

# **PENN TOWNSHIP**

**Snyder County, Pennsylvania**

# **ZONING ORDINANCE 2022 – 01**

Adopted: July 13, 2022

Effective: July 18, 2022

Revision: July 12, 2023 (Addition of: Medical Marijuana Growers/Processors & Dispensaries)

Revision: April 3, 2024 (Addition of: Keeping of Chickens in Residential Areas)

# Table of Contents

## **ARTICLE I Purpose**

- Section 101 Title
- Section 102 Purpose
- Section 103 Community Objectives

## **ARTICLE II Interpretation and Validity**

- Section 201 Compliance with Ordinance
- Section 202 Interpretation
- Section 203 Severability
- Section 204 Repealer
- Section 205 Municipal Liability in Floodplain

## **ARTICLE III Definitions**

- Section 301 Definitions

## **ARTICLE IV Zones and their Regulation**

- Section 401 Zones and Boundaries
- Section 402 Use Regulations (uses permitted, NOT provided for and w/ nuisance effect)
- Section 403 Rural Residential (RR)
- Section 404 Residential, Low Density (R-1)
- Section 405 Residential, Medium Density (R-2)
- Section 406 Village Center (VC)
- Section 407 Neighborhood Commercial (NC)
- Section 408 Highway Commercial (HC)
- Section 409 Industrial (I)
- Section 410 Conservation (C)
- Section 411 Agriculture Conservation (AC)
- Section 412 Wellhead Protection Overlay District (WPOD)
- Section 413 Airport Overlay District

## **ARTICLE V General Provisions**

- Section 501 Accessory Uses and Structures
- Section 502 Parking
- Section 503 Loading
- Section 504 Access Driveways
- Section 505 Drainage and Grading
- Section 506 Signs
- Section 507 Landscape Buffer Requirements
- Section 508 Setback Modifications (built up streets, corner lots and accessory structures)
- Section 509 General Height Modifications

## **ARTICLE VI Airport, Nonconformities and Status of Plans**

- Section 601 Airport Supplemental Regulations
- Section 602 Nonconformities
- Section 603 Status of Subdivision or Land Development Plan
- Section 604 Buildings under Construction
- Section 605 Division of Built-On Lots
- Section 606 Lots of Record

## **ARTICLE VII Solar Energy Systems**

- Section 701 Accessory Solar Energy Systems
- Section 702 Principal Solar Energy Systems

## **ARTICLE VIII Wind Energy Systems**

- Section 801 Wind Energy System Definitions

Section 802 Accessory Wind Energy Systems  
Section 803 Principal Wind Energy Systems

**ARTICLE IX Anaerobic Digesters**

Section 901 Definitions  
Section 902 Accessory Anaerobic Digester Systems  
Section 903 Regional Anaerobic Digester Systems

**ARTICLE X Zoning Hearing Board**

Section 1001 Members  
Section 1002 Functions  
Section 1003 Public Hearings  
Section 1004 Variances  
Section 1005 Special Exceptions

**ARTICLE XI Conditional Uses and Supplemental Regulations**

Section 1101 Conditional Use Procedures  
Section 1102 Conditional Use Standards  
Section 1103 Specific Standards  
Section 1104 Adult Commercial  
Section 1105 Animal Kennels and Veterinary Hospitals  
Section 1106 Auto Related  
Section 1107 Bed and Breakfast  
Section 1108 Billboards and Flashing or Intermittent Lights on Signs  
Section 1109 Cemetery  
Section 1110 Church or Places of Worship  
Section 1111 Cluster Development  
Section 1112 Communication or Cell Tower  
Section 1113 Conversion Apartment  
Section 1114 Daycare Center and Private Schools  
Section 1115 Family Daycare Home  
Section 1116 Farmette or Gentleman's Farm  
Section 1117 Group Daycare Home  
Section 1118 Group Home  
Section 1119 Home Burial  
Section 1120 Home Commercial  
Section 1121 Home Occupation  
Section 1122 Mobile Home  
Section 1123 Multi-Family  
Section 1124 No-Impact Home-Based Business  
Section 1125 Nonconformities  
Section 1126 Outdoor Recreation  
Section 1127 Shopping Center  
Section 1128 Truck Stop  
Section 1129 Truck Terminal  
Section 1130 Half-Way House  
Section 1131 Rehabilitation Center  
Section 1132 Parking of Commercial Vehicles in Residential Zones  
Section 1133 Small Cottages  
Section 1134 Medical Marijuana Grower/Processor/Dispensary  
Section 1135 Keeping of Chickens in Residential Areas

**ARTICLE XII Planned Residential Development**

Section 1201 Purpose  
Section 1202 Applicability of Comprehensive Plan  
Section 1203 Powers of County  
Section 1204 Permitted Uses

Section 1205 Determining Site Capacity  
Section 1206 Density Regulations  
Section 1207 Common Open Space  
Section 1208 Improvements Standards  
Section 1209 Environmental Standards  
Section 1210 Water Supply  
Section 1211 Staging of Development  
Section 1212 Enforcement and Modifications of Plan  
Section 1213 Approval Sequence  
Section 1214 Application for Tentative Approval  
Section 1215 Public Hearing(s)  
Section 1216 The Findings  
Section 1217 Status after Tentative Approval  
Section 1218 Application for Final Approval  
Section 1219 As-Built Drawings  
Section 1220 Jurisdiction

### **ARTICLE XIII Performance Standards for Nuisance Elements**

Section 1301 Applicability  
Section 1302 Performance Standards Procedures  
Section 1303 Nuisance Elements  
Section 1304 Standards for Nuisances

### **ARTICLE XIV Administration and Enforcement**

Section 1401 Zoning Officer  
Section 1402 Zoning Permits  
Section 1403 Occupancy Permits  
Section 1404 Planning Commission  
Section 1405 Violations  
Section 1406 Challenges to Ordinance  
Section 1407 Appeals to Court

### **ARTICLE XV Effective Date**

### **APPENDIX**

Appendix A – Standard Animal Weights Page 1/2  
Standard Animal Weights Page 2/2  
Appendix B – Animal Densities for Farmettes and Residential Use  
Appendix C – Wellhead Protection Overlay District  
Appendix D – Wellhead Protection Overlay Districts for Selinsgrove Municipal Wells  
Appendix E – Airport Overlay Districts  
Appendix F – Steps for Development near an Airport as provided by PennDOT  
Appendix G – Figure 1: Part 77 Surface Areas  
Appendix H – Clear Sight Triangle as provided by PennDOT  
Appendix I – Lot Visual Descriptions  
Appendix J – Site Plan  
Appendix K – CAFO Tester  
Appendix L – Zoning Map  
Appendix M – Flood Zone Map

# 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 of the PA Municipalities Planning Code including promotion, protection and facilitation of public health, safety and the 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 and protect 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 2021, 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 provide 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 areas.
- 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 2021.
- 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 land 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, corporation, or other business entity.
5. The term "shall" or "must" is always mandatory.

#### **Abandoned Vehicle**

A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable. A vehicle that has remained illegally on public property for more than twenty-four hours.

#### **Accessory Solar Energy System**

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

#### **Accessory Structure (includes 'Building') or Use**

A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, basketball backboard, swimming pools, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. No business shall be conducted in a residential household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

#### **Accessory Use**

A use located on the same lot with a principal use, incidental and subordinate to the principal use. No business shall be conducted in a residential household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

#### **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.

#### **AEU Per Acre**

AEU per acre is an animal equivalent per acre of cropland or acre of land suitable for application of animal manure. The land suitable for application of manure includes rented or leased land outside the operation that are under the control of the operator.

#### **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. *Airport Hazard*** – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. 5102.
- D. *Airport Hazard Area*** – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
- E. *Approach Surface (Zone)*** - An imaginary surface longitudinally centered on the extended runway centerline, and extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach.
- F. *Conical Surface (Zone)*** - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown of Figure 1, is based on the conical surface.
- G. *Department*** – Pennsylvania Department of Transportation.
- H. *FAA*** - Federal Aviation Administration of the United States Department of Transportation.
- I. *Height*** - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
- J. *Horizontal Surface (Zone)*** – An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.
- K. *Larger Than Utility Runway*** – A runway that is constructed for the intended use of propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft. (i.e. – Penn Valley Airport).
- L. *Nonconforming Use*** – Any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- M. *Non-precision Instrument Runway*** - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. (i.e. – Penn Valley Airport)
- N. *Obstruction*** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.
- O. *Precision Instrument Runway*** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is also indicated on an approved airport layout plan or any other planning document.
- P. *Primary Surface (Zone)*** – An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.
- Q. *Runway*** - A defined area of an airport prepared for landing and takeoff of aircraft along its length.



- R. **Structure** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
- S. **Transitional Surfaces (Zone)** - An imaginary surface that extends outward and upward from the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.
- T. **Tree** – Any object of natural growth.
- U. **Utility Runway** – A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- V. **Visual Runway** - A runway intended solely for the operation of aircraft using visual approach procedures.

### **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.

### **Alternative Energy Sources**

Any energy source that does not use fossil fuels (coal, petroleum and natural gas).

### **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 or 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. and 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 Area**

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.
- F. **Building Height** - The vertical distance measured from the average finished grade level at the front of the building to the top story ceiling line.

### **Campground**

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

### **Child**

For the purpose of definitions in this ordinance the age of a child shall be considered 0 -18 years.

### **Church – see Places of Worship**

**Clear Sight Triangle**

An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**See diagram Appendix H – Clear Sight Triangle**

**Cold Storage Warehouse**

Cold storage warehouse means a cooled facility designed to store meat, produce, dairy products and other products that are delivered to other locations for sale to the ultimate consumer.

**Communication Tower**

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

**Commercial**

A business owned, operated and supported by private individuals or a corporation, on a for-profit or a non-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 for two or more dwelling units of any type.

**Comprehensive Plan**

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

**Concentrated Animal Feeding Operation (CAFO)**

CAFO is a CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23.

**Concentrated Animal Operation (CAO)**

A CAO is an agricultural operation with eight or more animal equivalent units (AEUs) where the animal density exceeds two AEUs per acre on an annualized basis. A table of Standard Animal Weights used to make calculations is found in **Appendix A**.

**Conditional Use**

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

### **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.

### **Corner Lot – see Lot and Related Terms**

### **County**

Snyder County, Pennsylvania.

### **Daycare**

Provision of daytime training, supervision, recreation and often medical services for children of preschool age, for the disabled or for the elderly.

### **Daycare Center**

A private facility enrolling seven (7) or more children between the ages of two (2) and twelve (12) years of age where tuition, fees or other compensation is charged, is licensed and approved to operate as a child day care center by the Pennsylvania Department of Human Services. See also **Group Home** and **Family Daycare Home**.

### **Deck**

An above ground platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

### **Decision**

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

### **Density**

The number of dwelling units per acre of land, exclusive of public rights-of-way.

### **Determination**

A final action by an officer, body or agency charged with the administration of this Ordinance or application hereunder, i.e. (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.

## **Drug and Alcohol Rehabilitation Facility**

Means a facility which provides residentially based treatment and rehabilitation and/or out-patient services. The residentially based facility may include room and board, personal care, and intensive supervision and case work for no more than 30 patients. Both the residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic. The foregoing definition shall not be deemed to include a Veterans Treatment Center as defined in this Ordinance and any references in this Ordinance to a drug and alcohol rehabilitation facility shall not include any such Veteran's Treatment Center.

## **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.
- E. **Manufactured Home** - A transportable, single family detached dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations and constructed so that it may be used without permanent foundation.
- F. **Multi-family** - A building used or designed as a residence for three (3) or more families living independently of each other, wherein each dwelling or unit shall contain private bath and kitchen facilities.
- G. **Single Detached** - A freestanding building having only one (1) dwelling unit, including a mobile home, meeting the minimum habitable floor area requirement.
- H. **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) children by an occupant of the home and which is registered by the Pennsylvania Department of Human Services. 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 which may or may not have a residence. **See Appendix B for Animal Densities for Farmettes or Gentleman's Farm**

### **Feed Mills, Grain Elevators and Seed Cleaning Plants**

Feed mills, grain elevators and seed cleaning plants mean facilities in which grains and/or animal feeds are prepared and/or stored during shipment to or from farms.

### **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. **Flood, 100-Year** – A flood which is likely to be equaled or exceeded once every one hundred (100) years (i.e., that has a (1%) percent chance of being equaled or exceeded in any given year).
- C. **Flood, 500-Year** – A flood which is likely to be equaled or exceeded once every five hundred (500) years (i.e., that has a one-fifth (1/5) of one (1%) percent chance of being equaled or exceeded in any given year).
- D. **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.
- E. **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.
- F. **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.
- G. **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.
- H. **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. Does not include hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. At least one-half of floor area of every habitable room shall have a ceiling height of not less than six (6) feet and floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered habitable floor area.

**Floor Area – Retail, Net**

All space intended for use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer, but not to include office space, rest rooms, storage space and other general administrative areas.

**Forestry**

Forestry means the use of lands for the growing, maintenance and cultivation of trees for profit or gain.

**Frontage (From Monroe Twp, frontage used numerous times in this ordinance)**

The horizontal or curvilinear distance along the street line upon which a lot abuts.

**Garage - Private**

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

**Glare**

The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**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 Human Services, accommodating a maximum of 12 children with two caregivers present at all times.

**Group Home**

A residential facility for mentally challenged or other special needs 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.

**Half-way House**

A dwelling for the transitional institutionalized supervision of individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to a penal institution.

**Hearing**

An administrative proceeding conducted by the Zoning Hearing Board or the Board of Supervisors pursuant to Section 908 of the Municipalities Planning Code.

**Home Burial**

The internment of the deceased, but shall be limited to blood relatives and immediate family members and only on private property. **See Section 818.**

**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. **See Section 819.**

**Home Occupation**

A business activity that is conducted as an accessory use in a principal unit clearly incidental and secondary to the residential living space. The occupation shall be conducted entirely within the dwelling and carried on by no more than two (2) inhabitants residing therein. The exterior of the building is to be maintained in its original character as a residential dwelling and no goods are to be publicly displayed on the premises other than a sign as provided herein. **See Section 820.**

**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. A surface covered with material or compacted so that it is resistant or does not absorb water, including all buildings and other structures, parking areas, driveways, roads, sidewalks, compacted stone and graveled areas for vehicles, paved blocks, storage areas and areas of concrete, nonporous asphalt and any other such stabilized areas as shall be determined to be nonporous by the applicable municipal representative.

**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, plastic, bones, rags, cloth, rubber, rope, tinfoil, bottles, 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**

A commercial establishment for the sheltering or training of four (4) or more animals, wild or domesticated.

**Land Development**

Any of the following activities:

- A. The improvement of one or 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.
- C. The following shall be excluded from the definition of land development.
  - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building subject to the following provisions.
    - a. The size of the accessory building, including farm buildings, shall be no greater than fifty (50%) percent of the size of the original footprint of the principal building. Should the size of the accessory building, including farm buildings, exceed fifty (50%) percent of the size of the original footprint of the principal building, then the landowner shall submit a land development plan; and
    - b. The total sum of all accessory building(s), including farm buildings, shall never exceed fifty (50%) percent of the size of the original footprint of the principal building on the property. A landowner shall be required to submit a land development plan when the total sum of all accessory building(s), including farm buildings, exceeds fifty (50%) percent of the size of the original footprint of the principal building
  - 3. Should either of the exceptions in (C)(1) or (C)(2) apply, the landowner shall adhere to all applicable zoning regulations, and the Stormwater Management Ordinance.
  - 4. Should a landowner be able to prove that a proposed construction will have no impact on the storm water, driveways, parking, sewage, water, and other items set forth in this Ordinance, the landowner may submit a written request for waiver of the requirement to submit a land development plan pursuant to Sections 801, 802, and 803 of the Penn Township Subdivision and Land Development Ordinance.

**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 – See Appendix I**

- 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. **Corner Lot** – A lot located on the corner at the intersection of two streets. Corner lots shall be construed to have two front and two side yards. A front setback shall be required along each street on which a corner lot abuts. The clear site triangle (see definitions) must be maintained. **See Appendix I for corner lot diagram and Appendix H for clear sight triangle diagram.**
- D. **Lot Coverage** - The total of impervious areas divided by lot area.
- 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. **Interior Lot** - 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. **Through Lot** - 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.
- L. **Flag Lot** – A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or drive way.

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

### **Manure Management Facility**

A manure storage facility, including a permanent structure or facility, or a portion of a structure or facility, utilized for the primary purpose of containing manure. The term includes liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities. The term

does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing system.

### **Meat, Fish and Poultry Packing Plant**

Meat, fish and poultry packing plant means an industrial establishment involved in the packaging, canning and preserving of meat, fish and poultry products.

### **Mixed Use Development**

Mixed use development is characterized as a pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional and/or industrial uses; especially where those functions are physically and functionally integrated in a way that provides pedestrian connections.

### **Mobile Home**

A single-family, transportable, factory-built home used as a year-round dwelling.

### **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**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

### **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.

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

"Nonconforming use," a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Nuisance**

Any use considered to be inconsistent with the public comfort, convenience, health, safety and general welfare, including but not limited to the following: fire and explosive hazards, electrical and radioactive disturbances, noise and vibration, dust, dirt and fly ash, glass, pet waste, smoke and odors, other forms of air pollution, and other forms of nuisance as established under Pennsylvania Common Law.

**Nursery, Horticulture**

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

**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.

**Nutrient Management Plan**

A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection.

**Odor Management Plan**

A written site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

**Open Space**

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

**Overlay District**

Extra provisions placed upon environmentally sensitive lands or the easing of restrictions placed on land suitable for more intensive development. The overlay zone is an added feature to the normal zoning districts.

- Wellhead Protection Overlay District – **Appendix C**
- Wellhead Protection Overlay District for Selinsgrove Municipal Wells – **Appendix D**
- Airport Overlay Districts – **Appendix E**

**Parking Space**

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

**Patio**

A recreation area that adjoins a dwelling, is often paved, and is adapted especially to outdoor dining.

