

ORDINANCE NO. 2012-1

ZONING ORDINANCE

WAYNE TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA

ADOPTED SEPTEMBER 19, 2012

EFFECTIVE OCTOBER 1, 2012

TABLE OF CONTENTS

		PAGE
ARTICLE I	TITLE, APPLICATION AND PURPOSE	
	101 Title and Short Title	I-1
	102 Application of Ordinance	I-1
	103 Purpose	I-1
	104 Minimum Standards	I-2
	105 Community Development Objectives	I-2
ARTICLE II	DEFINITIONS	
	201 Definitions	II-1
ARTICLE III	ZONING MAP AND ZONING DISTRICTS	
	301 Official Zoning Map	III-1
	302 Classes of Districts	III-2
	303 Interpretation of District Boundaries	III-3
ARTICLE IV	DISTRICT REGULATIONS	
	401 C-W Conservation-Watershed	IV-1
	402 C-R Conservation-Recreation	IV-2
	403 A Agriculture	IV-3
	404 R-1 Low Density Residential	IV-6
	405 R-2 Medium Density Residential	IV-7
	406 R-2C Medium Density Residential	IV-9
	407 I Industrial	IV-13
	408 R-3 Residential	IV-16
ARTICLE V	SUPPLEMENTARY REGULATIONS	
	501 Additional Regulations for all Districts	V-1
	502 Home Occupation Regulations	V-6
	503 Permitted Accessory Uses, Building, or Structures	V-7

504 Multi-Family Residential or Town House Developments	V-8
505 Sign Regulations	V-14
506 Parking and Truck Loading Requirements	V-40
507 Mobile Home Parks	V-43
508 Flood Plains	V-45
509 Farm Review	V-64
510 Appalachian Trail Restrictions	V-64
511 Lane Lots	V-64
512 Bed and Breakfast Inn	V-65
513 Intensive Agriculture	V-66

ARTICLE VI NON-CONFORMING LOTS, USES, STRUCTURES,
AND BUILDINGS

601 Statement of Intent	VI-1
602 Non-Conforming Lots of Record	VI-1
603 Non-Conforming Uses of Land	VI-2
604 Non-Conforming Structures or Buildings	VI-3
605 Non-Conforming Uses of Structures or Buildings	VI-4
606 Unsafe or Unlawful Structures or Buildings	VI-5
607 Uses Under Special Exception Provisions Not Non-Conforming Uses	VI-5
608 Certificate of Intent	VI-6

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

701 Enforcement	VII-I
702 Zoning Permit	VII-3
703 Schedule of Fees, Charges, and Expenses	VII-7
704 Amendments	VII-8
705 Procedure to Obtain Preliminary Opinion	VII-13
706 Publication, Advertisement and Availability of Ordinances	VII-14

ARTICLE VIII	ZONING HEARING BOARD	
	801 Creation-Appointment-Organization	VIII-1
	802 Hearings	VIII-3
	803 Functions of the Zoning Hearing Board	VIII-6
	804 Special Exception Conditions	VIII-10
	805 Procedures for Application to the Zoning Hearing Board	VIII-17
	806 Stay of Proceedings	VIII-19
ARTICLE IX	MISCELLANEOUS	
	901 Appeals	IX-1
	902 Causes of Action	IX-1
	903 Enforcement Remedies	IX-1
	904 Public Utilities Corporation Exempted	IX-2
	905 Severability	IX-3
	906 Repeal of conflicting Ordinances	IX-3
	907 Effective Date	IX-3

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ARTICLE I

TITLE, APPLICATION AND PURPOSE

Section 101 Title and Short Title

101.1 Title

An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories and size or bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Wayne Township, Schuylkill County, Pennsylvania, and for said purposes dividing the Municipality into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

101.2 Short Title

This Ordinance shall be known as, and may be cited as, the "Wayne Township Zoning Ordinance of 2012, as amended."

Section 102 Application of Ordinance

Except as hereinafter provided, no building, structure, land or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in conformity with the provisions of this Ordinance.

