planning Commission.
 - 2. The Board of Supervisors shall refer to the Planning Commission all applications for Conditional Uses for their review and recommendation.
 - 3. The Planning Commission shall review such applications in accordance with applicable criteria set forth in ARTICLE VII and any special requirements for the intended use.
- B. Reports: The Planning Commission may recommend approval, disapproval, or approval subject to conditions or modifications, and shall report its findings on any matter to the Board of Supervisors or to the ZHB within thirty (30) days of receipt thereof. Such report shall state all recommended conditions and modifications and the reasons for approval or disapproval.
- C. Conditions for Addition of Other Similar Uses: Upon application or on its own initiative and after a public hearing preceded by due notice, the Commission may recommend to the Governing Body additional uses to be included in the zoning districts of ARTICLE IV, provided, that such uses conform with the conditions set forth in the special findings required below:
 - 1. Such use is not permitted in any other zone.
 - 2. Such use is more appropriate in the district or districts where it is proposed than in any other district or districts.

3. Such use conforms to the basic characteristics of the district to which it is to be added and will not adversely affect any uses already permitted in such districts.
 4. Such use does not create danger to health and safety.
 5. Such use is not likely to create any more traffic than other uses permitted in such district, and does not create any influence more dangerous or objectionable than those generated by the uses already permitted in the district.
- D. Conditional Uses: The Planning Commission shall review all applications for Conditional Uses and shall make comment and/or recommendation.
- E. Report to Governing Body: The Planning Commission shall, from time to time prepare and file with the Governing Body a report on the operation of this Ordinance including recommendations for amendments, or supplements.

SECTION 1105 VIOLATIONS

A. Enforcement Notice:

1. If it appears to the Board of Supervisors, or Zoning Officer that a violation of this Ordinance, or any amendments hereto has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner.
3. The enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action;
 - b. The location of the property in violation;
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - e. That the recipient of the notice has the right to appeal to the ZHB within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the ZHB, constitutes a violation, with possible sanctions clearly described.

B. Enforcement Remedies:

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, or any amendments hereto

shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before the District Justice, pay a judgment of \$500 plus all court costs, including reasonable attorney fees incurred by the Township. No judgment shall commence or be imposed or levied until the date of the determination of a violation by the District Justice.

2. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation to have believed that there was no such violation. In this case, there shall be deemed to have been only one violation until the fifth day following the date of the violation determination by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
3. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid to the Township.

ARTICLE XII

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Enacted and ordained by the Board of Supervisors of Penn Township, Snyder County, Pennsylvania, this 18th day of January, 2005.

ATTEST:

PENN TOWNSHIP SUPERVISORS

Robin Bieber
Secretary

Frederick Ulrich
Chairman

Roy Knause
Supervisor

Jon Payne
Supervisor

ORDINANCE NO. 2007 - 02

AN ORDINANCE OF PENN TOWNSHIP, SNYDER COUNTY, AMENDING ORDINANCE NO. 2005-01, THE TOWNSHIP ZONING ORDINANCE, TO AMEND SETBACK REQUIREMENTS IN THE R-1, R-2 AND VC DISTRICTS, REPEAL SPECIAL REQUIREMENTS FOR NONATTACHED STRUCTURES, AMEND CERTAIN PARKING AND LOT REQUIREMENTS, AMEND SIGN PROJECTION LIMITATIONS, AND AMEND CERTAIN SETBACK MODIFICATIONS.

BE IT ORDAINED AND ENACTED by Penn Township, Snyder County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION ONE: Article IV, Section 404.6 (R-1 District) and its subsections, of Township Ordinance No. 2005-01 is hereby amended to read as follows:

"Section 404.6 Setbacks

Each lot or tract shall provide front, side and rear setbacks not less than the following:

- A. Front Setback-All structures: Fifty (50) feet from the centerline of the road. Corner lots shall be construed to have two (2) two front yards.*
- B. Side setback-All structures: Ten (10) feet.*
- C. Rear setback-All structures: Ten (10) feet."*

SECTION TWO: Article IV, Section 405.6 (R-2 District) and its subsections, of Township Ordinance No. 2005-01 is hereby amended to read as follows:

"Section 405.6 Setbacks

Each lot or tract shall provide front, side and rear setbacks not less than the following:

- A. Front Setback-All structures: Fifty (50) feet from the centerline of the road.*

Corner lots shall be construed to have two (2) two front yards.