**Personal Service**

Service activities shall include and be limited to barber shops, beauty salons, photographic studios, Laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches. Tailor and dressmaking shops and pet grooming with no overnight boarding.

**Planned Residential Development**

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

**Plat**

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

**Places of Worship**

Any building, synagogue, church, mosque, religious retreat, monastery, seminary, shrine and the like, used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes and subject to Section 809, Churches and Places of Worship.

**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 by the US Department of Agriculture Natural Resources and SC Conservation Services Soil Survey.

**Principal Solar Energy System**

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**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.

All roads which are not public, including, but not limited to streets maintained by private agreements, by private owners, or for which no municipal maintenance responsibility has been established.

**Professional Offices**

Included but not limited to offices and related spaces used for such professional services, for example; doctors, dentists, lawyers, architects, engineers, insurance agents, opticians, banks, contactors, dentists, teachers, clergymen, utility companies, accountants, adjustors, appraisers 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 Utility Buildings and Structures**

Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

**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.

**Rehab Facility (Drug and Alcohol)**

Means a facility which provides residentially based treatment and rehabilitation and/or out-patient services. The residentially based facility may include room and board, personal care, and intensive supervision and case work for no more than 30 patients. Both the residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic. The foregoing definition shall not be deemed to include a Veterans Treatment Center as defined in this Ordinance and any references in this Ordinance to a drug and alcohol rehabilitation facility shall not include any such Veterans Treatment Center.

**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.

**Sawmill**

Sawmill means the use of lands, buildings or structures for the purpose of processing logs or other unfinished

wood into lumber, shingles, pallets, sawdust, firewood or related products.

### **Screening**

A method used 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 material designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public.

### **Small Cottage**

Small, separate, manufactured, relocatable residences that are placed on the side or rear yard of a family home for occupancy of a qualified occupant who is a member of the family occupying the principal residence. The cottage offers autonomy for its occupant along with easy access to the host family who can provide assistance. When no longer occupied, the cottage is removed from the property. The temporary placement of a Small Cottage where a principal single-family dwelling is erected, shall be an exception to the need for a filing of a Land Development Plan.

### **Solar Easement**

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

### **Solar Energy**

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

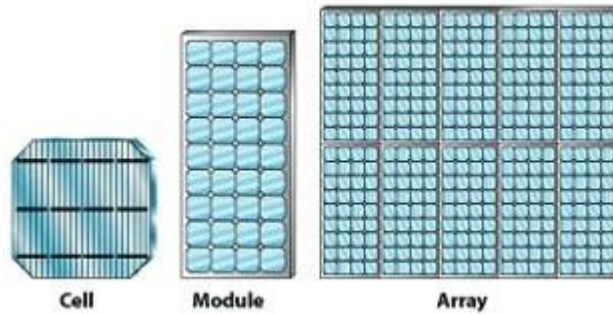
### **Solar Panel**

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

### **Solar Related Equipment**

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

- A **Solar Array** - A grouping of multiple solar modules with purpose of harvesting solar energy.
- B **Solar Cell** - The smallest basic solar electric device which generates electricity when exposed to light.
- C **Solar Module** - A grouping of solar cells with the purpose of harvesting solar energy.



**Special Exception**

Permission or approval granted by the Zoning Hearing Board. See Section 705 of this ordinance.

**Stacking**

Term used to describe 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**

Term used to include 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, rafters, trusses, 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 to a similar condition as 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 ½ 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.

### **Townhouse**

Single family attached dwelling units of one or two-story construction so situated that there are three (3) or more units contiguous to one another with some common walls, adjacent parking facilities and common yards or open space provided for all occupants.

**Trailer** — See Mobile Home

### **Traditional Neighborhood Development (TND)**

An area of land typically developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

### **Truck Stop**

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

**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 exact point where a well exists.

**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.

**Winery**

Winery means premises used for the production of viticultural produce and may include sale of the products.

**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.
- E. Also see Lot and Lot Related Terms

**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. A document signed by a Zoning Officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use. or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

# ARTICLE IV DISTRICT REGULATIONS

## **SECTION 401 ZONES AND BOUNDARIES**

### **401.1 Establishment of Districts**

Penn Township is divided into the following zoning districts:

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

### **401.2 Zoning Map**

Zone boundaries shall be shown upon the map entitled "Zoning Map of Penn Township".

### **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 judgment 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 regulations are the requirements for each use.

#### **402.2 Uses Not Provided For**

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to, and compatible with, the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood. See Conditional Uses and Supplemental Regulations, Article XI, of this Ordinance.

#### **402.3 Uses with Nuisance Effect**

Uses which by reason of noise, odor, dust, appearance, or other objectionable factors create a nuisance, hazard, or other substantial adverse effect upon surrounding property are subject to Article XIII, 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. Single-family detached dwellings
- c. Home Occupation, subject to Section 1121
- d. Public and/or non-profit parks
- e. Group Homes, subject to Section 1118
- f. Accessory uses customarily incidental to all above-permitted uses
- g. Planned Residential Development, subject to Article XII, (PRD) of this Ordinance
- h. No-Impact Home-Based Business, subject to Section 1124
- i. Farmette, subject to Section 1116 and Section 1135

#### **403.3 Conditional Uses**

- a. Animal hospital, kennels, subject to Section 1105
- b. Bed and breakfast, subject to Section 1107
- c. Cemetery, subject to Section 1109
- d. Church or Places of Worship, subject to Section 1110
- e. Cluster Development, subject to Section 1111
- f. Conversion apartments, subject to Section 1113
- g. Daycare center/private school, subject to Section 1114
- h. Farm occupational and farm-related businesses, see definitions and Section 1116
- i. Home Commercial, subject to Section 1120
- j. Home Burial, subject to Section 1119
- k. Small Cottages, subject to Section 1133

#### **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.

#### **403.5 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 = to 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.
- 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
- D. Corner lots shall be construed to have two (2) front yards.
- E. *Also refer to Section 508, Setback Modifications.*

#### **403.7 Building Height**

A maximum height of thirty-five (35) feet or two and one half (2½) stories. *Also refer to Section 509, Height Modifications.*

#### **403.8 Airport Regulations**

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

#### **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, Signs, of this Ordinance.

#### **403.13 Water Resource Protection (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

### **SECTION 404 LOW DENSITY RESIDENTIAL ZONE (R-1)**

#### **404.1 Purpose**

This zone accommodates low-density 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 1121
- C. Group Homes, subject to Section 1118
- D. Accessory uses customarily incidental to the above permitted uses.
- E. Planned Residential Development, subject to Article XII, Planned Residential Development, of this Ordinance.
- F. No-Impact Home-Based Business, subject to Section 1124
- G. Farmette or Gentleman's Farm, subject to Section 1116 and 1135

#### **404.3 Conditional Uses**

- A. Bed and Breakfast, subject to Section 1107
- B. Cemetery, subject to Section 1109
- C. Church or Places of Worship, subject to Section 1110
- D. Cluster Development, subject to Section 1111
- E. Small Cottage, subject to Section 1133

#### **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 = to 43,560 sq. ft.
  - Minimum lot width at front - 150 ft.

#### **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.
- B. Side setback - All structures - ten (10) feet.
- C. Rear setback - All structures - ten (10) feet
- D. Corner lots shall be construed to have two (2) front yards.
- E. Also reference Section 508, Setback Modifications.

#### **404.7 Building Height**

The height limit for a principal building shall not exceed thirty-five (35) feet or two and one-half (2½) stories. The maximum height for an accessory building shall be twenty-two (22) feet. *Also refer to Section 509, Height Modifications.*

#### **404.8 Airport Regulations**

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

#### **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, Signs, of this Ordinance.

**404.13 Water Resource Protection (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

**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**

- A. Single-family detached dwelling
- B. Two-family dwelling with both dwelling units located on a single lot
- C. Home occupation, subject to Section 1121
- D. Group homes, subject to Section 1118
- E. Family daycare, subject to Section 1115
- F. No-Impact Home-Based Business, subject to Section 1124

**405.3 Conditional Use**

- A. Multi-family dwellings and duplexes, subject to Section 1123
- B. Conversion apartment, subject to Section 1113
- C. Cluster development, subject to Section 1111
- D. Daycare center/private school, subject to Section 1114
- E. Planned Residential Development, subject to Article XII of this Ordinance
- F. Mobile home park, subject to Article VII of the Subdivision and Land Development Ordinance
- G. Church or Place of Worship, subject to Section 1110
- H. Small Cottage, subject to Section 1133

**405.4 Density**

The maximum number of units shall be five (5) per acre if served by public sewer and one (1) 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. With 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 - One (1) acre or 43,560 sq ft

Minimum lot width -One hundred fifty (150) sq ft

#### **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

B. Side setback - ten (10) feet

C. Rear setback - ten (10) feet

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

E. Also reference Section 508, Setback Modifications

#### **405.7 Building Height**

The height limit for a principal building shall not exceed thirty-five (35) feet or two and one-half (2½) stories. The maximum height for an accessory building shall be twenty-two (22) feet. Also refer to *Section 509, Height Modifications*.

#### **405.8 Airport Regulations**

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

#### **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 one hundred fifty 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 (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

### **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;
  - 4. and 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 1121
- C. Group home, subject to Section 1118
- D. Retail sale, rental of goods and retail sale of personal services
- E. Restaurants and taverns
- F. Public open space
- G. Church or house of worship, subject to Section 1110
- H. Buildings that contain a combination of residential and commercial uses
- I. No-Impact Home-Based Business, subject to Section 1124

**406.3 Conditional Uses**

- A. Bed and breakfast, subject to Section 1107
- B. Conversion apartment, subject to Section 1113
- C. Daycare, subject to Sections 1114 and 1115 as applicable
- D. Mobile home lots, subject to Section 1122
- E. Multi-family dwelling and duplexes, subject to Section 1123 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 public water and one (1) dwelling unit per acre 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.
- E. Also reference Section 508, Setback Modifications.

#### **406.7 Building Height**

The height limit shall be thirty-five (35) feet, except for churches. The maximum height for an accessory building shall be twenty-two (22) feet. *Also refer to Section 509, Height Modifications.*

#### **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.

#### **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 (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

#### **406.12 Signs**

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

#### **406.13 Parking**

The parking standards of Section 502 - Parking, 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 1121
- D. Multi-family dwellings, subject to Section 1123
- 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
- L. No-Impact Home-Based Business, subject to Section 1124

#### **407.3 Conditional Uses**

- A. Bed and Breakfast and boarding houses, subject to Section 1107
- B. Home commercial, subject to Section 1120
- C. Vehicle sales, including motorcycles, snowmobiles, and all terrain, provided total operation occupies less than 8,000 sq. ft. and subject to Section 1106
- D. Shopping Center, subject to Section 1127
- E. Restaurants and taverns
- F. Multi-use building
- G. Recreational facilities
- H. Storage facility or mini-warehouse
- I. Conversion Apartment, subject to Section 1113
- J. Group Home, subject to Section 1118
- K. Half-Way House, subject to Section 1130
- L. Rehab Center, subject to Section 1131

#### **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 setback - a side yard shall be ten (10) feet.
- C. Rear setback - ten (10) feet.
- D. Corner lots are considered to have two front yards.
- E. Also reference Section 508, Setback Modifications.

#### **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. See Section 509, Height Modifications.

#### **407.7 Building Coverage**

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

#### **407.8 Airport Regulations**

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

#### **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 (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

**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 XIII, Performance Standards for Nuisance Elements.

**SECTION 408 HIGHWAY COMMERCIAL DISTRICT (HC)**

**408.1 Purpose and Performance**

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. Activities in this zone shall conform to Article XIII, Performance Standards and Nuisance Elements, of this Ordinance.

**408.2 Permitted Uses - subject to Article XIII**

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

**408.3 Conditional Uses - subject to Article XIII**

- A. Adult commercial, subject to Section 1104
- B. Auto related, subject to Section 1106
- C. Multi-family and duplexes, subject to Section 1123
- D. Shopping center, subject to Section 1127
- E. Office center
- F. Taverns
- G. Heavy storage service e.g., warehouse, building material yard
- H. Mobile home sales
- I. Recreational establishment
- J. Conversion Apartment, subject to Section 1113
- K. Motel
- L. Group home, subject to Section 1118
- M. Half-way house
- N. Rehab center
- O. Communication or cell towers, subject to Section 1112
- P. Medical Marijuana Grower/Processor Facility, subject to Section 1134
- Q. Medical Marijuana Dispensary Facility, subject to Section 1134

**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. Side Setback - twenty-five (25) feet
- C. Rear Setback - thirty (30) feet
- D. Corner lots are considered to have two front yards
- E. Also reference Section 508, Setback Modifications.

**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. *Also refer to Section 509, Height Modifications.*

**408.7 Building Coverage**

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

**408.8 Airport Regulations**

Uses shall be subject to Section 601, Airport Supplemental Regulations, when located in the Airport Overlay District. **See airport overlay district map - Appendix E**

**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 Penn Township Stormwater Management Ordinance.

**408.10 Required Utilities**

- A. If public sewer or water service is within one hundred and fifty (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 (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

**408.12 Signs**

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

**408.13 Performance Standards**

All uses in the Highway Commercial District (HC) are subject to the Performance Standards in ARTICLE XIII, 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 hazards. Activities in this zone shall conform to Article XIII, Performance Standards and Nuisance Elements, of this Ordinance.

**409.2 Permitted Uses - subject to Article XIII**

- A. Public buildings and facilities
- B. Parking lot and/or parking garage
- C. Enclosed processing establishment e.g., laundry services, 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
- G. Meat packaging and processing

**409.3 Conditional Uses - subject to Article XIII**

- A. Truck stop and truck terminal, subject to Sections 1128 and 1129
- B. Bulk feed storage
- C. Manufacture of trailers, recreation vehicles and modular homes
- D. Welding shops
- E. Industrial park
- F. Communication or cell towers, subject to Section 1112
- G. Medical Marijuana Grower/Processor Facility, subject to Section 1134

**409.4 Lot Area and Width**

Lot area and lot width for each parcel of land in this District shall not be less than the following:

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

**409.5 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.

e. *Also refer to Section 508, Setback Modifications.*

**409.6 Building Height**

The height limit for any building shall not exceed forty (40) feet, or three (3) stories. No building shall be less than one story in height.

*Also refer to Section 509, Height Modifications.*

**409.7 Building Coverage**

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

**409.8 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.

**409.09 Water Resource Protection (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

#### **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 and farmland, and provide open space.

#### **410.2 Agricultural Nuisance Disclaimer**

Owners, residents and other occupants in the C Zone may be subjected to inconvenience and discomfort arising from agricultural operations. These may include noise, odors, dust, the operation of machinery, and 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.

#### **410.3 Permitted Uses**

- 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 1121
- K. Sawmill
- L. Roadside stand for selling self-produced farm products
- M. No-Impact Home-Based Business, subject to Section 1124

#### **410.4 Conditional Uses**

- A. Public utility building
- B. Licensed private day care center, subject to Section(s) 1114, 1115 or 1117
- C. Licensed day care home, subject to Section(s) 1114, 1115 or 1117
- D. Home commercial, Section 1120
- E. Communication or cell towers, subject to Section 1112

#### **410.5 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: eighty (80) acres.

- B. Minimum Lot Width: two hundred (200) feet at required setback.

**410.6 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.
- E. Also reference Section 508, Setback Modifications.

**410.7 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. No building shall be less than one story in height. *Also refer to Section 509, Height Modifications.*

**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 Water Resource Protection (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

**410.10 Airport Regulations**

Uses shall be subject to Section 601, Airport Supplemental Regulations, when located in the Airport Overlay District. **See airport overlay district map - Appendix E**

**410.11 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.

In the AC Zone, in order to preserve agricultural land, the tract sizes below apply to existing tracts on the adoption date of this Ordinance and the table shall represent the maximum number of lots permitted to be subdivided from the parent tract.

**411.1 (A): Table - Acreage**

<b>Minimum size of land in contiguous acres:</b>	<b>Number of lots permitted in addition to an original house or parent tract.</b>
<b>1 — 10 acres</b>	<b>1</b>
<b>11 — 30 acres</b>	<b>2</b>



<b>31 — 80 acres</b>	<b>3</b>
<b>81 — 130 acres</b>	<b>4</b>
<b>131 — 180 acres</b>	<b>6</b>
<b>181 — 230 acres</b>	<b>8</b>
<b>231 — 280 acres</b>	<b>10</b>
<b>281 — 350 acres</b>	<b>12</b>
<b>351 — acres and over</b>	<b>14</b>

(A)(1) 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 lots listed in the above table. Minimum lot size and contiguous acre requirements apply, but not maximum lot size.

(A)(2) 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. Additionally, the plans shall show the number of lots subdivided from the parent tract and the number of lots remaining under the above table.

**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, the operation of machinery, and 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 411.14, **Level 1** Agriculture Standards;
- B. Agriculture retail, farm occupations and farm-related business, subject to Section 411.16
- C. Animal kennels/hospitals, subject to Section 1105
- D. Game preserve, wildlife sanctuary
- E. Fish farming;
- F. Home occupation, subject to Section 1121
- G. Single-family detached dwelling, subject to Section 411.5
- H. Green house and/or nursery;
- I. Roadside stands for selling self-produced farm products
- J. No-impact home-based business, subject to Section 1124
- K. Agriculture related warehousing or cold storage
- L. Sales, service and storage of agriculture related vehicles and accessories and products required for farm use.
- M. Winery
- N. Forestry, sawmills, lumber yards and forestry related businesses
- O. Feed mill, bulk feed storage and grain storage
- P. Farmette, subject to Section 1116 and Section 1135

**411.4 Conditional Uses**

- A. Intensive agriculture uses, subject to Section 411.15, **Level 2 Ag Standards**
- B. Bed and breakfast, subject to Section 1107
- C. Cemetery, subject to Section 1109
- D. Church or place of worship, subject to Section 1110
- E. Communication or cell towers, subject to Section 1112
- F. Daycare, subject to Sections 1114, 1115, and 1117
- G. Home commercial, subject to Section 1120
- H. Outdoor recreation, subject to Section 1126
- I. Small cottage, subject to Section 1133

**411.5 Residential Development in Agriculture Conservation Zone (AC)**

The following lot areas are considered minimum standards and shall be provided for each principal use established in this 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 Area and Width for Residential:
  - 1. Lot Minimum Lot Area: 1 acre = 43,560 sq. ft.
  - 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 by Conditional Use Hearing.
    - b. For multiple lots developers are encouraged to utilize provisions for Cluster Development, Section 1111, or consider, Article XII, Planned Residential Development.
  