Section 103 Purpose

This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, has been prepared to give effect to the policies and objectives set forth in the Comprehensive Plan of the Municipality, and is intended to promote public health, safety, morals,

and the general welfare by achieving, among others, the following purposes and objectives for development:

Lessen congestion on the roads and highways;

Secure safety from fire, panic, and other dangers;

Provide adequate areas for vehicle parking and loading space;

Provide adequate light and air;

Promote health and the general welfare;

Encourage the most appropriate use of land;

Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements;

Conserve the value of land and buildings;

Preserve natural scenic and historic values in the environment and preserve forest, wetlands, aquifers and floor plains;

Encourage the harmonious and orderly development of land;

Insure the people's right to clean air, pure water, and the preservation of natural scenic, historic, and aesthetic values for the environment pursuant to Article 1, Section 27 of the Constitution of Pennsylvania.

Section 104 Minimum Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and/or general welfare of the residents and inhabitants of the Municipality.

Section 105 Community Development Objectives

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

The basis for this Ordinance is the Comprehensive Plan, as adopted by the Governing Body. The Comprehensive Plan enumerates, in detail the locally desired development goals and objectives which this Ordinance seeks to accomplish.

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ARTICLE II

DEFINITIONS

Section 201 Definitions

For the purpose of this Ordinance, certain terms, phrase, and words are defined as follows:

201.1 Tense, Gender, and Number

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular numbers includes the plural, and the plural numbers include the singular.

201.2 General Terms

The word "shall" or "must" is always mandatory; the word "may" is permissive, the words "used for" includes "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual", "profit or non-profit organization", "partnership", "company", "unincorporated association", "corporation", or other similar entities.

201.3 Terms, Phrases and Words Not Defined

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

201.4 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Buildings and Structure: A subordinate building or structure, the use of which is

customarily incidental to and located on the same lot occupied by the principal building.

Accessory Use: A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

Adult Bookstore: An establishment having a significant or substantial portion of the value of its stock in trade or of the total items of its stock in trade (whichever is more inclusive) in books, films, magazines, photographs, video tapes, novelties or other material which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities, nudity, "Special Sexual Activities" or "Specified Anatomical Areas". The term "Adult Bookstore" shall include, not is not limited to, materials that would be illegal to sell to minors under Pennsylvania State Law.

Adult Movie Theater: A building, or portion thereof, which is used for presenting motion pictures, slides or video tape disks or similar reproduced images distinguished or characterized by an emphasis on matter depicting, describing or related to sexual activities, nudity, "Specified Sexual Activities", or "Specified Anatomical Areas" for observation by patrons therein. The term "Adult Movie Theater" shall include, but is not limited to, any theater that shows motion pictures that have received a rating of "X" over a total of fourteen (14) or more days in any one calendar year.

Advertising Signs: See Signs.

Agriculture: The cultivation of the soil and the raising and harvesting of products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry.

Agriculture (Intensive): Specialized agricultural activities including but not limited to, swine,

mushroom, poultry, horse, and dry lot livestock production, which due to the intensity of production, necessitate special control of operation, raw materials storage and processing, housing, and the disposal of liquid and solid wastes.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Apartment: See also Building, Multi-Family.

A multi-family building, containing three (3) or more separate dwelling units, which have common hallways and entrances on a lot which is held in single and separate ownership having yards in common, but which may also have other joint facilities and services.

The term "apartment" shall not be construed to include row house or town house.

Area: The quantity of land projected on a horizontal plane enclosed by the boundaries or extremities of a lot, parcel, tract, etc.

Attached Building: See Building, Attached:

Attic: That part of a building which is immediately below the highest point of the roof and wholly or partly within the roof framing.

Authority or Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945".

Basement: A level partly underground but having more than one-half of its height (measured from finished floor to finished ceiling) above the

average grade of the adjoining ground where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories, provided that the basement is at least seven feet, six inches in height from floor to ceiling.