B. Side setback-All structures: Ten (10) feet.

C. Rear setback-All structures: Ten (10) feet."

SECTION THREE: Article IV, Section 406.6 (VC District) and its subsections, of Township Ordinance No. 2005-01 is here by amended to read as follows:

"Section 406.6 Setbacks

Each lot or tract shall provide minimum front, side and rear setbacks as follows:

A. Front setback: Thirty-five (35) feet from the centerline of the road or zero setback from the sidewalk, which ever is less. For in-fill development in Salem or Kantz the average setback of adjacent buildings may be used as the setback for new buildings.

B. Side setback: Ten (10) feet. One sideyard may have a zero setback but the combined side yards shall not be less than twenty (20) feet. If a setback of less than ten (10) feet for any one side yard is selected, there shall be at least five (5) feet to buildings on the adjoining lot. Additionally, all storm water drains from structures closer than 10 feet from a property line shall be diverted away form the property line.

C. Rear setback: Ten (10) feet.

D. Corner lots are considered to have two front yards."

SECTION FOUR: Article V, Section 501.2, Nonattached Structures, and its subsections, of Township Ordinance No. 2005-01 is hereby repealed.

SECTION FIVE: Article V, Section 502.2, of Township Ordinance 2005-01, is hereby amended to provide new heading and wording as to parking requirement for Residential Dwelling and mobile Home Parks as follows:

<u>"Type of Use</u>	<u>Minimum of Two Parking Space for Each</u>
<i>Residential dwelling</i>	<i>dwelling unit</i>
<i>Mobile Home Parks</i>	<i>mobile home lot</i>

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
<i>Bed and Breakfast, Hotel, Motel</i>	<i>bedroom"</i>

.....

SECTION SIX: Article V, Section 502.2, of Township Ordinance 2005-01, is hereby amended to add to parking requirement for Church, Auditorium, as follows:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
.....	
<i>"Church, Auditorium</i>	<i>Four (4) seats*</i> <i>*(Where individual seats are not otherwise delineated, a seating space of 18 inches shall equal one seat.)"</i>

.....

SECTION SEVEN: Article V, Section 502.3, of Township Ordinance 2005-01, is hereby amended to read as follows:

"502.3 Location

The parking area must be located on the same premises as the structure for which it is required. In the event an owner or occupant of a lot cannot comply with the requirements for off-street parking and loading/unloading spaces on the same premises as the structure for which it is required, the Board of Supervisors may, as a conditional use, allow the parking to be on adjoining or near-by premises owned or occupied by the owner or occupant of the structure, taking into consideration the nature of the use of the structure and the proximity of the proposed parking and/or load/unloading spaces to the structure. "

SECTION EIGHT. Article V of Township Ordinance 2005-01, is hereby amended to add Section 502.10 as follows:

"502.10 Lighting.

Parking lots shall be illuminated as is necessary to protect the public safety. In all cases such illumination shall be diverted and designed to prevent glare or excessive brightness which may become a nuisance for adjacent residential uses or hazardous to the motoring public."

SECTION NINE: Article V, Section 506.4 and its subsections, of Township Ordinance No. 2005-01 is hereby amended to read as follows:

"Section 506.4 Projection of Signs

No sign shall project:

- A. Over a public sidewalk area, except in the VC zone where the clearance shall be not less than nine (9) feet above the sidewalk.*
- B. Over a public highway or street, unless such sign is necessary for traffic control purposes and meets current Pa DOT specifications.*
- C. More than twenty-two (22) feet above the ground except for an attached sign which may not project above the roof of the building."*

SECTION TEN: Article V, Section 508 C. and its subsections of Township Ordinance 2005-01, is hereby amended to read as follows:

"SECTION 508 SETBACK MODIFICATIONS

.....