- B. Non-Agricultural uses should be directed to:
  - 1. Land 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;
  - 3. or land identified as such by the Snyder County Conservation District.

**411.6 Minimum Setbacks**

- A. Non-Residential
  - 1. FOR ANY STRUCTURE there shall be a fifty (50) foot set-back from all property lines.
  - 2. For animal-related agriculture, see setbacks in Section 1116, Farmette or Gentleman Farm of this Ordinance.
  
- B. Residential and Public Recreation
  - 1. Front Setback all structures: fifty (50) feet from the centerline of the road.
  - 2. Side Setbacks: Principal Structures - thirty (30) feet  
 Accessory Structures – thirty (30) feet
  - 3. Rear Setback: Principal Structures - thirty (30) feet  
 Accessory Structures – thirty (30) feet
  - 4. Corner lots shall be construed to have two (2) front yards.
  - 5. Also reference Section 508, Setback Modifications.

**411.7 Building Height**

- A. There are no height limitations for farm-buildings, except for restrictions in the airport overlay zone subject to Article VI, Airport Supplemental Regulations. **See airport overlay district map - Appendix E**

- B. Except farm structures, building shall have a maximum height of 35 feet.
- C. Residential structures shall not exceed 35 feet or two-and-one half stories.
- D. Also refer to Section 509, Height Modifications.

**411.8 Water Resource Protection (Wellheads)**

Uses located in municipal wellhead areas or any other public well areas shall comply with provisions of Section 412, Wellhead Overlay Protection District. **See Appendix C and D for maps.**

**411.9 Airport Regulations**

Uses shall be subject to Section 601, Airport Supplemental Regulations, when located in the Airport Overlay District. **See airport overlay district map - Appendix E**

**411.10 Lot Coverage**

- A. For single-family dwellings building coverage shall be fifteen (15) percent.
- B. For intensive animal-related uses see Section 411.15, Level 2 - Ag Standards.

**411.11 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 411.14, Level 2 - Ag Standards.
- C. All driveways shall be in accordance with Section 504, Access Driveways.
- D. Appropriate stormwater management practices shall be followed based on the township Stormwater Management Ordinance.

**411.12 Required Utilities**

- A. If public sewer or water service is within 150 feet of the parcel, the principal use on each lot shall 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.

**411.13 Signs**

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

**411.14 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 1116
- 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 Snyder County Conservation District for applicable programs.
3. **Fencing Requirements** - Animals shall be kept within a fenced enclosure or under the control of the 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 411.15, if applicable.
6. **Manure Management Plan** – All agricultural operations are required to have a written manure management plan that complies with DEPs Manure Management Manual.
7. **Manure Management Facilities** – Applicant shall provide proof by a registered professional engineer that the design and construction of the manure storage facility meets the Manure Management Manual and Pennsylvania Technical Guide.
8. **Nutrient and Odor Management Plan** – All animal operations are encouraged to voluntarily develop nutrient and odor management plans for approval by the State Conservation Commission or appropriate governing body.

#### ***411.15 Level 2 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 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. See standard weigh table in Appendix A
  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, Wellhead Protection Overlay District, of this Ordinance.
- E. In addition, the following requirements shall be met:
  1. Zoning Permit – Level 2 agricultural activities shall require a zoning permit and shall include the following supplemental documentation
    - a. Existing vegetation, waterways, springs and wetlands.
    - b. Proposed animal-related structures and their orientation.
    - c. Direction of prevailing winds.
    - d. Distance to nearest off-site residence.
    - e. Distance to the nearest RR, R1 and R2, HC and NC zones.

2. Minimum Lot Size – Level 2 agricultural activities shall require a minimum ten (10) contiguous acres under same ownership and/or lease hold interest.
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 Penn Township Stormwater Management Ordinance.
4. Minimum Setbacks – Applicant shall provide a certification by a registered professional engineer that there is compliance with the building siting requirements for CAOs/CAFOs under NOMA regulations, including an approved nutrient and odor management plans and any required DEP permits and plans. No concentrated animal operations or other agricultural operation receiving manure from a concentrated animal operation directly or indirectly through a broker or other person may mechanically land apply manure within one hundred (100) feet of surface water unless a vegetated buffer no less than thirty-five (35) feet in width and meeting standards established by the Natural Resources Conservation Service is used to prevent manure runoff into the surface water. As used in this section, the term “surface water” means a perennial or intermittent stream with a defined bed and bank, a lake or pond.
5. Floodplain – Level 2 agricultural structures shall not be located in the five hundred (500) year flood-plain.
6. Odor Management Plan - The applicant shall supply a copy of an Odor Management Plan prepared by a certified Odor Management Specialist, and approved by the Pennsylvania State Conservation Commission. This requirement would apply when new or existing CAO’s or CAFO’s are planning to construct new or expand existing manure storage or animal housing facilities. 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.
8. Manure Management Plan – All agricultural operations are required to have a written manure management plan that complies with DEPs Manure Management Manual.
9. Nutrient Management Plan – Applicant shall supply a copy of a nutrient management plan developed by a certified nutrient management specialist and approved by the State Conservation Commission and any DEP required permits or plans.
10. Manure Management Facilities – Applicant shall provide proof by a registered professional engineer that the design and construction of the manure storage facility meets the DEP Manure Management Manual and Pennsylvania Technical Guide.
11. NPDES Permit – CAFOs shall submit proof of an approved NPDES permit. Large CAFOs and Manure Management Facilities are required to submit proof of all required separate water quality management permits.
12. Regulations – Applicant shall comply with all state and federal regulations governing CAOs and CAFOs.

#### ***411.16 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, Signs, 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 facilities shall constitute a Conditional Use.
- B. The wellhead protection overlay district shall comprise the mapped area as delineated by the PA Department of Environmental Protection. **See Appendix C and D.**
- 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 Penn 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 Overlay District are found in Article VI, Airport Supplemental Regulations, of this Ordinance. **See airport overlay district map - Appendix E**

# 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:

<i>Type of Use</i>	<i>Minimum of (2) Parking Spaces for Each:</i>
Residential Dwelling	Dwelling Unit
Mobile Home Park	Mobile Home Lot

<i>Type of Use</i>	<i>Minimum of (1) Parking Space for Each</i>
Bed and Breakfast, Hotel, Motel	Bedroom
Office Building	(300) sq. ft. of gross floor area
Retail Store or Shop	(100) sq. ft. of gross floor area
Eating Establishments	(4) seats
Gas Station/Vehicle Repair	(400) sq. ft. of gross floor area
Other Commercial Buildings	(200) sq. ft. of gross floor area
Church, Auditorium	(4) seats*
Industrial and Commercial	In addition to the above requirements, the following shall apply: (1 and 2/10th) employees on major shift, but no less than (1) space for each (5,000) sq. ft. of gross floor area.
Clubs, Lodges and Funeral Homes	(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 Control**

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 an internal island location.
- 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,
  - 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 Penn Township 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 to 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:

<i>Type of Use</i>	<i>Number of Loading Spaces</i>
Manufacturing, Retail, Industry, or Hospitals	(1) space for a gross floor area of (6,000) to (25,000) sq. ft. and (1) additional space for each (10,000) sq. ft. of gross floor area in excess of (25,000) sq. ft.
Offices, Hotels, Theaters, or other Public Assembly	(1) space for a gross floor area of from (20,000) to (100,000) sq. ft. and (1) additional space for each (40,000) sq. ft. of gross floor area in excess of (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 Section 403, Driveways and the Township’s Driveway Ordinance 88-2.

**SECTION 505 DRAINAGE AND GRADING**

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

**SECTION 506 SIGNS**

**506.1 Procedural Requirements**

Each permit application shall be accompanied by plans showing the exact location of proposed sign, the sign size and character, the method of illumination, if any, and the color and material to be used. In the case of projecting signs, each application shall show the proposed method of fastening such sign to the building, the vertical distance between such sign and the curb and the distance between the sign and the right of way.

**506.2 Zones and Maximum Permanent Sign Square Footage Allowed**

<b>Zone</b>	<b>Maximum Sign Square Footage Allowed</b>
<b>RR – Rural Residential</b>	<b>One Eight (8) sq. ft. per property for commercial/business/non-profit uses One Three (3) sq. ft. per property for all</b>

	<b>other uses</b>
<b>R1 – Residential Low Density</b>	<b>One Eight (8) sq. ft. per property for commercial/business/non-profit uses</b> <b>One Three (3) sq. ft. per property for all other uses</b>
<b>R2 – Residential, Medium Density</b>	<b>One Eight (8) sq. ft. per property for commercial/business/non-profit uses</b> <b>One Three (3) sq. ft. per property for all other uses</b>
<b>VC – Village Center</b>	<b>Twenty (20) sq. ft.</b>
<b>NC – Neighborhood Commercial</b>	<b>Sixty (60) sq. ft.</b>
<b>HC – Highway Commercial</b>	<b>Eighty (80) sq. ft.</b>
<b>I – Industrial</b>	<b>Eighty (80) sq. ft.</b>
<b>C – Conservation</b>	<b>Sixteen (16) sq. ft.</b>
<b>AC – Agricultural Conservation</b>	<b>Sixteen (16) sq. ft.</b>
<b>Apartment, Development, or Subdivision Identification</b>	<b>Thirty (30) sq. ft.</b>

- A. No sign exceeding thirty (30) square feet may be located within three hundred (300) feet of the RR, R1 or R2 zones.
- B. Secondary signage including flags, pennants, seasonal or sale signs and message boards, electronic for manual, are permitted in Penn Township.
- F. Message boards – thirty-two (32) sq. ft.
- G. Electronic message boards – maximum size 3 1/2' x 10'
- H. Seasonal/sale signage – thirty-two (32) sq. ft. removed within 3 days following event.
- I. directional signs – three (3) sq. ft.

**506.3 Signs Prohibited**

- A. Noise producing signs are prohibited in all residential zones and within one hundred (100) feet of any residence.
- B. Signs maintained at any location, where by reason of color, illumination, position, size or shape, as determined by findings of the Zoning Officer or their designee, which may obstruct, impair, obscure or be confused with any traffic control sign, signal or devise, or where it may interfere with, mislead or confuse vehicular traffic will be prohibited.

**506.4 Setback 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 signs may not be located within a street right-of-way.

**506.5 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.

- D. Depending on location and orientation of sign, a minimum of fifteen (15) feet clearance may be required to provide visibility.
- E. An attached sign may not project above the roof of a building.

**506.6 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.

**506.7 Temporary/Seasonal Signs**

- A. Temporary/seasonal signs shall be removed no later than three (3) days following the advertised event.
- B. Signs must be maintained in good condition.
- C. Temporary/seasonal signs shall not exceed thirty-two (32) square feet.

**506.8 Sign Maintenance**

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

**506.9 Termination of Enterprise**

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

**506.10 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 1108.
- 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 1108.

**506.11 Exempt signs**

The following shall not be subject to the permit provisions of this chapter nor require the payment of any fee, but are subject to all other provisions of this chapter:

are subject to all other provisions of this chapter:

- A. Professional signs indicating the name and profession of the occupant of a dwelling, provided that such signs do not exceed two square feet on any one side.
- B. Temporary signs inside windows of commercial establishments not covering more than twenty-five percent (25%) of the window area.
- C. Any signs forbidding trespassing, hunting, fishing or trapping as authorized by the fish and game laws.
- D. Signs denoting responsible contact persons or firms placed on construction sites and not exceeding thirty-two (32) square feet in total sign area. They shall be removed when construction is completed.
- E. Information, identification and directional signs, provided:
  - 1. The sign is for street number designation, postal box, on-site directional or parking sign, warning sign or sign posting property as private property, or similar signs. No such signs shall contain corporate logos or other corporate identification.
  - 2. Such signs are not to be considered in calculating sign area.
  - 3. No such sign shall exceed three (3) square feet in area.
- F. Residential name plates consisting of one non illuminated or shielded-lighted not to exceed twenty-five (25) watts and not exceeding two square feet in total sign area shall be permitted for each single-family residence.

- G. Rescue companies, first aid squads and fire houses shall be permitted signs announcing membership drives, fund-raising drives and events, public functions and other such events provided such sign is no more than thirty-two (32) square feet per face.

### **SECTION 507 LANDSCAPE BUFFER REQUIREMENTS**

All subdivision and development shall provide landscaping and buffering in accordance with Section 413, Landscape Requirements, 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, 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, Airport, Nonconformities and Status of Plans, of this Ordinance.

# **ARTICLE VI**

## **AIRPORT, NONCONFORMITIES AND STATUS OF PLANS**

### ***SECTION 601 AIRPORT SUPPLEMENTAL REGULATIONS***

#### ***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 - Definitions***

- Airport
- Airport Elevation
- Approach Hazard
- Airport Hazard Area
- Approach Surface (Zone)-
- Conical Surface (Zone)
- Department
- FAA
- Height
- Horizontal Surface (Zone)
- Larger Than Utility Runway
- Nonconforming Use
- Non-Precision Instrument Runway
- Obstruction
- Precision Instrument Runway
- Primary Surface (Zone)
- Runway
- Structure
- Transitional Surface (Zone)
- Tree
- Utility Runway
- 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.
- F. *Refer to Figure 1:*** Part 77 Surface Areas diagram and the Penn Valley Airport Surface Areas diagram supplied to us by the Pa Department of Transportation in the Airport Hazard Zoning Ordinance Workshop on July 14, 2010. **Appendix G.**

#### **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.
- B. **Permit Applications** - As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposed at least thirty (30) days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit requested should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance

from such regulations as outlined in Section 601.7 (C). No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. If the PennDOT BOA (Bureau of Aviation) determines that no obstruction is created, the Township Zoning Officer shall proceed with the zoning requirements for granting a permit.

- C. *Variance*** - Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determination of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
1. No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
  2. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Letter E – Obstruction Marking and Lighting.
  3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard for this navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

- D. *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.
- E. *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 601.8 Steps for Development near an Airport***  
**Refer to Appendix F.**

***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 Zoning Hearing Board.
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 changed 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 or any amendment thereto, which 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**

## **ACCESSORY AND PRINCIPAL SOLAR ENERGY SYSTEMS**

### ***SECTION 701 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)***

#### A. Regulations Applicable to All Accessory Solar Energy Systems:

1. Roof Mounted ASES shall be permitted in all zoning districts provided that all requirements of this ordinance is met. The same is to be reviewed by the Zoning Officer. Ground Mounted and all other ASES systems shall be permitted by Conditional Use in all zoning districts subject to the criteria here-in.
2. Exemptions
  - a. ASES with an aggregate collection and/or focusing area of 100 square feet or less are exempt from this ordinance.
  - b. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like kind replacements do not require a permit.
3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Penn Township, and with all their applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.  
Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Penn Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement action by Penn Township in accordance with applicable ordinances.
4. ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  - c. For residential applications, a registered home improvement contractor with the Attorney General's office.
5. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
6. The owner of an ASES shall provide Penn Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from

this requirement.

7. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

8. Glare

- a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

9. Solar Easements

a. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.

b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

c. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

10. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

11. Decommissioning

- a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

- c. The ASES owner shall, at the request of the township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

## 12. Permit Requirements

- a. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

### B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

### C. Ground Mounted Accessory Solar Energy Systems:

#### 1. Setbacks

- a. The minimum yard setbacks from front, side and rear property lines shall be equivalent to the applicable setback requirements in the zoning district.

#### 2. Height

- a. Freestanding ground mounted ASES shall not exceed the applicable maximum height requirements in the underlying zoning district.

#### 3. Coverage

- a. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surface's limitations for the applicable Zoning District.
- b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than five (5%) percent of the lot area.

4. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
5. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed from collecting in a constructed storm water conveyance system.

## ***SECTION 702 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)***

### **A. Regulations Applicable to All Principal Solar Energy Systems:**

1. PSES shall be permitted by conditional use in the HC, I, AC, and RR Zoning District(s)
2. Exemptions
  - a. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Penn Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
4. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
  - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  - c. Installer shall provide proof of experience and a competent installer.
5. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
6. The owner of a PSES shall provide the township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
7. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
8. Glare
  - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
  - c. Applicant shall undertake corrective actions in the event of any complaints.
9. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45 dBA, as measured at the property line.
10. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
11. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
12. Decommissioning
- a. The PSES owner is required to notify the township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
  - b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
  - c. Before the installer breaks ground for the construction of the PSES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the township shall be adjusted upward or downward as necessary.
  - d. The PSES owner shall, at the request of the township, provide information concerning the amount of energy generated by the PSES in the last 12 months.
13. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
14. Solar Easements
- a. Where a subdivision or land development proposes a PSES, solar easements shall be noted thereon. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
  - b. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

## 15. Permit Requirements

- a. PSES shall comply with the township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

16. Applicants shall submit a maintenance plan for upkeep of the grounds.

## B. Ground Mounted Principal Solar Energy Systems:

### 1. Minimum lot size

- a. One (1) acre

### 2. Setbacks

- a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
- b. All PSES shall be set back one hundred (100') feet from adjacent residential districts or occupied structures.
- c. The minimum side and rear yards specified above may be waived in the case of adjoining tracts of land within a single PSES, with landowners' mutual consent.

### 3. Height

- a. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.

### 4. Impervious Coverage

- a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
  - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
  - iii. Gravel or paved access roads servicing the PSES.
- b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations. PSES owners shall also follow the current PA DEP guidelines for solar collectors as best management practices for Stormwater Management.
- c. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

5. Ground mounted PSES shall be screened from adjoining residential uses or zones. The same may be waived in writing by adjoining residential use written consent.