Billboard: See Signs.

Block: A tract of land or two (2) or more contiguous lots, bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Municipality, or by any combination of the above.

Block or Lot Frontage: That portion of a block or lot which fronts of a single street.

Boarding House: See Rooming House

Board or Zoning Hearing Board: The Zoning Hearing Boards of Wayne Township, Schuylkill County, Pennsylvania.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind. A multi-family building divided by unpierced masonry division walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for the purpose of this Ordinance.

- a. Single-Family: A building arranged, designed, or intended for and occupied exclusively by one family.
- b. Two-Family: A building arranged, designed, and intended for two families living independent of each other and doing their own cooking therein.

c. Multi-Family: A building arranged, designed, and intended for occupancy by three (3) or more families living independently of each other and doing their own cooking therein, including apartments and group houses.

Building Area: The maximum horizontal cross-sectional area.

Building, Attached: A building which has two (2) or more walls or portions thereof in common with an adjacent building.

Building Coverage: The percentage which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings, including all accessory structures and buildings.

Building, Detached: A building surrounded by open space on all four sides within the lot.

Building Length: The longest horizontal distance of any building measured from exterior face of walls.

Building Line or Building Setback Line: A fixed line, established by the required yard, defining the minimum distance between any building or structure or portion thereof to be erected or altered and an adjacent lot line, right-of-way, or street line. Such line shall be measured at right angles from the lot line or the street right-of-way line and shall be parallel to said lot line or right-of-way line at such a distance therefrom as required herein for the minimum front yard dimension in the particular zoning district.

Building, Semi-Detached: A building which has one (1) wall or portion thereof in common with an adjacent building.

Bulk: A term used to describe the size, volume, area, or shape of buildings or other structures

and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Cabaret: A club, restaurant, bar, tavern, theater, hall or similar place which features male and/or female entertainers, including but not limited to, topless or bottomless dancers, entertainers, employees, or strippers, whose performance or activities include, even though not limited to, simulated or actual sex acts or other "Specified Sexual Activities", and/or reveal or display "Specified Anatomical Areas".

Carport: A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cellar: A level partly below the finished grade, having one-half or more of its height (measured from finished floor to finished ceiling) below the average level of the adjoining ground. A cellar shall not be considered a story in determining the permissible number of stories.

Certificate of Intention: A written request to the Municipality's Zoning Officer by the legal or beneficial owner, lessee, or legal representative thereof.

Church: A building utilized for public divine worship. The term church shall also include temple, synagogue, mosque, and other similar places of worship.

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 and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Detached Building: See Building, Detached.

Density: The total number of dwelling units per acre, computed by dividing the total number proposed by the total number of acres to be developed.

District: A portion of the Municipality, within which certain uniform regulations and requirements or combinations thereof apply under the provision of this Ordinance.

Drive-In Establishment: A place of business so laid out that patron can be accommodated while remaining in their automobiles.

Dwelling Unit: A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

Educational Use: Land or buildings specifically designed, arranged and intended for the purpose of education. Only the following types of state licensed schools shall be permitted: pre-school, elementary and secondary schools, either public or private; colleges, universities and junior colleges; and vocational schools (excluding earth moving, trucking, heavy equipment and related uses).

Electrical Substation: Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews.

Family: (a) One or more persons, related by blood, marriage or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common, including not more than three (3) persons which are unrelated to the tenant or occupant if such

tenant or occupant also resides therein, or (b) not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Flood Plain: The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow. The limits of a flood plain shall be as mapped by the U.S. Department of Housing and Urban Development as part of the National Flood Insurance Program.

Floor Area or Gross Floor Area: The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. In particular, the floor area of a building or buildings shall include:

- a. Basement space.
- b. All spaces other than cellar space with structural headroom of seven feet, six inches (7'-6") or more.
- c. Interior balconies and mezzanines.
- d. Enclosed porches or other spaces under roof with at least two supporting walls.
- e. Attic spaces (with or without a finished floor) providing structural headroom of seven feet and six inches (7'6") or more is available over fifty (50) percent of such attic space.
- f. Accessory buildings.