- C. Accessory Appurtenant Structures: Setback regulations do not apply to:*
 - 1. School bus shelters, telephone booths, and eaves, chimneys, cornices, steps canopies, and similar extensions but not including porches or patios whether covered or not.*

2. *Articles of ornamentation or decoration.*
3. *Fences, retaining walls, unless in the case of a corner lot where clear sight shall be maintained.*
4. *Open fire escapes."*

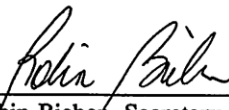
SECTION ELEVEN: Effective Date

This ordinance shall become effective five (5) days after adoption.

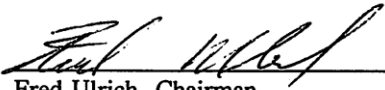
ORDAINED AND ENACTED this 17th day of July, 2007.

PENN TOWNSHIP BOARD OF SUPERVISORS

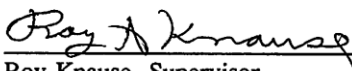
Attest:



Robin Bieber, Secretary



Fred Ulrich, Chairman



Roy Knause, Supervisor



Jon Payne, Supervisor

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2007 -
02 adopted by unanimous vote of the Board of Supervisors at regular meeting held on July
17, 2007, after due advertisement and public notice, with quorum present.

dated: July 17, 2007



Robin Bieber, Township Secretary



Revisions Per May 1, 2013 Supervisors Meeting

506.2 Signs Prohibited

- (A) Noise producing signs are prohibited in all residential districts and within one hundred (100) feet of any residence.
- ~~(B) No flashing or intermittent lights or signals are permitted in any district.~~
- ~~(C) Billboards are prohibited in all districts.~~

506.9 Billboards and Flashing or Intermittent Lights on Signs Permitted by Conditional Use

- (A) Billboards are permitted in the Highway Commercial (HC) and the Industrial (I) Districts as a conditional use subject to the criteria set forth in Article VIII and Section 825.
- (B) Flashing or intermittent lights on signs are permitted only in the Highway Commercial (HC) and Industrial (I) Districts as a conditional use subject to the criteria set forth in Article VIII and Section 825.

SECTION 825 Billboards and Flashing or Intermittent Lights on Signs

Criteria for Conditional Use approval as follows:

1. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid being blown down and causing injury to pedestrians or passing motorists.
2. Billboards and signs with flashing or intermittent lights must be constructed in a manner to avoid the gathering of refuse and paper which may tend to spread conflagrations.
3. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid a dumping place for dirt, filth and refuse, and as private privies.
4. Billboards and signs with flashing or intermittent lights must be constructed in a fashion to avoid hiding places for criminals.
5. Billboards and signs with flashing or intermittent lights may not be utilized for any immoral purpose.
6. Billboards and signs with flashing or intermittent lights may not obstruct the vision of drivers and thereby constitute a traffic menace.
7. Billboards and signs with flashing or intermittent lights must not be constructed in a fashion which would impair the safety on the public highways.
8. No billboard or sign with flashing or intermittent lights can be constructed in a fashion which would distract drivers and/or constitute traffic hazards.
9. No billboard or sign with flashing or intermittent lights shall be permitted to exceed a maximum area of eighty (80) square feet, including border and trim but excluding supports.
10. No billboard or sign with flashing or intermittent lights shall exceed twenty-five (25) feet in height measured from the highest point to the ground, excluding supports.
11. No billboard or sign with flashing or intermittent lights shall be erected within five hundred (500) feet of any other such billboard, sign with flashing or intermittent lights or free standing sign.
12. No billboard or sign with flashing or intermittent lights shall be located within two hundred (200) feet of any street intersection.
13. No billboard or sign with flashing or intermittent lights shall be located within ten (10) feet of any building.
14. No billboard or sign with flashing or intermittent lights or any part thereof shall be erected or maintained within any right-of-way of a public street.
15. No billboard or sign with flashing or intermittent lights or any part thereof shall be erected or maintained within fifty (50) feet of any side or rear property line, nor within one hundred (100) feet of a residence.
16. No billboard or sign with flashing or intermittent lights shall be constructed which has a detrimental effect on surrounding properties including impairing the value of the same.