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

7. Security

- a. All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

8. Access

- a. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance, and there shall be sufficient access for maintenance vehicles and emergency management vehicles to access the PSES.

9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

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

11. Lot Coverage - Not more than forty (40%) of class one or class two soils on any lot shall be devoted to PSES or its related equipment.

C. Roof and Wall Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning districts.

# Article VIII

## WIND ENERGY SYSTEMS

### ***SECTION 801 DEFINITIONS: WIND ENERGY SYSTEMS***

#### **Accessory Wind Energy System**

A wind energy conversion system consisting of a wind turbine, tower and associated control or conversion electronics, which has a rated capacity of less than or equal to hundred (100) kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

#### **Applicant**

"Applicant" is the person or entity filing an application under this Ordinance.

#### **Facility Owner**

"Facility Owner" means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

#### **Hub Height**

The distances measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

#### **Non-Participating Landowner**

"Non-Participating Landowner" means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

#### **Occupied Building**

"Occupied Building" means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

#### **Operator**

"Operator" means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

#### **Principal Wind Energy Production Facility**

An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than one hundred (100) kilowatts.

#### **Turbine Height**

"Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

## **Wind Energy Facility**

“Wind Energy Facility” means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

## **Wind Turbine**

“Wind Turbine” means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

## ***SECTION 802 ACCESSORY WIND ENERGY SYSTEMS (AWES)***

### **A. Regulations Applicable to All Accessory Wind Energy Systems:**

1. AWES shall be permitted by Conditional Use in AC, RR, HC and I zoning districts.
2. Number of accessory wind systems per property: shall be limited to one.
3. Setback: The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to double the total extended height of the tower and blades.
4. Tower Height: So long as the total extended height meets noise and set-back requirements, there shall be no specific height limitations, except as imposed by Federal Aviation Administration regulations.
5. Wind Turbine Equipment: The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, The American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
6. When an accessory building is necessary for storage cells or related mechanical equipment, it shall comply with the accessory building and impervious surface requirements specified within the underlying zoning district.
7. Requirements for Engineered Drawings: Building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer.
8. Soil Studies: For standard soil conditions (not including gravel, sand or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer’s wet stamp.
9. Compliance with FAA Regulations: No accessory wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
10. Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

11. Insurance: Applicant shall provide proof of adequate insurance.
12. Abandonment: If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Zoning Ordinance. At the time of issuance of the permit for the construction of the AWES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the township to secure the expense of dismantling and removing said AWES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the township shall be adjusted upward or downward as necessary.
13. Signage: All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a small wind energy system visible from any public road shall be prohibited.
14. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.
15. Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened.
16. Braking System: All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
17. Visual Appearance: Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
18. Transmission Lines: On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
19. Warnings: A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
20. Locks: All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
21. Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms. Refer to Table I of nuisance standards. Noise and Shadow Flicker: Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions

pertaining to the land in question and provided that such waiver will not be contrary to the public interest. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

22. Use of Public Roads: The Applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility. The Municipality's Engineer or a qualified third-party engineer hired by Penn Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits. Penn Township may bond the road in compliance with state regulations. Any road damages caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
23. Local Emergency Services: The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
24. Signal Interference: The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
25. Public Inquires: The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

### ***SECTION 803 PRINCIPAL WIND ENERGY SYSTEMS (PWES)***

#### **A. Regulations Applicable to Principal Wind Energy Systems:**

1. PWES shall be permitted by Conditional Use in AC and RR zoning districts.
2. Setback: The base of the tower shall be set back from all property lines, public right-of-way and public utility lines a distance equal to double the total extended height of the tower and blades.
3. Tower Height: So long as the total extended height meets noise and set-back requirements, there shall be no specific height limitations, except as imposed by Federal Aviation Administration regulations.
4. Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms. Refer to Table I of nuisance standards. Noise and Shadow Flicker: Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public

interest. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

5. Wind Turbine Equipment: The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, The American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
6. Impervious Surface: When an accessory building is necessary for storage cells or related mechanical equipment, it shall comply with the accessory building and impervious surface requirements specified within the underlying zoning district.
7. Requirements for Engineered Drawings: Building permit applications for principal wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer.
8. Soil Studies: For standard soil conditions (not including gravel, sand or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
9. Compliance with FAA Regulations: No principal wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
10. Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.
11. Insurance: The applicant shall maintain adequate insurance and certificates shall be made available to Penn Township upon request.
12. Abandonment: If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Zoning Ordinance. At the time of issuance of the permit for the construction of the PWES, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the township to secure the expense of dismantling and removing said PWES and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the township shall be adjusted upward or downward as necessary.
13. Signage: All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a wind energy system visible from any public road shall be prohibited.
14. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.

15. Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened.
16. Braking System: All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
17. Visual Appearance: Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
18. Transmission Lines: On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
19. Warnings: A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
20. Locks: All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
21. Waiver of Setbacks: Upon request, the Penn Township Board of Supervisors may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest. The minimum side and rear yards specified above may be waived in the case of adjoining tracts of land within a single PWES, with landowners' mutual consent. The Board of Supervisors may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements.
22. Use of Public Roads: The Applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility. The Municipality's Engineer or a qualified third-party engineer hired by Penn Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits. Penn Township may bond the road in compliance with state regulations. Any road damages caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
23. Local Emergency Services: The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
24. Signal Interference: The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
25. Public Inquires: The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquires and complaints throughout the life of the project. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquires and complaints.

#### B. Additional Land Development Plan Requirements

1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufactures and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
3. Identification of the properties on which the proposed Wind Energy Facility will be located and the properties adjacent to where the Wind Energy Facility will be located.
4. A site plan, by engineer, showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings and structures including permanent Meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.



# Article IX

## ANAEROBIC DIGESTER SYSTEMS

### ***SECTION 901 DEFINITIONS: ANAEROBIC DIGESTER SYSTEMS***

#### **Accessory Anaerobic Digester**

An anaerobic digester used to convert biogas into electricity, heat and water is intended to primarily reduce on-site consumption of utility power. A system is considered a small anaerobic digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small anaerobic digesters use livestock and poultry manure generated on-site from one (1) farm, and is designed and intended solely to generate power to off-set utility costs. Small anaerobic digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (second catalysts).

#### **Anaerobic Digester**

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

#### **Appurtenances**

The visible, functional or ornamental objects accessory to and part of buildings.

#### **Biogas**

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

#### **Methanogens**

Bacteria found in anaerobic environments such as animal intestinal tracts or sediments or sewage and capable of producing methane.

#### **Regional Anaerobic Digester**

An anaerobic digester principally used to convert biogas into electricity, heat and water. Large anaerobic digesters accept both livestock manure (primary catalyst) and feedstock, generated off-site or from more than one (1) farm. Large anaerobic digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts).

### ***SECTION 902 ACCESSORY ANAEROBIC DIGESTER SYSTEMS (AADS)***

A. Regulations Applicable to Accessory Anaerobic Digester Systems:

1. AADS shall be permitted by Conditional Use in AC zoning district.
2. Design and Installation

- a. The applicant shall address and document performance standards for citing to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise and specific hours of operation.
  - b. Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the Pennsylvania Department of Environmental Protection's Bureau of Water Quality Management publication, and any revisions, supplements and successor's thereto, of the Pennsylvania Department of Environmental Protection as of the date of submission.
  - c. Anaerobic digester systems shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all Federal and State regulatory agencies' approval shall be included with the application.
  - d. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.
  - e. The applicant shall provide either (1) a letter from the Snyder County Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Snyder County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Snyder County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Snyder County Conservation District has failed to respond.
3. Utility Notification: No anaerobic digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  4. Abandonment: If the anaerobic digester is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the anaerobic digester for safety reasons. The digester then would be subject to the Public Nuisance provisions of the Zoning Ordinance. At the time of issuance of the permit for the construction of the RADS, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the township to secure the expense of dismantling and removing said RADS and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the township shall be adjusted upward or downward as necessary.

### ***SECTION 903 REGIONAL ANAEROBIC DIGESTER SYSTEMS (RADS)***

#### **A. Regulations Applicable to Regional Anaerobic Digester Systems:**

1. RADS shall be permitted by Conditional Use in AC zoning district.
2. Design and Installation
  - a. The applicant shall address and document performance standards for citing to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise and specific hours of operation.

- b. Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the Pennsylvania Department of Environmental Protection's Bureau of Water Quality Management publication, and any revisions, supplements and successor's thereto, of the Pennsylvania Department of Environmental Protection as of the date of submission.
  - c. Anaerobic digester systems shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all Federal and State regulatory agencies' approval shall be included with the application.
  - d. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.
  - e. The applicant shall provide either (1) a letter from the Snyder County Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Snyder County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Snyder County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Snyder County Conservation District has failed to respond.
3. Abandonment: If the anaerobic digester is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the anaerobic digester for safety reasons. The digester then would be subject to the Public Nuisance provisions of the Zoning Ordinance. At the time of issuance of the permit for the construction of the RADS, the owner shall provide evidence that financial security will be in place at the start of commercial operation in the form and amount of a bond, irrevocable letter of credit, or other financial security acceptable to the township to secure the expense of dismantling and removing said RADS and restoration of the land to its original condition, in the amount of 110% of the estimated decommission cost minus the salvageable value. Every 5 years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the township shall be adjusted upward or downward as necessary.

# Article X

## ZONING HEARING BOARD (ZHB)

### **SECTION 1001 MEMBERSHIP**

- A. Appointment:** There shall be a Zoning Hearing Board (ZHB) consisting of five (5) members who shall be appointed by resolution of the Board of Supervisors. Member term shall be five (5) 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.
- E.** Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.
- F. Removal:** A Zoning Hearing Board Member may be removed pursuant to Section 10905 of the Municipalities Planning Code.
- G. Alternates:** The Board of Supervisors may appoint by resolution no more the three (3) residents of the Township to serve as alternate zoning Board members. The term of office of an alternate member shall be three years. The alternates shall have the power set forth in Section 10903 of the Municipalities Planning Code.

### **SECTION 1002 FUNCTIONS OF ZONING HEARING 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.

### **SECTION 1003 PUBLIC HEARINGS**

#### **1003.1 Scheduling and Notice of Hearings before the Zoning Hearing Board**

- 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 unless the applicant has agreed in writing to an extension of time.

- C. Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing, or on the record. An applicant shall complete the presentation of his case in chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case in chief. An applicant may, upon request, be granted additional hearings to complete his case in chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- 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. Public notice of the hearing shall consist of publication once each week for two (2) successive weeks in a newspaper of general circulation in the Township, the first publication shall not be more than thirty (30) days and the second publication cannot be less than seven (7) days from the date of the hearing.
  - 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.

**1003.2 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.

**1003.3 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.

#### **1003.4 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.

#### **1003.5 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.

#### **1003.6 Records**

The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or a Hearing Officer or shall be paid by the person appealing from the decision of the Board if such an 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.

#### **1003.7 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, Scheduling and Notice of Hearings, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record, to an extension of time. When a decision has been rendered in 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.

#### **1003.8 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.

### ***1003.9 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 1004 VARIANCES***

### ***1004.1 Filing of Variance***

An application may be made to Penn Township 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 Township. It must be filed with the Township. 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.

### ***1004.2 Referral to Planning Commission and Supervisors***

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

### ***1004.3 Variance Procedures***

- A. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:
  1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. That such unnecessary hardship has not been created by the appellant.
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance.

## ***SECTION 1005 SPECIAL EXCEPTIONS***

Special Exceptions may be granted or denied by the Zoning Hearing Board pursuant to the same express standards and criteria set forth in Article VIII, Conditional Uses and Specific Standards. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with said standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Zoning Hearing Board shall follow the following procedure:

- A. The Zoning Hearing Board decision to grant a permit for special exception use shall be made only after public hearing and notice. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report from the Planning Commission. The Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within said 30 days, such application shall be deemed to have been approved by said Planning Commission.



# **ARTICLE XI**

## **CONDITIONAL USES AND SPECIFIC STANDARDS**

### ***SECTION 1101 CONDITIONAL USE PROCEDURES***

Applications for conditional uses shall be made in writing to the Zoning Officer by the owner or authorized agent on a form supplied by the Township. The Zoning Officer shall refer the application to the Planning Commission and to the Board of Supervisors. The Planning Commission shall review the application at its next regular meeting and submit its recommendations to the Board of Supervisors within 30 days of submission of application.

Where the Board of Supervisors, in this zoning ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board, 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 the applicant, as the case may be, in addition, the Board of Supervisors may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this zoning ordinance.

The Board of Supervisors shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 1003 of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas of Snyder County. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

### ***SECTION 1102 CONDITIONAL USE STANDARDS***

A conditional use may be granted by the Board of Supervisors following a public hearing and findings of 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.
- H. In granting a Conditional Use applicant shall comply with all state, federal and local rules and regulations.

***SECTION 1103 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 XII, Planned Residential Development, for procedures.
- D. All subdivision and land development shall meet the buffer yard requirements of Section 413, Landscape Requirements, of the Township's Subdivision and Land Development Ordinance.

***SECTION 1104 ADULT COMMERCIAL***

Subject to the applicable zoning 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 18 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.
- I. Must meet any requirements under the Land Development and Subdivision Ordinances.

***SECTION 1105 ANIMAL KENNELS AND VETERINARY HOSPITAL***

Subject to the requirements of that zoning 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, General Provisions.
- D. The accumulation and storage of manure shall not be permitted.
- E. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1106 AUTO RELATED**

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

### **1106.1 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 repossessioners shall provide a secure, fenced-in area for the storage of all vehicles.
- E. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **1106.2 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.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **1106.3 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.
- A. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required.
- B. Use shall not constitute a public or private nuisance or create a fire hazard.
- C. 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.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **1106.4 Vehicle Sales**

- A. No vehicle shall be placed on property with the lines of sight and which may cause a safety hazard.

- 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. Must meet any requirements under the Land Development and Subdivision Ordinances.

### ***SECTION 1107 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, Signs, of this Ordinance.
- F. Must meet any requirements under the Land Development and Subdivision Ordinances.

### ***SECTION 1108 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 obstruct the vision of drivers and thereby constitute a traffic menace.
6. Billboards and signs with flashing or intermittent lights must not be constructed in a fashion which would impair the safety on the public highways.
7. No billboard or sign with flashing or intermittent lights can be constructed in a fashion which would distract drivers and/or constitute traffic hazards.
8. No billboard or sign with flashing or intermittent lights shall be permitted to exceed a maximum area of eighty (80) square feet per side, including border and trim but excluding supports.
9. 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.
10. 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.
11. No billboard or sign with flashing or intermittent lights shall be located within two hundred (200) feet of any street intersection.
12. No billboard or sign with flashing or intermittent lights shall be located within ten (10) feet of any building.
13. 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.
14. 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.
15. 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.

## **SECTION 1109 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.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1110 CHURCH OR PLACES OF WORSHIP**

- A. Religious education rooms and meetings rooms are permitted accessory uses provided that such uses are of such character and intensity they are clearly customary and incidental to the place of worship. A primary or secondary school and/or child care center is permitted on the same lot as a place of worship provided the requirements for such uses are also met.
- B. Noncommercial buses used primarily to transport persons to and from the religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be permitted if all the requirements for such uses are also met, including being permitted in the applicable district.
- C. One dwelling unit may be built on a same lot as a place of worship provided it is used only to house religious leaders and their immediate family.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1111 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, as calculated by Section 905, Determining Site Capacity.
- 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, Mobile Home Park, of the Subdivision and Land Development Ordinance.
- E. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1112 COMMUNICATION OR CELL TOWER**

- 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, Airport Supplemental Regulations.
  3. The applicant provides certification that the proposed tower will not exceed the structural capacity of the existing structure.
- C. A tower or antenna ***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*** only 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 antennas within a one-half-mile radius of the proposed site, and 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. Fifty (50) 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.
- F. No antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration.
- G. 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.
- I. Must meet any requirements under the Land Development and Subdivision Ordinances.

### ***SECTION 1113 CONVERSION APARTMENT***

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.
- G. Must meet any requirements under the Land Development and Subdivision Ordinances.

***SECTION 1114 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 any and all requirements for licensing and registration by the Department of Human Services 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.
- G. Must meet any requirements under the Land Development and Subdivision Ordinances.

***SECTION 1115 FAMILY DAYCARE HOME***

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

- A. The use shall be approved and all requirements of registration and licensing by with the Department of Human Services.
- B. The location shall be a family residence.
- C. An occupant of the home may care for a maximum of six (6) children.

***SECTION 1116 FARMETTE or GENTLEMAN'S FARM***

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, **and excluding house pets**, shall be subject to the following scales and requirements.

**Group 1:** Applies to animals whose adult average weight is less than fifteen (15) pounds.

- Minimum Lot: one (1) acre
- Maximum Density: twenty-four (24) per acre
- Setback: twenty (20) feet

**Group 2:** Applies to 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:** Applies to animals whose average adult weight is more than two-hundred fifty (250) pounds.

- Minimum Lot: two (2) acres

Maximum Density: one (1) per acre.  
Setback: twenty-five (25) 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 Appendix's A and B.**

- B. For animal numbers or densities exceeding the above, the requirements of Level 1 Agriculture shall apply. See Section 411.14 of this Ordinance.
- C. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **SECTION 1117 GROUP DAYCARE HOME**

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

- A. The use shall be approved and all requirements of registration and licensing by the Department of Human Services.
- B. The maximum number of young children shall be twelve (12) with a staff minimum of two (2).
- C. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **SECTION 1118 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 Human Services must license a group home; Proof of licensing shall be furnished to the Township Zoning Officer at the time of application.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

### **SECTION 1119 HOME BURIAL** – in conjunction with Ord 2010-02

Penn Township shall recognize the fact that some families may choose home burial over the traditional burial in a cemetery. Families considering a home burial should weigh the consequences, such as a future property transfer or change of ownership. The Penn Township Zoning Officer shall review all requests and inspect all sites for compliance prior to interment.