However, the "floor area" shall not include:

- a. Cellar space, except that cellar space used for retailing.
- b. Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.

- c. Terraces, breezeways, uncovered steps, or open space.

Garage, Private: An enclosed space for the storage of one or more private motor vehicles provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises.

Garage, Public: A building other than a private garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business dispensing gasoline only for its own use and vehicles will not be deemed to be a gasoline service station.

Governing Body: Shall mean the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania.

Grade: Grade shall mean the arithmetic mean of the maximum and minimum finished ground elevation adjoining the buildings.

Height of Buildings: The building's vertical measurement from the mean grade of the ground surrounding the building to the highest points of the roof, provided that chimneys, spires, towers, elevators, tanks, silos and similar projections shall not be included in calculating the height.

Home Occupation: A use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the

dwellings and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, and in connection therewith there is not involved the keeping of stock in trade for sale to the general public.

Hotel: A building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor.

Junk Yard: A lot, land, structure, or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal, or other scrap, salvage, or discarded material, vehicles or machinery. The deposit of two or more unlicensed, uninspected, wrecked or disabled vehicles shall be deemed to be a "junk yard".

Lane Lot: A lot of irregular shape that has a narrow access strip (not meeting the minimum lot width requirements of this Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of this Zoning Ordinance.

Lot: A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot of lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.

Lot Area: The area of land contained within the limits of property lines bounding that area. Any

portion of a lot included in a street right-of-way shall not be included in calculating a lot area.

Lot, Corner: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines.

Lot Coverage: See Building Coverage.

Lot, Interior: A lot other than a corner lot, the side of which do not abut a street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Line: Any line dividing one lot from another.

Lot Width: The width measured at the minimum building setback line between side lot lines in the case of interior lots; and between the side lot line and the street right-of-way line in the case of corner lots; and parallel to the front lot line - but in no case shall the street frontage be less than one-half ($\frac{1}{2}$) of the required lot width. In the case of corner lots fronting on more than one street, the required lot width shall be measured along one (1) street frontage only.

Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or feet or with the aid of any mechanical device or appliance with or without such supplementary aid as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third

person on his or her behalf will pay money or give any other consideration or any gratuity therefore, provided however, that this definition shall not be construed to include therapeutic massage practiced by a doctor, nurse, chiropractor, osteopath, physical therapist, barber, or beautician duly license by the Commonwealth of Pennsylvania.

Massage Parlor: An establishment having a source of income or compensation derived from the practice of massages and which has a place of business where any person, firm, association or corporation engages in or carries on the practice of Massages; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical facility or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops in which massages are administered only to the scalp, face, neck or the shoulders.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot : A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Motel: A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered primarily for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

Municipality: Shall mean Wayne Township, Schuylkill County, Pennsylvania.

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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 or Building: A structure or building, or part thereof which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Ordinance or amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A building, structure, sign, or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of any such Ordinance or amendments. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required off-street parking spaces.

Open Space: Unoccupied space open to the sky and

on the same lot with the principal use.

Parking Lot: An off-street surface area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space: An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of ten (10) feet by twenty (20) feet, exclusive of driveways, passageways, and maneuvering space appurtenant thereto.

Party Wall: A wall on an interior lot line used or adopted for joint services between two buildings.

Permitted Use: A use allowed by right in a particular district established by this Ordinance.

Planning Commission: The Planning Commission of Wayne Township, Schuylkill County, Pennsylvania.

Public Hearing: A formal meeting held pursuant to public notice by the Governing Body intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93 (65 Pa.C.S. §701 et seq.) known as the Sunshine Act.

Public Notice: For hearings before the Zoning Hearing Board, 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 matters to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Rooming House: A building or parts thereof occupied by four (4) or more persons for living and sleeping purposes, which persons are unrelated to the tenant or occupant if such tenant or occupant also live therein. The term "rooming house" includes the term "boarding house".

Row House See Town House.

Self-Storage Garage: A garage or group of garages for use as rental units for storage of miscellaneous property by the tenant.

Semi-Detached Building: See Building, Semi-Detached:

Sewage Disposal:

On-Site: Any structure designed to biochemically treat sewage within the boundaries of an individual lot.

Off-Site: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal facility.

Shopping Center: Shopping center shall mean a group of stores, four (4) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. Shopping center shall also mean a single store or a group of stores less than four (4) in number where the total gross floor area of the store or stores exceeds 40,000 square feet.

Sign: Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, work, model, banner, pennant, insignia, device, or other representations used for announcement, direction, identification, or advertisement. The

word "sign" includes the word "billboard", but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Sign, Advertising: A "sign" which directs attention to a business, profession or industry conducted, sold, manufactured or assembled or offered for sale elsewhere than upon the premises where the sign is displayed.

Sign, Business: A "sign" which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured, or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign".

Special Exception: A use permitted with special permission, granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accordance with this Ordinance when such use is not permitted by right.

Specified Anatomical Areas: The term "Specified Anatomical Areas" shall include:

- a. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified Sexual Activities: The term "Specified Sexual Activities" shall include:

- a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy.

and

c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, if it has a height of at least seven feet, six inches from floor to ceiling (but not a cellar), shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered a ½ story.

Story, Half: Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than 75 percent of such space has structural headroom of seven feet and six inches (7'-6") or more. Any space which has more than 75 percent of its area having such headroom shall be deemed to be a full story.

Street: A public (dedicated) or private (undedicated) right-of-way, excluding driveways, intended for use as a means of access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive expressway, highway, lane, alley, and road or similar terms.

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

Subdivision and Land Development Ordinance: The Wayne Township Subdivision and Land Development Ordinance.

Town House: An attached building arranged, designed and intended for and occupied exclusively by, one family; each such building separated by unpierced party walls and each building having at least one separate entrance from the outside. No more than seven (7) such attached dwellings (including the end buildings) shall be permitted in a town house group.

Usable Open Space: An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces, or principal structures, including common buildings such as shelters, pavilions, or recreational structures centrally located, accessible to occupants of the building or buildings.

Use: The specific purpose for which land, sign, structure, or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions, or circumstance pertaining only to the lot in question, and when granting of the waiver would not be contrary to the public interest.

Water System:

On-Site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Off-Site: A public or private system for supplying and distributing water from a common source to buildings and other structures.

Yard, Front: An open, unoccupied space, open to the sky between an adjacent street right-of-way and a line drawn parallel thereto, at such distance therefrom as required herein for any zoning district and extending for the full width of the lot.

Yard, Rear: An open, unoccupied space, open to the sky between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side: An open, unoccupied space, open to the sky between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district and extending from the front yard to the rear yard.

Zoning Administrative Officer or Zoning Officer: The agent or official designated by the Governing Body to administrate and enforce the Zoning Ordinance of the Municipality.

Zoning Map: The Wayne Township Official Zoning Map.

Zoning Ordinance: Wayne Township Zoning Ordinance of 2012, as amended.

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ARTICLE III

ZONING MAP AND ZONING DISTRICTS

Section 301 Official Zoning Map

The Municipality is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

301.1 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

301.2 Changing the Official Zoning Map

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

301.3 Location of Official Map

The Official Zoning Map shall be located in a place, as designated by the Governing Body, and shall be the final authority as to the current zoning status of land and water areas in the municipality, regardless of unofficial copies which may have been made or

published from time to time.

301.4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other error or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereto. The new Official Zoning Map shall be identified by the signatures of the Governing Body, attested by the Secretary of the Body, and bearing the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted June 18, 2001 as part of Resolution No. 2001-D of Wayne Township, Schuylkill County, Pennsylvania.