In any case Penn Township shall require the following:

- 1. Certificate of Death
- 2. Burial Disposition
- 3. Plot Plan shall locate burial site, with water and septic marked
- 4. An easement added to the deed for future landowners
- 5. Written permission of land owner, when not the land owner
- 6. A permanent gravesite marker
- 7. 100-foot setback of burial site from all property lines
- 8. Minimum Lot Requirement for home burial
  - a. Burial of cremains – 2 acres or more
  - b. Traditional burial – 3 acres or more

Additional regulations:

- A. A burial, regardless of whether in an established cemetery, the backyard, or the family farm must comply with the state's "depth-of-grave" requirements. If there is an outer case around the coffin, the uppermost part of the outer case must be deeper than 1.5 feet from the natural surface. [28 Pa. Code 1.21 (a).] If there is not an outer case, and there is just a coffin or just the body with no



coffin, then the remains must be buried deeper than 2 feet from the natural surface of the ground [28 Pa. Code 1.21 (b).] There is no "depth-of-grave" for burial in a crypt [28 Pa. Code 1.21 (c).] Proper maintenance shall be performed by the family such as filling in any depression that may be created at any time due to natural subsidence.

- B. Under no circumstance shall a home burial be allowed if the body is dead of a contagious disease. In this case other traditional methods should be followed for the safety of the community.
- C. Under no circumstance shall the burial site be in a public water shed or interfere with a neighbor's water supply. The standard rules for a home septic system to the water well system shall apply.
- D. Any and all other local, state and federal regulations governing the handling and preparation of a body shall apply.

Penn Township Zoning Officer shall review all requests and inspect the site for compliance prior to interment.

**SECTION 1120 HOME COMMERCIAL**

Subject to the requirements of Sections 1101, 1102 and 1103, Conditional Use Procedures, Conditional Use Standards, Specific Standards 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. Off-street parking shall be provided in accordance with Section 502, Parking, of this Ordinance.
- F. Proof of adequate parking to meet proposed use and employees.
- G. Lot coverage and impervious surface ratios of the applicable zoning district shall apply and the use shall comply with the Township Stormwater Management Ordinance.
- H. A sign not larger than three (3) square feet in the area is permitted. It may be illuminated only by indirect lighting.
- I. No more than two (2) non-resident employees may be employed.
- J. Must meet any requirements under the Land Development and Subdivision Ordinances.
- 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:

<b>Lot Size</b>	<b>Maximum Size of Addition – to house or existing structure</b>	<b>Maximum Size of New Building</b>
Less than (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 1121 HOME OCCUPATION**

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, Parking.
- 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. 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 1122 MOBILE HOME***

- A. A zoning and 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 complement its appearance.
- G. **For mobile home parks**, see procedures for land development and related requirements in the township Subdivision and Land Development Ordinance, Article VII, Mobile Home Park.

### ***SECTION 1123 DUPLEXES AND 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. Does not apply to duplexes.
- F. The buffer yard requirements of Section 413, Landscape Requirements, of the township 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.
- H. Must meet any requirements under the Land Development and Subdivision Ordinances.

***SECTION 1124 NO-IMPACT HOME-BASED BUSINESS***

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ no employees other than family members residing in the dwelling.
- 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- 8. The business may not involve any illegal activity.
- 9. Must meet any requirements under the Land Development and Subdivision Ordinances.

***Section 1125 NONCONFORMITIES***

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

***SECTION 1126 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.
- D. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1127 SHOPPING CENTER**

Subject to land development and conditional use requirements and the following provisions:

### **Shopping Center**

- A. The shopping center 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 setback shall be one hundred twenty (120) feet as measured from the street centerline.
- E. The minimum side and rear setback 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 centers shall have a buffer yard along boundary lines in accordance with Section 413, Landscape Requirements, of the Township's Subdivision and Land Development Ordinance. Such buffer shall be located within the center 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 center 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 (1) access point is proposed,
  - 2. if separate ingress and egress are less than (100) feet apart.
- M. **Pedestrian Circulation** - All structures in a shopping center 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 center and be physically separated from public streets, subject to Section 502, Parking. 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 centers shall meet the requirements of the township Stormwater Management Ordinance.
- Q. Must meet any requirements under the Land Development and Subdivision Ordinances.

## **SECTION 1128 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, Landscape Buffer Requirements.
- 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 affected.
  - 4. Accident data at the above intersections.
  - 5. Description of proposed actions to alleviate negative effects upon the area.
- E. The applicant shall prepare a template diagram with a zoning permit application showing stacking locations for trucks while in line for fueling.
- F. 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. Subject to Section 1108, Billboards and Flashing or Intermittent Lights on Signs
- G. Must meet any requirements under the Land Development and Subdivision Ordinances.

***SECTION 1129 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. Must meet any requirements under the Land Development and Subdivision Ordinances.
- D. The lot shall meet the buffer yard requirements of Section 507, Landscape Buffer Requirements.
- E. Setbacks:
  - 1. Minimum five hundred (500) feet to a stream or sinkhole.
  - 2. Minimum two hundred fifty (250) feet from street centerline.
- F. 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 effects upon the area.

***SECTION 1130 HALF-WAY HOUSE***

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

- A. A halfway house for persons on parole or probation shall be classified and permitted as a special exception use within the Highway Commercial District.
- B. Maximum Number Residents. The maximum number of residents shall be based on the lesser number of 120 square feet per bedroom based upon single room occupancy provided upon the required floor plan of the facility or five residents.
- C. A halfway house for persons on parole or probation shall be licensed, where required, by an appropriate government agency and shall be in compliance with all applicable rules and regulations of the licensing body. A copy of any required license must be provided to the Zoning Officer prior to

commencement of the use.

- D. A halfway house for persons on parole or probation shall provide a narrative that fully describes all management plans and services for daily operations to be provided within the facility. Such information also must address:
  - 1. The composition of the halfway house.
  - 2. Policies and goals and the means to accomplish those goals.
  - 3. The characteristics of the residents and the number of residents to be served.
  - 4. Operating methods and procedures.
  - 5. Any other relevant facts to its proposed operation.
- E. A halfway house for persons on parole or probation shall provide a complete list of the type of crimes and/or circumstances which would render the exclusion of a person from residency within the facility.
- F. A halfway house for persons on parole or probation shall provide a floor plan of the facility showing the use of all areas within the facility, with the dimensions and square feet of each room therein and its intended purpose and use.
- G. A halfway house for persons on parole or probation shall provide, in writing, the rules and regulations applicable for all residents to maintain residency within the facility.
- H. A halfway house for persons on parole or probation shall provide, in writing, its regulations regarding a curfew for residents and permission requirements for leaving the facility for other purposes, including, but not limited to, activities such as work, school, off-site counseling services, volunteer services, medical appointments or religious services.
- I. If a halfway house for persons on parole or probation is not run and/or operated by a governmental agency, the contract of the entity doing so must be submitted, along with an historical profile on its experience and references to all other locations where it operates a facility such as a halfway house for persons on parole or probation.
- J. A halfway house for persons on parole or probation shall maintain a current list of residents and provide the names, addresses and contact information for their respective parole officers or probation officers who have supervision over persons that will be residing in the facility.
- K. Any approval granted for a halfway house for persons on parole or probation shall be bound to the type and number of persons listed on the application. Any increase in the type or number of offenders being housed shall require a new hearing before the Zoning Hearing Board.
- L. A halfway house for persons on parole or probation shall not provide any on-site supportive services related to counseling for substance abuse disorders, emotional disorders or behavioral disorders.
- M. A halfway house for persons on parole or probation shall provide a minimum of one staff member on site at the facility on a twenty-four-hour basis. In addition, the facility shall provide the maximum number of persons employed by the facility.
- N. Insurance Coverage. No person shall operate a halfway house for persons on parole or probation unless they obtain and maintain the following liability insurance coverage:
  - 1. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
  - 2. At a minimum, the policies shall provide coverage of not less than \$1,000,000 per occurrence and \$2,500,000 per aggregate. Evidence of said coverage shall be subject to acceptance and approval by the Board of Supervisors as a condition of zoning approval by the Zoning Hearing Board. Coverage shall remain in full force during the entire time that the facility is permitted to operate. Failure to provide such proof shall result in revocation of zoning approval.
- O. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- P. Off-street parking shall be provided at a ratio of one vehicle parking space per each employee assigned to work at the facility, including those via contracted services, plus one vehicle parking space for every resident of the facility based upon the maximum number of persons approved to reside at the facility. Off-street parking shall be subject to all other applicable provisions within the Penn Township Zoning Ordinance governing off-street parking.
- Q. A halfway house for persons on parole or probation shall not be located less than 1,000 feet from:
  - 1. Any other halfway house for persons on parole or probation.

2. A school, public or private.
  3. A day-care facility.
  4. A playground.
  5. A public recreational facility.
  6. A place of worship.
  7. A public library.
- R. If a halfway house for persons on parole or probation is located within 250 feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

### ***SECTION 1131 REHABILITATION FACILITY***

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

- A. Maximum Number of Beds. The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department of Drug and Alcohol Programs, but in no case shall such a facility be designed and/or used to accommodate more than 20 overnight patients.
- B. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
- C. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility, with the dimensions and square feet of each room therein and its intended purpose and use.
- D. Any type of substance abuse treatment facility shall provide its intended hours of operation.
- E. Any type of substance abuse treatment facility shall provide a copy of its on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
- F. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility, including those indirectly employed under contracted services.
- G. Insurance Coverage. No person shall operate a non-hospital drug-free residential substance abuse treatment facility unless they obtain and maintain the following liability insurance coverage: Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility. At a minimum, the policies shall provide coverage of not less than \$1,000,000 per occurrence and \$2,500,000 per aggregate. Evidence of said coverage shall be subject to acceptance and approval by the Board of Supervisors as a condition of zoning approval. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
- H. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- I. Off-street parking shall be provided at a ratio of one vehicle parking space per each employee, including those via contracted services, plus one vehicle parking space for every two beds. Off-street parking shall be subject to all other applicable provisions within the Penn Township Zoning Ordinance governing off-street parking.
- J. A substance abuse treatment facility shall not be located less than 1,000 feet from any other substance abuse treatment facility.
- K. If a substance abuse treatment facility is located within 250 feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

### ***SECTION 1132 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES***

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

- A. Intent: To prevent residential areas from being harmed by nuisance smells and noise from commercial

vehicles. To maintain a residential character in the R-1, R-2.

**B. Definitions:**

1. Commercial Vehicle. A motor vehicle that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
2. Tractor. A truck that is primarily intended to be used to pull a trailer, as defined below.
3. Trailer. A commercial vehicle with a length of 10 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above).

**C. Exceptions: No part of this section shall apply to the following:**

1. Township-owned vehicles
2. Ambulance, fire and rescue vehicles
3. Recreational vehicles
4. Vehicles operated by the U.S. Postal Service
5. Vehicles actually engaged in the construction or repair of streets, curbs, sidewalks or utilities
6. Vehicles actually engaged in making routine household deliveries or rendering routine household services to a property abutting or that is part of the location where the vehicle is parked.

**D. Storage of Commercial Vehicles in Residential District:** No commercial vehicle with a gross weight exceeding 11,000 pounds or with greater than 2 axles or any tractor or any trailer (as defined by this Section) shall be maintained (except clearly emergency repairs), parked, stored or otherwise kept within a lot that is within a residential district, with a lot size of less than one-half (1/2) acre between the hours of 6:30 p.m. and 9:00 a.m. any day of the week. For lots greater than 1/2 acre located in a Residential District, no commercial vehicle shall be parked, stored, or otherwise kept within twenty-five (25) feet of an adjoining property line wherein a residence is located between the hours of 6:30 p.m. and 9:00 a.m. any day.

**E. Refuse Hauling Vehicle:** In addition to the requirements of this Section, no vehicle that has been used for the bulk hauling of refuse shall be parked for more than 15 minutes in any 24-hour period on a portion of a lot that is within 200 feet of a dwelling.

### ***SECTION 1133 SMALL COTTAGES***

A. A Small Cottage shall not be occupied by more than two (2) persons, who shall be the same person enumerated on the Application for the Small Cottage unit and each of them shall be a person sixty-two (62) years of age or older, or who is a disabled person who shall require assistance, as certified by a state licensed physician, with at least two (2) daily activities (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating), and who shall be related by blood, marriage or adoption to one of the occupants of the principal dwelling on the lot where the Small Cottage is located.

B. The Small Cottage shall not exceed 700 square feet in total floor area. The applicant shall be responsible for any stormwater issues.

C. The Small Cottage shall not exceed one (1) story in height and under no circumstances shall the total height exceed 20'.

D. A Small Cottage shall, subject to the further limitations of this Section, be located only on a lot where there already exists a single-family dwelling occupied by a family member.

E. No Small Cottage shall be located within the front yard of any lot.

F. No more than one (1) Small Cottage shall be located on any lot.

G. The Small Cottage shall be otherwise in conformity with all other provisions of the Zoning Ordinance, including but not limited to, lot coverage and side and rear yard setbacks, and any distance requirement from the main dwelling unit on the lot as required by Township Ordinances.



H. The Small Cottage shall be clearly subordinate to the principal dwelling on the lot. Its exterior appearance and character shall be in harmony with the existing principal dwelling.

I. A Small Cottage shall not be stick built and shall be a factory manufactured home or component and, in addition to complying with any other law, it shall bear an insignia of approval of the United States Department of Housing and Urban Development or an insignia of certification for industrialized housing of the Pennsylvania Department of Community and Economic Development.

J. A Small Cottage shall be constructed so as to be easily removable. The unit's foundation shall be of easily removable material so that the lot may be restored to its original use and appearance after removal. No permanent fencing, walls, or other structures shall be installed or modified that will hinder removal of the Small Cottage from the lot.

K. Adequate water supply and sewage disposal arrangements shall be provided, which may include connections to such facilities of the principal dwelling and which must be approved and installed with compliance to all ordinances, statutes, rules and regulations. The Small Cottage shall be serviced by all other necessary utilities.

L. Adequate parking shall be provided for residents and visitors with added consideration for possible access for emergency vehicles.

M. All Applications for Conditional Use for a Small Cottage shall at a minimum contain the following information:

1. Name, address, and phone number of the owner of the lot;
2. Name of owner/occupant(s) of the principal dwelling;
3. Name of the proposed occupant(s) of the Small Cottage;
4. Age of the proposed occupant(s) of the Small Cottage;
5. Relationship of the Small Cottage occupant(s) to the owner/occupants of the principal dwelling with proof of relationship;
6. The occupant(s) of the principal residence on the lot upon which the Small Cottage shall be placed shall certify annually that the occupant(s) of the Small Cottage are related to the occupant(s) by blood, marriage, or adoption at least fifteen (15) days prior to the anniversary of the date of issue of the permit;
7. An affidavit signed by the occupant(s) of the principal residence on the lot upon which the Small Cottage shall be placed shall be considered adequate proof of relationship.

N. The Small Cottage shall not be occupied until the Building Code Official of Penn Township has inspected the unit and a Zoning Permit was issued.

O. Removal of Small Cottage.

1. The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to remove the Small Cottage. The estimated cost shall be prepared by an engineer, contractor or manufactured home provider and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the Small Cottage is removed and the land restored to its original condition.
2. The financial security may be utilized by the Township to pay the costs of dismantling, removal and/or restoration of the Small Cottage or the land as provided herein.
3. Every five (5) years, a new estimate of the said costs, prepared by an engineer, contractor, or manufactured home provider, shall be submitted to the Township in writing by the owner of the lot upon which the Small Cottage is placed. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.
4. In the event the Township utilizes the said financial security as herein provided, the owner of the lot upon which the Small Cottage is placed shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten

- (110%) percent.
5. The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.
  6. Should the financial security not be sufficient to pay the costs and the fee, the owner of the lot upon which the Small Cottage is placed shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.
  7. All costs, expenses and fees incurred by the Township in reviewing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner of the lot upon which the Small Cottage is placed within ten (10) days of receiving a bill for the same.

## ***SECTION 1134 MEDICAL MARIJUANA GROWER/PROCESSOR/DISPENSARY FACILITY***

### DEFINITIONS

ACT: The Medical Marijuana Act (Act 16 of 2016).

COMMERCIAL: Those uses that require higher intensities of retail business that can accommodate design features that take into consideration motorized and non-motorized vehicular and pedestrian traffic and parking in a safe, efficient and attractive manner.

DEPARTMENT OF HEALTH: The Department of Health of the Commonwealth of Pennsylvania.

DISPENSARY: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health to dispense medical marijuana. (Section 103 of Act 16 of 2016)

DISPENSARY FACILITY: A dispensary facility that is owned or operated by a dispensary and that shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district. (Section 2107 (2) of Act 16 of 2016)

FACILITY: The structure and land necessary for the facility to comply with the requirements of Act 16 of 2016 and this ordinance.

GROWER/PROCESSOR: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health to grow and process medical marijuana. (Section 103 of Act 16 of 2016).

GROWER/PROCESSOR FACILITY: A grower/processor facility that is owned or operated by a grower/processor and that shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district. (Section 2107 (1) of Act 16 of 2016).

INDUSTRIAL: Those uses involved in the manufacturing of products, the processing of materials, or the transportation of materials which require large amounts of impervious surfaces and require a separation from residential or other more sensitive areas.

MEDICAL MARIJUANA: Marijuana for certified medical use as set forth in Act 16 of 2016, the Medical Marijuana Act.

### GROWER/PROCESSOR FACILITY

#### A. Regulations Applicable to All Grower/Processor Facilities:

1. A grower/processor facility shall be a Conditional Use in the Highway Commercial and Industrial zoning

districts.

2. Design Standards:

- a. Shall meet the same zoning and land use requirements as other manufacturing, processing and production facilities within the Highway Commercial and Industrial zones.
  - I. Including, but not limited to, lot area, lot coverage, setbacks, lot width, and building height.
- b. Shall meet all requirements of the Medical Marijuana Act, Act. 35 P.S. Section 10231.101 et seq.
- c. Shall comply with the following:
  - I. If the facility is located adjacent to a residential zoning district, the grower/processor shall do the following:
    - Provide buffer plantings
    - Provide external lighting that does not emit light skyward or onto adjoining residential properties; and
    - Ensure that the traffic to and from the facility is directed away from the residential zoning district.
  - II. The facility shall not emit any odor that can be detected on an adjoining property.
- d. Shall obtain all necessary approvals required by federal and state law and local ordinances and approvals required to construct, if applicable, and operate the facility, and shall comply at all times with the terms and conditions of such permits and approvals and with all local ordinances applicable to the facility.
- e. Shall not be located within 1,000 feet of the property line of a public, private or parochial school, public park, residential area or day-care center.

DISPENSARY FACILITY

A. Regulations Applicable to All Dispensary Facilities:

1. A dispensary facility shall be a Conditional Use in the Highway Commercial zoning district.
2. Design Standards:
  - a. Shall meet the same zoning and land use requirements as other commercial facilities in the Highway Commercial zone.
    - I. Including, but not limited to, lot area, lot coverage, setbacks, lot width and building height.
  - b. Shall not be located within 1,000 feet of the property line of a public, private or parochial school, public park or day-care center.
  - c. Shall meet all requirements of the Medical Marijuana Act, Act 35 P.S. Section 10231.101 et seq.
3. Shall obtain all necessary state and local ordinance approvals required to construct, if applicable, and operate a facility, and shall comply at all times with the terms and conditions of such permits and approvals and with local ordinances applicable to the facility. Shall comply with all federal, state and local regulations.

***SECTION 1135 KEEPING OF CHICKENS IN RESIDENTIAL AREAS***

- A. It shall be unlawful for the owner or owners of any chickens to allow their chickens to run at large upon adjoining properties, any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public or private highways or any place where people congregate or walk, or upon public or private property in Penn Township.
- B. Any owner of chickens or roosters (for the purpose of this section defined as "chicken or chickens") within the limits of the Municipality shall be required to house the chickens at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply.
  1. All chicken feces accumulated on private property shall be disposed of in a proper and sanitary way.
  2. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces do accumulate on private property, the Zoning Officer and/or other designated official may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be hand-delivered to the owner or shall be sent by certified mail. The owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property

and remove the accumulated feces.

- C. Chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens.
- D. Slaughtering or butchering of chickens for personal consumption or religious practices shall be permitted providing any waste is disposed of in a proper and sanitary way.

# **ARTICLE XII**

## **PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

### ***SECTION 1201 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 1202 PERMITTED ZONES AND USES***

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

- RR – 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 uses
- Retail sales of small scale
- Personal services establishments, see Personal Service in Section 301, Definitions

### ***SECTION 1203 APPLICABILITY OF COMPREHENSIVE PLAN***

All provisions and amendments thereto adopted pursuant to this Article XII, Planned Residential Development (PRD), shall be based on and interpreted in relation to the Penn Township Comprehensive Plan.

### ***SECTION 1204 POWERS OF THE COUNTY***

The power of the County to enact, amend and repeal PRD provisions shall not supersede any local PRD, Zoning or Subdivision and Land Development Ordinance which is already in effect or subsequently becomes effective in the Township provided that a certified copy of such provisions is filed with the County Planning Commission. However, all applications for tentative approval of a PRD shall nevertheless be referred to the County Planning Commission for study and recommendation. The Municipalities Planning Code provides that

the County only has thirty (30) days to report to the Township of such referral or forfeit the right to review. This Ordinance provides the County with 45 days.

**SECTION 1205 DETERMINING SITE CAPACITY**

**Note:** Sample numbers have been provided below based on the assumption of a 100-acre Site Area. The Applicant should supply his own numbers in order to figure the calculations.

Each site has physical features that are unique and create a sense of the plan. Portions of some sites may not be usable due to steep slope, stream corridor or other sensitive areas. Such features should remain undisturbed.

The purpose of Section 1205 is to establish the appropriate intensity of use for a specific tract.

A minimum of land should be reserved for open space. Refer to Section 1207, Open Space, of this Ordinance.

For each tract, the developer shall submit the following calculation with the initial plan for PRD:

A. **Calculate Basic Site Area:** That portion of the tract which is not usable for the activities proposed for the site shall be subtracted from the site area to determine base site area. Use the following formula to determine the base site area:

- 1. Take Total Site Area as determined by actual on-site survey. 100 acres
  - 2. Subtract: all land within rights-of-way used for roads and utilities. - 2 acres
  - 3. Subtract: land which in a previously approved subdivision was reserved for resource reasons such as floodplain or recreation - 3 acres
  - 4. Subtract: land used or zoned for another use; i.e., land which is used or is to be used for commercial or industrial uses in a residential development, or land in a different zoning district than the primary use. - 5 acres
- Equals BASE SITE AREA** = 90 acres

B. **Calculate Resource Protection Land:** All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it. Using the table below, and the base site area, as determined above, will identify the amount of land in each resource. Then multiply the open space ratio that has been determined for that resource to get the total Resource Protection Land

Resource	Type of Land in Resource – Acres	Open Space Ratio	Acres of Resource Protection Land
Floodplains	12	X 1 %	12
Floodplain soils		X 1 %	
Lakes, ponds and shores		X 1 %	
Wetlands		X 1 %	
Steep Slope (25% or more)		X .85 %	
Steep Slope (15-25%)		X .8 %	
Steep Slope (8-15%)		X .7 %	
Woodland	12	X .6 %	7
Presence of 20" caliper trees		X .8 %	
Agricultural Soils (Class I or II)*		X .9 %	

*Applies to AC District and Ag Security Areas only.	
<b>Total Resource Protection Land</b>	19 acres

**C. Calculate the amount of unrestricted land.**

- |   |                        |
|---|------------------------|
| 1. Take Base Site Area from Section 1205 (A) ( <b>Equals BASE SITE AREA</b> ) | 90 acres               |
| 2. Subtract Resource Protection Land (from above table)                       | - 19 acres             |
| 3. <i>EQUALS UNRESTRICTED LAND</i>  | <b><u>71 acres</u></b> |

**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 units, the following formula applies:

- |  |                       |
|--|-----------------------|
| 1. Take Unrestricted Land from Sec 1205 (C) 3  | 71 acres              |
| 2. Multiply by Twenty Percent (20%).<br>Note: Not Applicable for single family development | Assumes single family |
| 3. <i>EQUALS TOTAL RECREATION LANDS</i>  | <b><u>0 acres</u></b> |

*(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 Table of 1205 Sec B.           | 19 acres          |
| 2. Add Recreation Land from 1205 Sec D, (if cluster or multi-family) | <u>+ 0 acres</u>  |
| 3. <i>EQUALS TOTAL OPEN SPACE</i>                                    | = 19 acres        |
| 4. Take Base Site Area from 1205 Sec A (4)                           | 90 acres          |
| 5. Subtract Total Open Space.  | <u>- 19 acres</u> |
| 6. <i>EQUALS NET BUILDABLE SITE AREA</i>                             | = 71 acres        |

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

- |  |                      |
|--|----------------------|
| 1. Find Applicable Zone in Sec 1206 below  | Assume R1 with sewer |
| 2. Divide Net Buildable Site Area from Sec E,<br>by acreage per unit as shown in Sec 1206<br>below ( <i>divide by acreage per unit</i> ) | <u>71 ÷ .33</u>      |
| 3. <i>EQUALS NUMBER OF DWELLING UNITS ALLOWED</i>  | = 234 Units          |

**G. Calculate Bonus.** The option of using a PRD allows the developer to gain a “bonus” of twelve percent (12%) additional units. The Township offers this bonus in order to meet the objectives listed in Section 1207, Open Space (A). 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%)
3. Add to Units Allowed 28 bonus units
4. *EQUALS TOTAL UNITS WITH BONUS* **262 units**

***SECTION 1206 DENSITY REGULATIONS***

The net density standards of the table below shall apply.

<b>Number of Dwellings Units Per District</b>				
<b>Applicable Zones</b>	<b>With Public Sewer</b>	<b>Minimum Tract Size</b>	<b>On-Lot Sewage</b>	<b>Minimum Tract Size</b>
<b>RR</b>	2 units/acre	14,000 Sq. ft.	43,560 sq. ft. ='s 1 acre (1) unit per ac	21,780 (.5 acre) Per Unit
<b>R1</b>	3 units/acre	10,890 sq. ft.	43,560 sq. ft. ='s 1 acre (1) unit per ac	21,780 (.5 acre) Per Unit
<b>R2</b>	5 units/acre	6,000 sq. ft.	3 units/acre	8,000 Sq. ft. Per Unit
<b>VC</b>	5 units/acre	6,000 sq. ft.	3 units/acre	8,000 Sq. ft. Per Unit

***SECTION 1207 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 1208 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, no intervening change or amendment to the zoning, subdivision or other governing ordinance may adversely affect the development plan.

### ***SECTION 1209 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 all Township ordinances. All such improvements shall be guaranteed under the provisions of the same Ordinances.

### ***SECTION 1210 ENVIRONMENTAL STANDARDS***

- A. If streams, whether intermittent or perennial are present at the site, compliance with Section 411, Stream Corridors and Sinkholes, 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, Steep Slopes, requirements shall be met.
- C. If woodlands and/or mature trees are present at the site, requirements of Section 413, Landscape Requirements, 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 1211 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, Water Supply and Water Facilities, of the Subdivision and Land Development Ordinance.

### ***SECTION 1212 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 Stormwater Management Plan.

### ***SECTION 1213 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, removed, 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 by 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 1214 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. Five (5) copies of the plan shall be submitted consisting of the following information:
  - 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 plan for stormwater management. See the Township Stormwater Management Ordinance.
6. The plan for sewage disposal. See Section 407, Sewage Disposal Facilities, of the Subdivision and Land Development Ordinance.
7. The plan for water supply. See Section 408, Water Supply and Water Facilities, 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, (see section 502 of this ordinance), 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 XII 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 1215 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 1216 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 1217 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 plans 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 on the Zoning Map and records of the Township Secretary.

### ***SECTION 1218 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. Failure of the Board of Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- 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. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in section 53 Pa.C.S.A. § 10508, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of section 53 Pa.C.S.A. § 10513(a) and post financial security in accordance with section 53 Pa.C.S.A. § 509

- 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 the time provisions stated in section 53 Pa.C.S.A. § 10508 after final approval has been granted, 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 1219 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 1220 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 XIII

## PERFORMANCE STANDARDS FOR NUISANCES

### **SECTION 1301 APPLICATION**

Permitted and conditional uses enumerated in Highway Commercial (HC) and Industrial (I) districts, are subject to the following performance standards and procedures. However, if the dangerous and objectionable elements regulated by this Article XIII should occur in districts other than Highway Commercial (HC) and Industrial (I), these same performance standards shall apply. **See Section 411.2.**

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

### **SECTION 1302 PERFORMANCE STANDARDS PROCEDURE**

- A. ***Prior to Construction and Operation:*** Any application for a zoning 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 then commence enforcement proceedings as set forth in Section 1405.
- D. ***Termination of Violation:*** All violations as ascertained in accordance with Subsection C above shall be terminated within thirty (30) days of the issuance of the enforcement notice or shall be deemed a separate violation for each day following and subject to fines as set forth herein.

### **SECTION 1303 NUISANCE ELEMENTS**

- A. ***Definition of Elements:*** No land or building in any district in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by federal and state agencies. Where the provisions of this section impose greater restrictions than those of federal or state agencies, the provisions of this chapter shall prevail. When provisions of state and federal agencies exceed the provisions of this section, the provisions of such state and federal agencies shall prevail. The burden of proof that a property or activity is in violation of this section shall rest with the complainant.
- B. ***Points of Determination:*** 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 1304 NUISANCE STANDARDS TO BE ENFORCED**

- A. ***Fire and Explosion Hazards*** - In all activities involving, and all storage of, flammable and explosive

materials, the owner or operator of such use shall:

- Provide adequate safety devices against the hazard of fire and explosion;
- Provide adequate firefighting and fire suppression equipment and devices standard in this industry;
- Understand the burning of any materials prohibited by DEP in open fires is prohibited.
- Understand the relevant provisions and regulations of state, federal and local laws 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.

The latest version of the following references shall be used: American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z224.3 - 1994 and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds Z224.10 – 1953, or the latest approved revision thereof.

<b>Table I</b>	
<b>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</b>	<b>Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm<sup>2</sup></b>
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.

<b>Table II</b>	
<b>Character of Noise</b>	<b>Correction in Decibels</b>
Noise source operating less than 5% of any one-hour period	+5
Noise of impulsive character, 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



- D. **Vibration** - No vibration shall be permitted which is detectable without instruments at the adjoining property lines.
- E. **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.
- F. **Smoke**- No emission shall be permitted from any chimney or other source of visible grey smoke of a shade greater than No. 20 on the EPA New Source Performance Standards Opacity Scale except that visible grey smoke of a shade not darker than No. 40 on the EPA NSPS Opacity Scale may be emitted for four (4) minutes in any thirty (30) minutes.
- G. **Odors** - No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the zone lot from which they are emitted. The same not apply to any odors protected by the "Right to Farm Law".
- H. **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 XIV**

## **ADMINISTRATION AND ENFORCEMENT**

### ***SECTION 1401 ZONING OFFICER***

- A. ***Appointment*** - The Zoning Officer shall be appointed and compensated by the Board of Supervisors. He shall meet the qualifications established by the Board of Supervisors 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 Board of Supervisors, the Planning Commission and the Zoning Hearing Board (ZHB) as may be required.
  - 2. Zoning permits for a variance from the requirements of this Ordinance and for such special uses as may be enumerated in ARTICLE XIV hereof shall be issued only upon written order of the ZHB.
  - 3. Zoning permits for such conditional uses as may be enumerated in ARTICLE XI, Conditional Uses and Supplemental Regulations, hereof shall be issued only upon written order of the Board of Supervisors.
- D. ***Appeals*** - All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in this Ordinance.

### ***SECTION 1402 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 1403 OCCUPANY PERMITS**

- A. Upon written request from the owner, tenant or occupant, the Building Code Officer in conjunction with 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 Building Code Officer in conjunction with 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 XIII, Performance Standards for Nuisances, 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 XIII, Performance Standards for Nuisances.

### **SECTION 1404 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 may review such applications in accordance with applicable criteria set forth in ARTICLE X, Zoning Hearing Board, 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, **Zones and Their Regulations**, 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 1405 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.
4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
5. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rule in the appealing party's favor.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

### ***Section 1406 Challenges to Ordinance***

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest may submit the challenge either to:

- A. The Zoning Hearing Board under Section 909.1(a) of Act 247 as may be amended, (The Pennsylvania Municipalities Planning Code); or
- B. The governing body, pursuant to the provisions of Section 909.1(b)(4), together with a request for a curative amendment under Sections 609.1 and 916.1 of Act 247, as may be amended, (The Pennsylvania Municipalities Planning Code).

### ***Section 1407 Appeals to Court***

Any person aggrieved by any final written decision of the governing body or Zoning Hearing Board may, within thirty (30) days after such decision is rendered appeal to the Court of Common Pleas of Snyder County strictly in accordance with the provisions of Article X of the Pennsylvania Municipalities Planning Code, and as may be further amended.