Unless the prior Official Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 302 Classes of Districts

For the purpose of this Ordinance, the Municipality is hereby divided into districts which shall be designated as follows:

C-W	Conservation-Watershed
C-R	Conservation-Recreation
A	Agricultural
R-1	Low Density Residential
R-2	Medium Density Residential
R-2C	Residential/Commercial
R-3	Residential
I	Industrial

Section 303 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 303.1 Designation of District Boundaries
- Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines, or Municipal boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately parallel or perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being parallel or perpendicular thereto. Where a district boundary line does not follow such lines, its position is shown on said Zoning Map by reference to an Ordinance describing such lines or by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel or perpendicular thereto.

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ARTICLE IV

DISTRICT REGULATIONS

Section 401 (C-W) Conservation-Watershed

401.1 Permitted Uses

- a. Forest, scenic, and wildlife preserves;
- b. Agriculture.

401.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking area;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Customary accessory uses, structures or buildings provided that they are clearly incidental to the principal use.

401.3 Uses Permitted by Special Exception

- a. Lodges or clubs for climbing, hunting, fishing, gunning, nature observation, or other similar recreational purposes;
- b. Timbering;
- c. Single-family detached buildings pursuant to Section 509;
- d. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality.
- e. Bed and Breakfast Inn pursuant to Section 512.

401.4 Minimum Lot Size

Area	50 Acres
Lot Width	200 feet

401.5	Minimum Yard Dimensions		
	Front Yard	250 feet	
	Each Side Yard	250 feet	
	Rear Yard	250 feet	

401.6	Maximum Building Height		
	Maximum Height	(Feet)	35
		(Stories)	2-1/2

Section 402 (C-R Conservation-Recreation)

402.1 Permitted Use

- a. Forest, scenic, and wildlife preserves;
- b. Agriculture;
- c. Roadside stands for the sale of farm products predominantly grown on the same premises; provided off-road parking spaces are provided for customers.

402.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking area;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Customary accessory uses, structures or buildings provided that they are clearly incidental to the principal use.

402.3 Uses Permitted by Special Exception

- a. Lodges or clubs for climbing, hunting, fishing, gunning, nature observation, or other similar recreational purposes;
- b. Outdoor recreation areas and facilities except for motorized vehicles - parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps;

- c. Single-family detached buildings pursuant to Section 509;
- d. Timbering;
- e. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality.
- f. Bed and Breakfast Inn pursuant to Section 512.

402.4 Minimum Lot Size

Area	3 Acres
Width	200 feet

402.5 Minimum Yard Dimensions

Front Yard	100 feet
Each Side Yard	50 feet
Rear Yard	100 feet

402.6 Maximum Building Height

Maximum Height	(Feet) 35	
	(Stories) 2-1/2	

Section 403 (A) Agriculture

403.1 Permitted Use

- a. Agriculture
- b. Roadside stands for the sale of farm products predominantly grown on the same premises; provided off-road parking spaces are provided for customers;
- c. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality;
- d. Single-family detached buildings pursuant to Section 509.

403.2 Permitted Accessory Uses located on the same lot

with the permitted principal use.

- a. Private garage or private parking area;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Greenhouses;
- e. Customary accessory uses, structures or buildings provided that they are clearly incidental to the principal use;
- f. Accessory buildings or structures used to store equipment, parts or materials provided that there are no sales in connection with such use.

403.3 Uses Permitted by Special Exception

- a. Lodges or clubs for climbing, hunting, fishing, gunning, nature observation, or other similar recreational purposes;
- b. Outdoor recreation areas and facilities except for motorized vehicles - parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps, golf courses or country clubs (except driving ranges or miniature golf courses);
- c. Churches or similar places of worship, parish houses, convents, and other housing for religious personnel;
- d. Public or private schools, but not including correctional institutions;
- e. Accessory uses not located on the same lot with the permitted principal use;
- f. Cemeteries and necessary incidental structures;
- g. intensive agricultural uses pursuant to section 513;

- h. Commercial enterprises incidental to agriculture;
- i. Permitted uses of the R-2C district on a single tract with frontage in the R2-C district adjacent to and within 1000 feet of the R2-C district;
- j. Bed and Breakfast Inn pursuant to Section 512.