# ARTICLE XV

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest: PENN TOWNSHIP BOARD OF SUPERVISORS

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**SUPERVISOR**

\_\_\_\_\_  
**MANAGER**

\_\_\_\_\_  
**SUPERVISOR**

# APPENDIX

- A. Table – Standard Animal Weights
- B. Animal Densities for Farmettes and Residential Use
- C. Map – Wellhead Protection Overlay District for Penn Township Well
- D. Map – Wellhead Protection Overlay District for Selinsgrove Wells
- E. Map – Airport Overlay Districts
- F. Steps for Development near An Airport as provided by PennDOT
- G. Figure 1: Part 77 Surface Areas
- H. Clear Sight Triangle as provided by PennDOT
- I. Lot Visual Description
- J. Site Plan
- K. CAFO (Concentrated Animal Feeding Operation) Tester
- L. Map – Zoning
- M. Map – Flood Plain

**APPENDIX A**  
**STANDARD ANIMAL WEIGHTS**  
**PAGE 1 OF 2**

Standard animal weights used to calculate animal equivalent units to identify concentrated animal operations (CAO)

<b>Type of Animal</b>	<b>Standard Weight (lb) during Production</b>
<b>Swine</b>	
Nursery Pig	30 (15 – 45)
Finishing Pig	145 (45 – 245)
Gestating Sow	400
Sow and Litter	470
Boar	450
<b>Beef</b>	
Calf: 0 - 8 months	300 (100 – 500)
Finishing: 8 – 24 months	850 (500 – 1200)
Cow	1150
<b>Veal</b>	
Calf: 0 – 16 weeks	250 (100 – 400)
<b>Poultry</b>	
Layer: 18 -65 week	3.25 (2.75 – 3.76)
Layer: 18 – 105 weeks	3.48 weighted average
Layer, brown egg: 20 -65 weeks	4.3 (3.6 – 5)
Layer, brown egg: 20 – 105 weeks	4.63 weighted average
Pullet: 0 – 18 weeks	1.42 (0.06 – 2.75)
Broiler, large: 0 – 57 days	3.0 (0.09 -5.9)
Broiler, medium: 0 – 43 days	2.3 (0.090 – 4.5)
Roaster Male: 0 – 8 weeks	3.54 (0.09 – 7)
Roaster Female: 0 – 10 weeks	3.54 (0.09 – 7)
Turkey, tom: 0 – 18 weeks	14.1 (0.12 – 26)
Turkey, hen: 0- 14 weeks	7.1 (0.12 – 14)
Duck: 0 – 43 days	3.56 (0.11 – 7)
Guinea: 0 – 14 to 24 days	1.9 (0.06 – 3.75)
Pheasant: 0 – 13 to 43 weeks	1.53 (0.5 – 3)
Chukar: 0 – 13 to 43 weeks	0.52 (0.04 – 1)
Quail: 0 – 13 to 43 weeks	0.26 (0.02 – 0.5)
	<i>Continued on next page</i>



**APPENDIX A**  
**STANDARD ANIMAL WEIGHTS**  
**PAGE 2 OF 2**

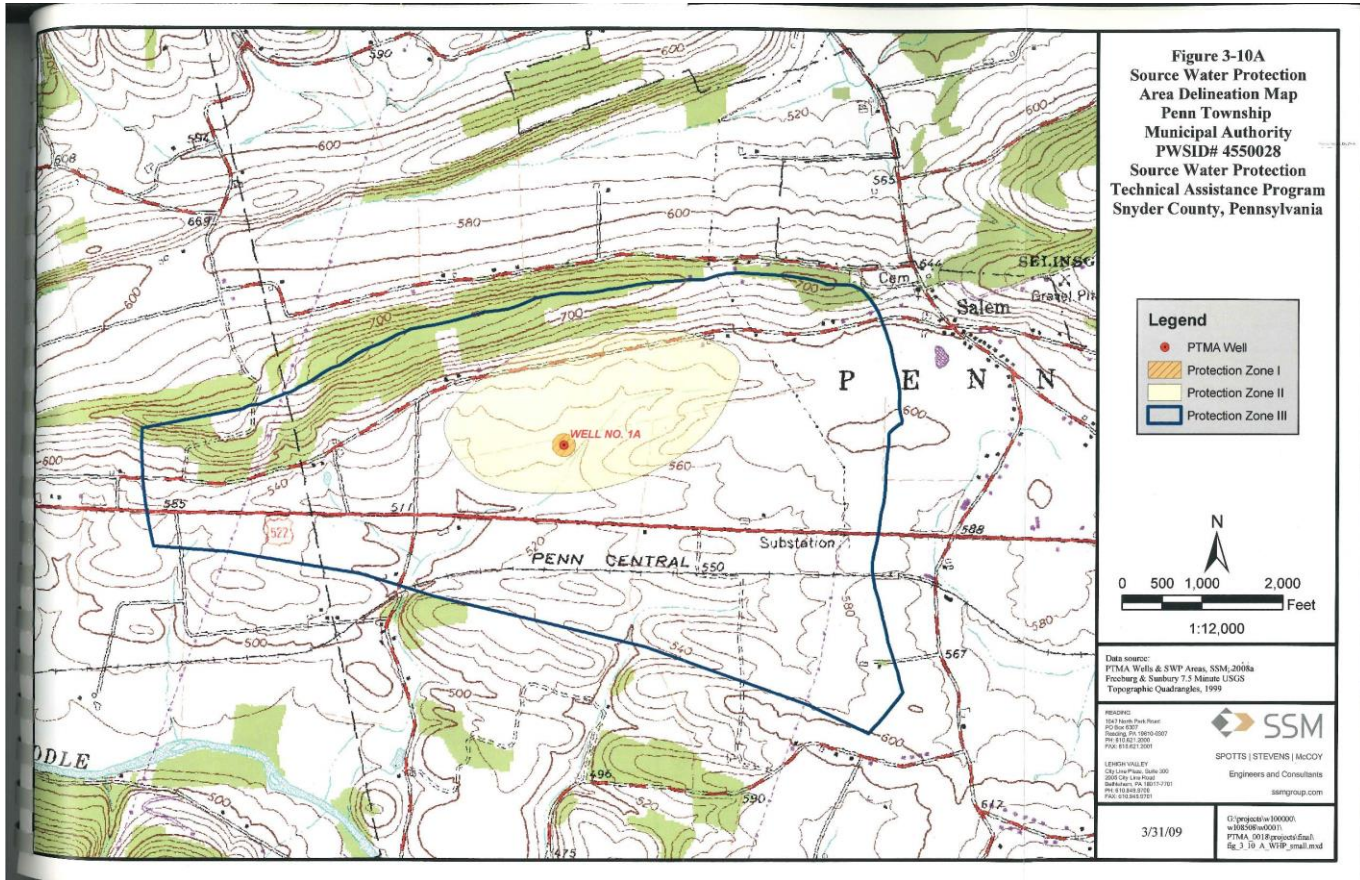
Standard animal weights used to calculate animal equivalent units to identify concentrated animal operations (CAO)

Type of Animal	Standard Weight (lb) during Production
<b>Dairy</b>	
<b><i>Holstein – Brown Swiss</i></b>	
Cow:	1300
Heifer: 1 – 2 year	800 (575 – 1025)
Calf: 0 – 1 year	375 (100 – 650)
Bull:	1500
<b><i>Ayrshire – Guemsey</i></b>	
Cow:	1100
Heifer: 1 – 2 year	800 (575 – 1025)
Calf: 0 – 1 year	338 (100 – 575)
Bull:	1250
<b><i>Jersey</i></b>	
Cow:	900
Heifer: 1 – 2 year	600 (400 – 800)
Calf: 0 – 1 year	225 (50 – 400)
Bull:	1000
<b><i>Sheep</i></b>	
Lamb: 0 – 26 week	50 (10 – 90)
Ewe	150
Ram	185
<b><i>Goat</i></b>	
Kid: 0 – 10	45 (5 – 85)
Doe	125
Buck	170
<b><i>Horse</i></b>	
Foal: 0 – 6 months	325 (125 – 625)
Yearling	750 (625 - 875)
Non-draft breeds: Mature	1000
Draft Breeds: Mature	17000

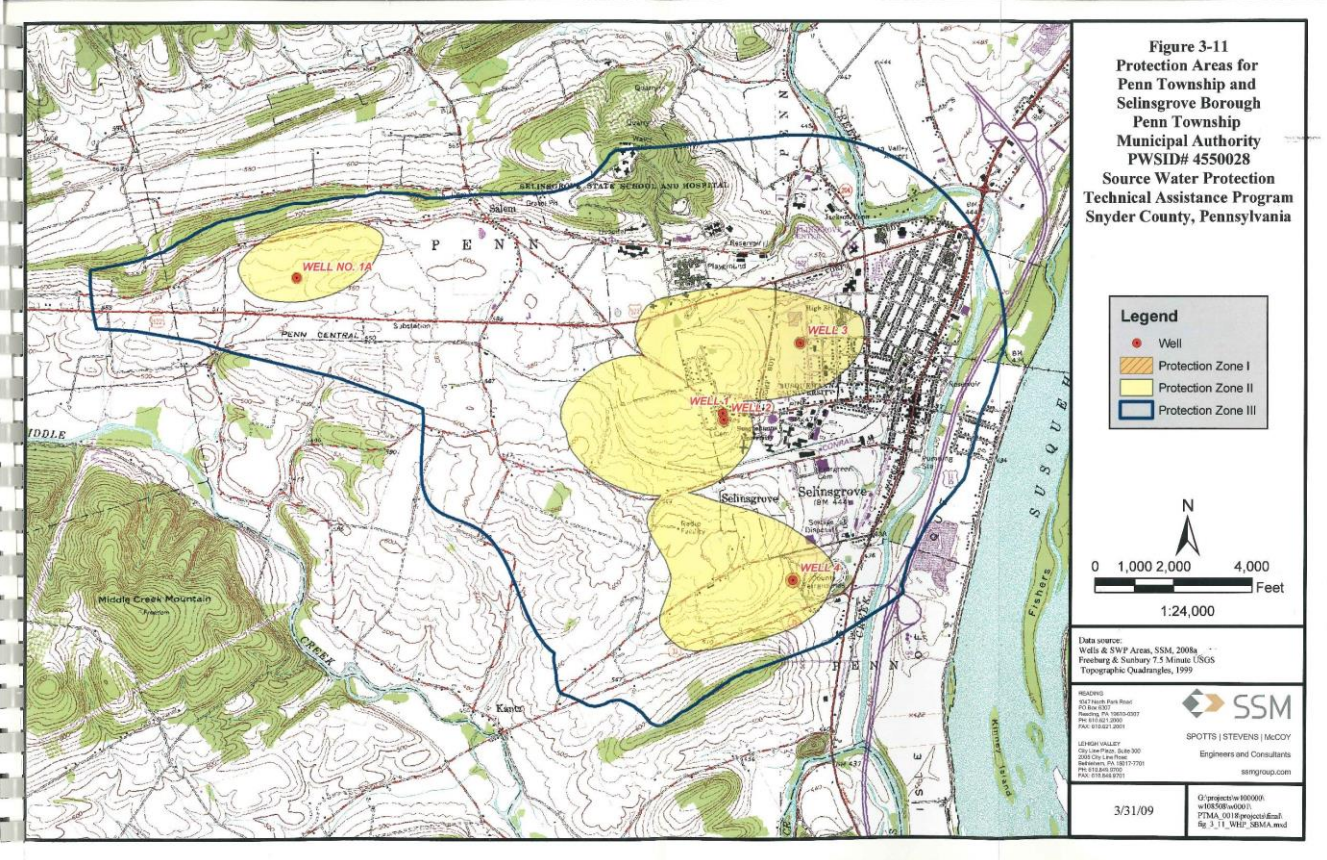
**APPENDIX B  
ANIMAL DENSITIES FOR  
FARMETTES AND RESIDENTIAL USE**

<b>10 – Acre Farmette</b>	
4 horses (Group 3) 10 sheep (Group 2) Total acreage needed: <i>Therefore, density requirement is met.</i>	need 4 Acres need minimum lot size: 2 acres  6 acres
2 dairy cows (Group 3) 6 ostriches (Group 3) Total acreage needed: <i>Therefore, density requirement is met.</i>	Need 2 acres Need 6 acres  8 acres
<b>5 – Acre Farmette</b>	
1 horse (Group 3) 20 sheep (Group 2) Total acreage needed: <i>Therefore, density requirement is met.</i>	Need minimum lot size: 2 acres Need 2.5 acres  4.5 acres
<b>2.5 acre Residential Lot</b>	
2 horses (Group 3) 60 chickens (Group 1) Total acreage needed: <i>Therefore, density requirement is not met.</i>	Need 2 acres 2.5 acres  4.5 acres

# APPENDIX C WELLHEAD PROTECTION OVERLAY DISTRICT

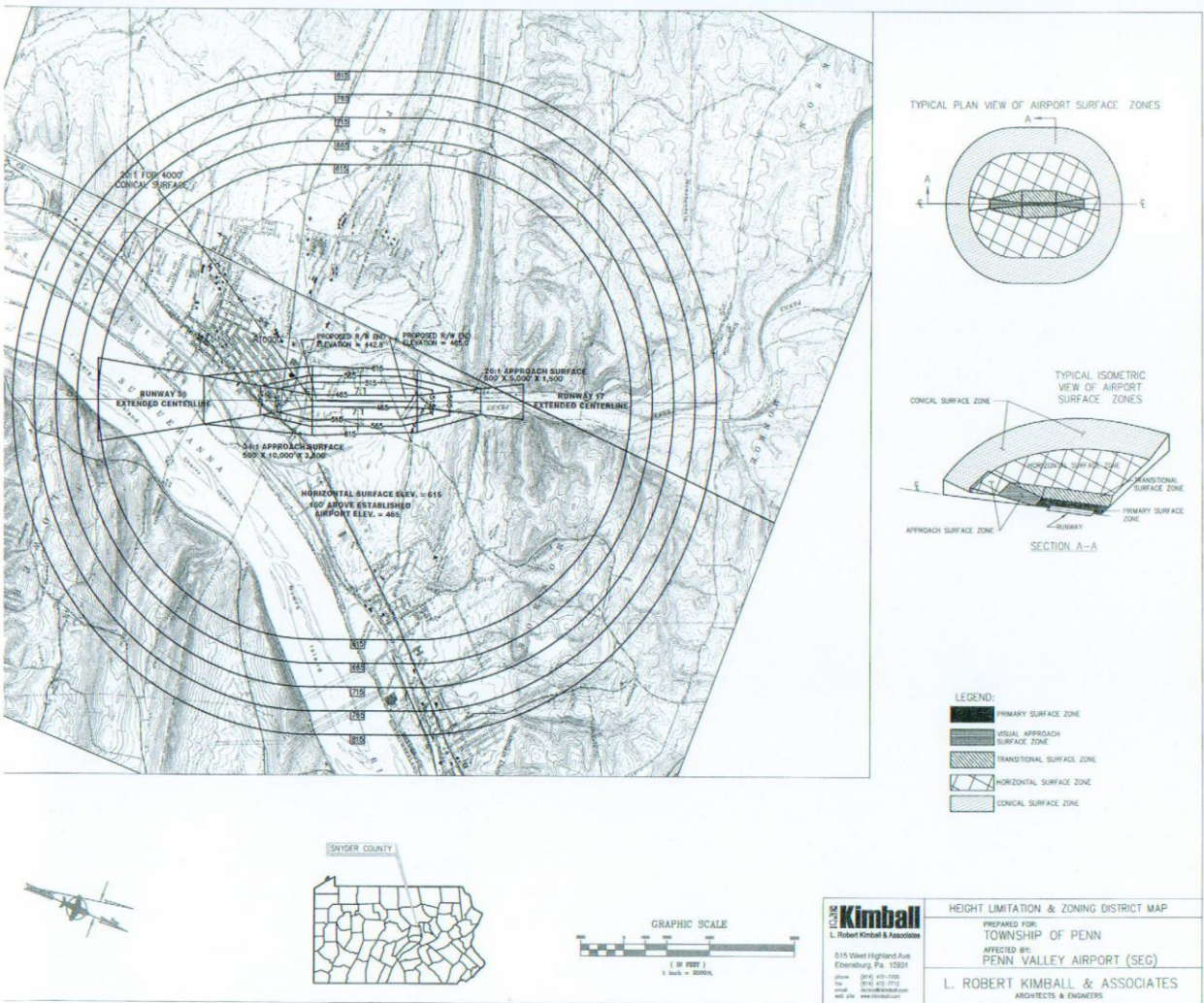


# APPENDIX D WELLHEAD PROTECTION OVERLAY DISTRICTS FOR SELINGROVE MUNICIPAL WELLS





# APPENDIX E AIRPORT OVERLAY DISTRICTS



# APPENDIX F

## STEPS FOR DEVELOPMENT NEAR AN AIRPORT AS PROVIDED BY PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

### Step 1

Property owner (proponent) near airport wants to erect a new structure, add to an existing structure, or erect and maintain an object of natural growth.

### Step 2

Project proponent visits local municipality to apply for a permit for the proposed project.

### Step 3

Municipal staff determines if proposed project is located in an airport hazard zone (approach, conical, horizontal, primary, or transitional surface areas). If proposed project is located in an airport hazard zone, municipal staff instructs proponent to complete and submit Penn DOT Form AV-57 to PennDOT Bureau of Aviation at least 30 days prior to commencement of project.

### Step 4

Project proponent completes and submits PennDOT Form AV – 57.

### Step 5

PennDOT Bureau of Aviation evaluates proposal to identify any FAR Part 77 surface penetrations.

### Step 6

PennDOT responds to AV – 57 proponents with one of the following two determinations:

1. No Penetration: If it is determined that there is “no penetration of airspace” the permit request is in compliance with the Airport District Overlay Ordinance. If the project meets all other municipal requirements, permit is issued.
2. Penetration to FAR Part 77: If PennDOT returns a determination of “penetration of airspace” the permit request is not in compliance with the Airport District Overlay Ordinance. The permit shall be denied.

### Step 7

If the project proponent is denied a permit due to a Part 77 penetration (see Step 6B), they may apply for a variance from airport district overlay ordinance regulations.

### Step 8

If a proponent requests a variance, the Municipality instructs proponent to submit FAA Form 7460-1 (as amended or replaced). The FAA will use the 7460-1 data to determine the proposal’s effect on the operation of air navigation facilities and the safe, efficient use of navigable air space.

### Step 9

Project proponent submits FAA Form 7460-1 (as amended or replaced).

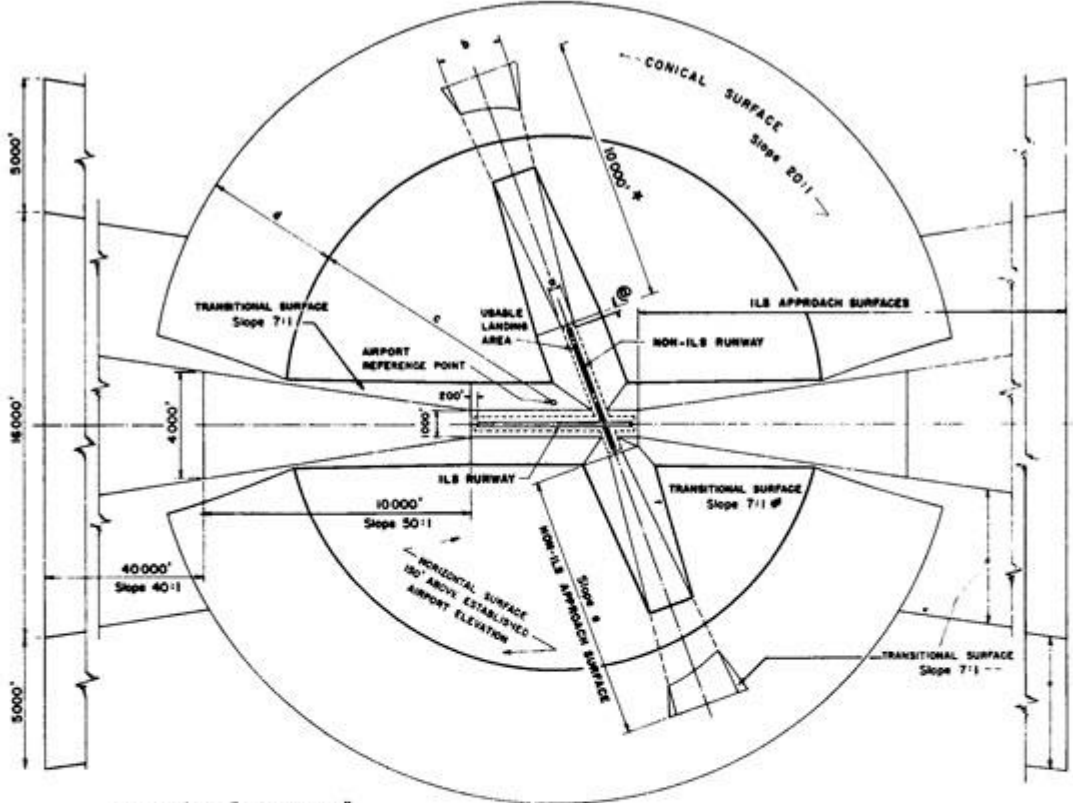
### Step 10

FAA returns one of the determinations listed below to the proponent. The proponent must forward this determination to the Municipality before a variance application decision can be made.

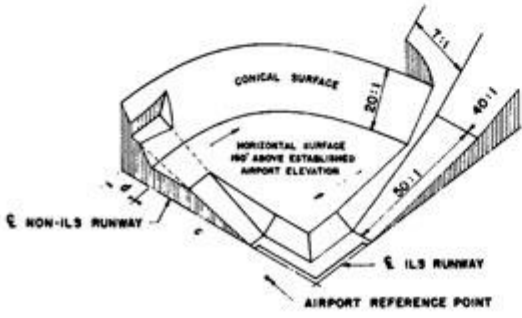
1. No Objection: The subject construction is determined to not exceed obstruction standards and marking/lighting is not required. Under this determination, a variance shall be granted.
2. Conditional Determination: The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon proponent implementing mitigation measures.
3. Objectionable: The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

# APPENDIX G

## Figure 1: Part 77 Surface Areas



\* 3000' for "VFR Airports"  
 # Vertical for "VFR Airports"  
 @ 100' for "VFR Airports"



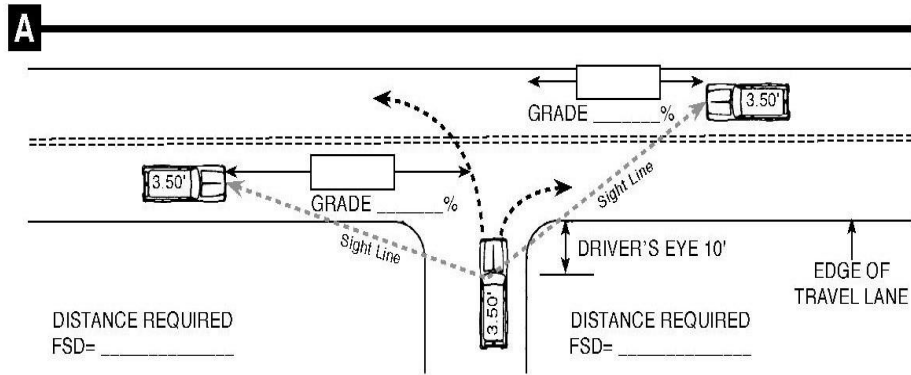
Longest runway	Distance in feet				Slope
	a	b	c	d	e
VFR type	200	500	5000	3000	20:1
3200' & less	250	2250	5000	3000	20:1
Over 3200' to 4200'	400	2400	7000	5000	40:1
Over 4200' to 6000'	500	2500	7000	5000	40:1
Over 6000' to 7500'	500	2500	11500	7000	40:1
Over 7500'	500	2500	13000	7000	40:1

# APPENDIX H

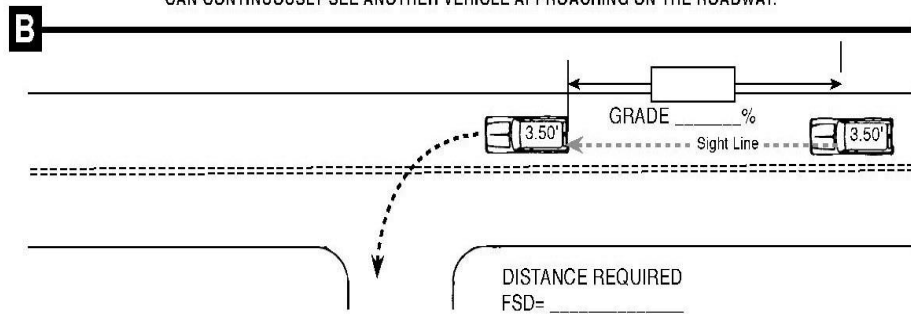
## Page 1 of 2

### Clear Sight Triangle

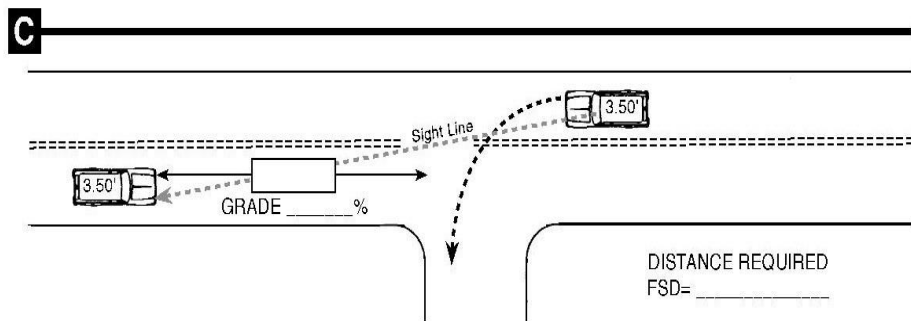
Clear Sight Triangle – An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.



**APPENDIX H**  
**Page 2 of 2**  
**Clear Sight Triangle Formula**

**FORMULA SIGHT DISTANCE TABLE**

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	Use plus grades when approaching vehicle is travelling upgrade.										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	Use negative grades when approaching vehicle is travelling downgrade.										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706

# APPENDIX I Lot Visual Description

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

## LAND DESCRIPTION DIAGRAM

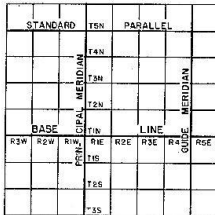


Diagram showing division of tract into Townships

36	31	32	33	34	35	36	31
1	8	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	8	5	4	3	2	1	6

Sectional map of Township showing adjoining Sections

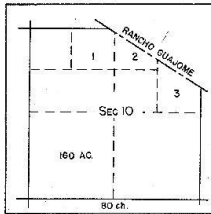
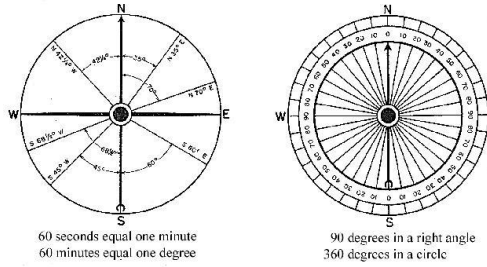
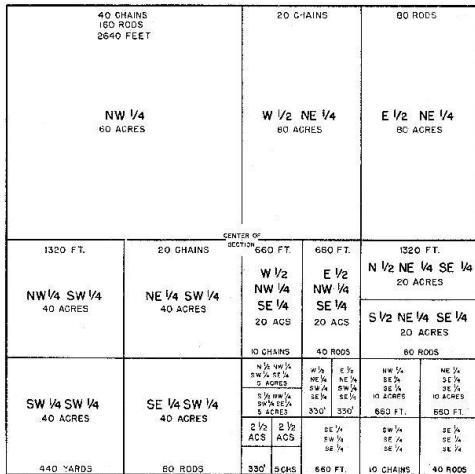


Diagram illustrating division of Fractional Section into Government Lots



60 seconds equal one minute  
60 minutes equal one degree

90 degrees in a right angle  
360 degrees in a circle



## Table of Land Measurements

LINEAR MEASURE	SQUARE MEASURE
1 inch = .0833 ft.	144 sq. in. = 1 sq. foot
7.92 inches = 1 link	9 sq. feet = 1 sq. yard
12 inches = 1 foot	30 1/2 sq. yds. = 1 sq. rod
1 vara = 33 inches	16 sq. rods = 1 sq. chain
2 3/4 feet = 1 vara	1 sq. rod = 272 1/2 sq. ft.
3 feet = 1 yard	1 sq. ch. = 4356 sq. ft.
25 links = 16 1/2 feet	10 sq. chs. = 1 acre
25 links = 1 rod	160 sq. rods = 1 acre
100 links = 1 chain	4840 sq. yds. = 1 acre
16 1/2 feet = 1 rod	43560 sq. ft. = 1 acre
5 1/2 yards = 1 rod	640 acres = 1 sq. mile
4 rods = 100 links	1 sq. mile = 1 section
66 feet = 1 chain	36 sq. miles = 1 Twp.
80 chains = 1 mile	6 miles sq. = 1 Twp.
320 rods = 1 mile	1 sq. mi. = 2.59 sq. kilm
8000 links = 1 mile	
5280 feet = 1 mile	
1760 yards = 1 mile	

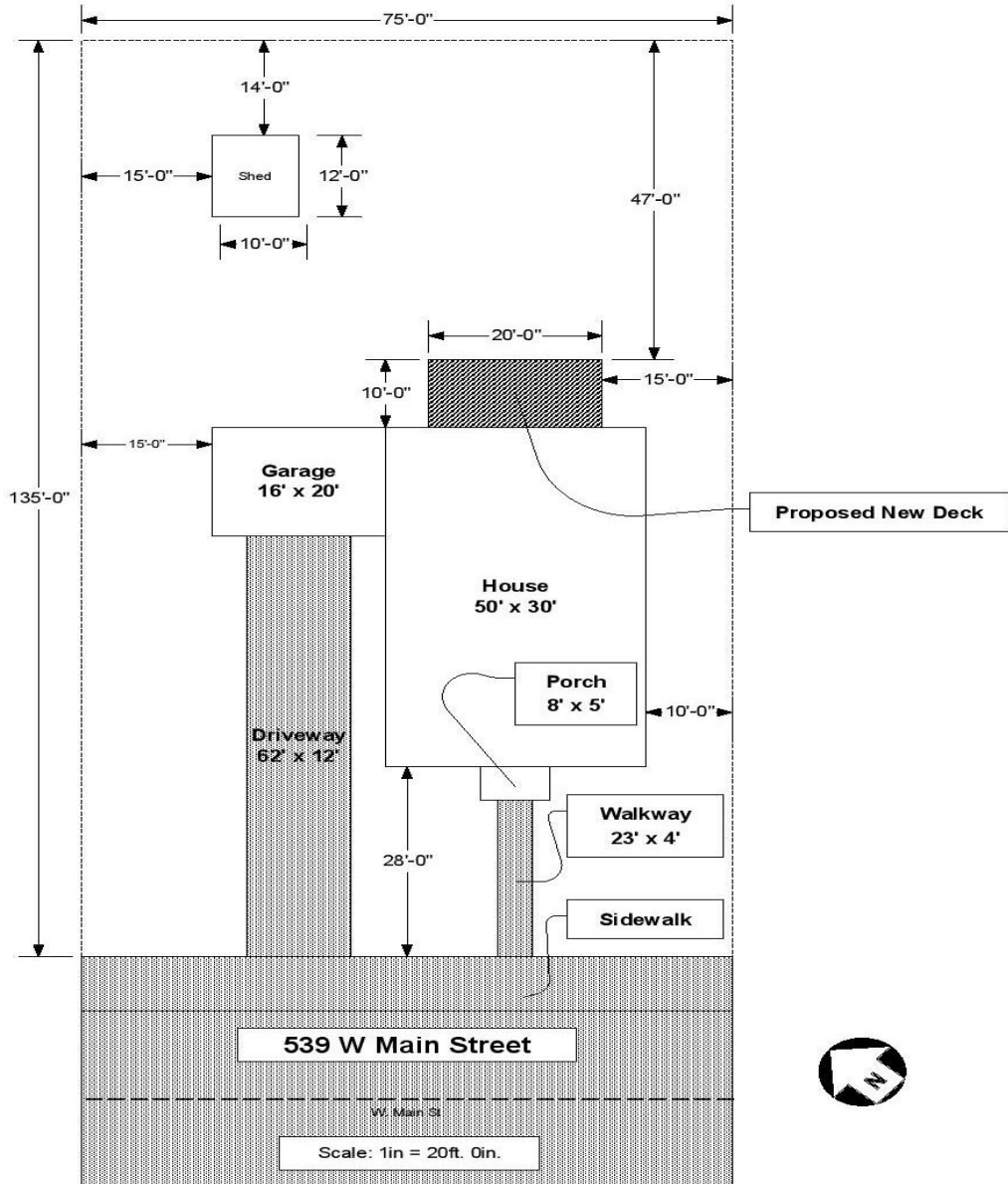
### An Acre is:

- 43,560 sq. feet.
- 165 feet x 264 feet.
- 198 feet x 220 feet.
- 660 feet x 66 feet.
- 160 square rods.
- 208' 8" square.

or any rectangular tract, the product of the length and width of which totals 43,560 sq. ft.

# APPENDIX J Site Plan

## SAMPLE SITE PLAN



# APPENDIX K CAFO Tester

Animal Inventory (Average weights)	110 dairy cows @ 1,450 lb. average weight each	35 heifers @ 1,000 lb. average weight each	15,000 large broilers @ 3.55 lbs. average weight each
Production Period	Cows = 365 days per year		
Land Inventory	Broilers = 5 flocks for 57 days each, or 285 days per year  Farmstead = 5 acres Woodland = 3 acres Pasture = 4 acres Cropland, home farm = 60 acres Cropland, rented farm = 36 acres		

\* Other standard animal weights available on Appendix A and/or PA Dept. of Agriculture website

Use this worksheet to determine if your farm is a CAO:

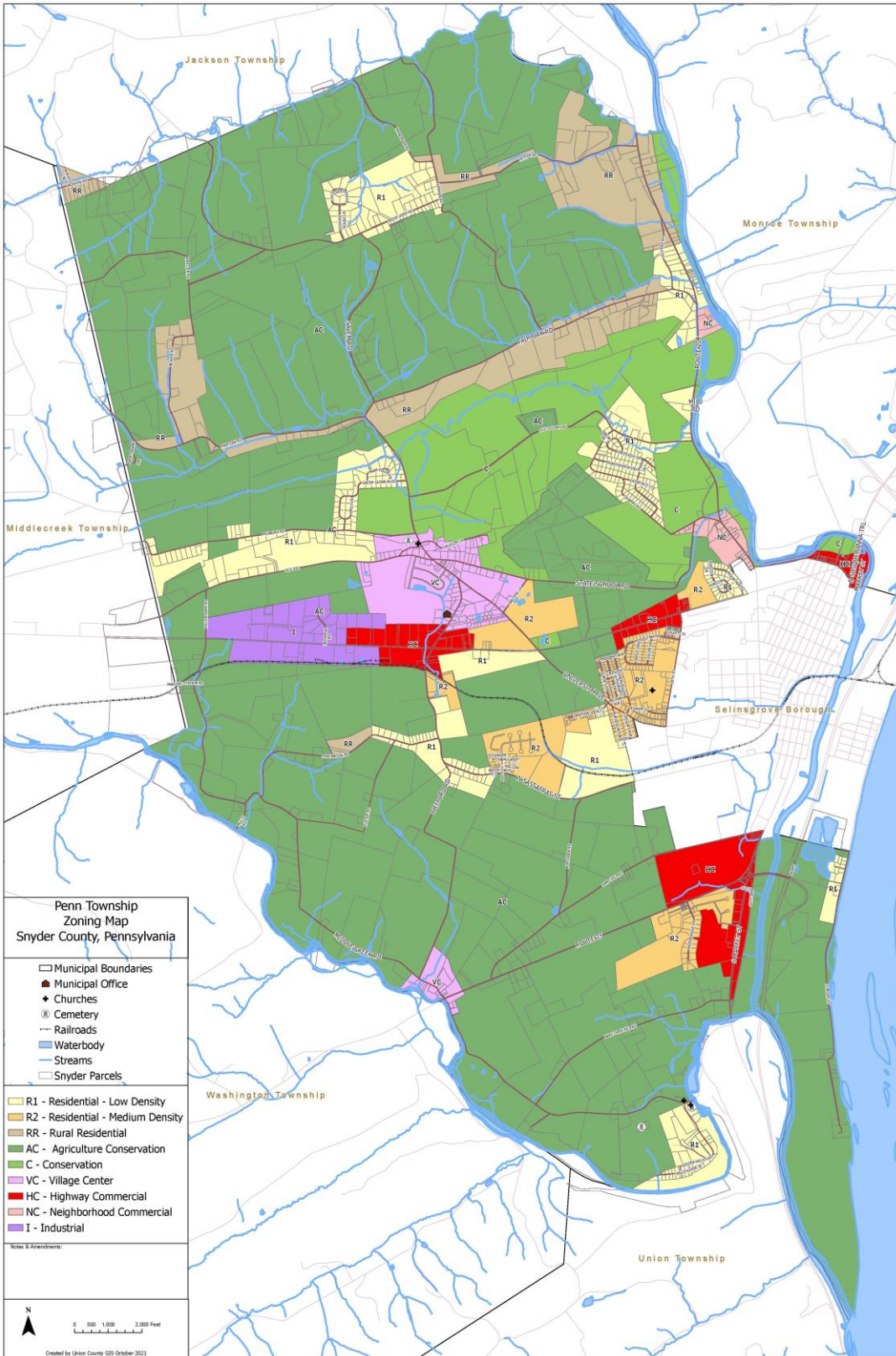
Animal Type	No. of Animals	x Animal Weight (lbs.)	x Prod. Days	÷ Factor =	AEU
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\* If the total AEU's on the farm is less than 8, the farm is not a CAO, regardless of the animal density.

\*\* Farms with an animal density of greater than 2 AEU's per acre are defined as CAOs.

		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
		X	X	÷ 365,000 =	
				Total* =	
			Acres available for manure**	÷	
			Animal density: AEU's/acre	=	

# APPENDIX L Zoning Map





# APPENDIX M Flood Plain Map