403.4	Minimum Lot Size	Residential	Agricultural
	Area	1 Acres	5 Acres
	Width	150 feet	200 feet

403.5 Minimum Yard Dimensions - Residential

Front Yard	50 feet
Side Yards	
Total	50 feet
One Side	10 feet
Rear Yard	25 feet

403.6 Maximum Building Coverage and Height

Maximum Building Coverage	20%
Maximum Height (Feet)	35
(Stories)	2-1/2

403.7 Minimum Lot Setbacks - Agriculture

Animal Barns, sheds, or pens	100 feet from adjoining residential lots pursuant to Section 503.
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403.8 Density Requirements for Single Family Detached Dwellings

Size of Tract (acres)	Number of Dwellings
0 to less than 30	3
30 to less than 40	4
40 to less than 50	5
50 to less than 60	6
60 to less than 70	7
70 to less than 80	8
80 to less than 90	9
90 to less than 100	10

The density restrictions in this Section shall apply to all Lots of Record as of the effective date of this Ordinance. Any and all future subdivision and/or land development of any Lot of Record shall comply with this Section and any and all subdivision and/or land development plans shall contain an appropriate note(s) regarding compliance herewith in form and substance reasonably satisfactory to the Township and its solicitor. All deeds and other instruments issued pursuant to a duly approved subdivision and/or land development plan shall contain an appropriate notice and restriction(s) in form and substance reasonably satisfactory to the Township and its solicitor.

Section 404 (R-1) Low Density Residential

404.1 Permitted Uses

- a. Single-Family detached buildings;
- b. Public schools, parochial schools, institutions of higher education, private schools which do not provide corrective, rehabilitative or remedial care or instruction, public libraries, police, fire stations, or other public buildings owned and operated by the Township;
- c. Public parks and playgrounds;
- d. Churches or similar places of worship;
- e. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality.

404.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking areas;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Other customary accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

- 404.3 Uses Permitted by Special Exception
- a. Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled, but excluding institutions for the insane, drug or liquor patients;
 - b. Accessory uses, structures or buildings not located on the same lot as the principal use;
 - c. Agriculture;
 - d. Bed and Breakfast Inn pursuant to Section 512.

404.4 Minimum Lot Size

Area	1 Acre
Width	150 feet

404.5 Minimum Yard Dimensions

Front Yard	50 feet
Side Yards	
Total	40 feet
One Side	10 feet
Rear Yard	25 feet

404.6 Maximum Building Coverage and Height

Maximum Building Coverage	20%
Maximum Building Height (Feet)	35
(Stories)	2-1/2

Section 405 (R-2) Medium Density Residential

405.1 Permitted Uses

- a. Single-Family detached buildings;
- b. Two-Family semi-detached buildings;
- c. Single-Family semi-detached buildings;
- d. Public parks and playgrounds;

- e. Public schools, parochial schools, institutions of higher education, private schools;
- f. Churches or similar places of worship;
- g. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality;
- h. Public libraries, police and fire protection;
- i. Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled, but excluding institutions for the insane, drug or liquor patients;
- j. Multi-Family or town houses pursuant to Section 504.

405.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking areas;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Customary accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

405.3 Uses Permitted by Special Exception

- a. Rooming or boarding houses;
- b. Mobile home parks subject to Section 507;
- c. Agriculture;
- d. Intensive agriculture pursuant to section 513;
- e. Accessory uses, structures or buildings not located on the same lot as the principal use;
- f. Accessory buildings or structures used to

store equipment, parts, or materials provided that there are no safes in connection with such use;

- g. Commercial enterprises incidental to agriculture;
- h. Permitted uses of the R-2C district on a single tract with frontage in the R2-C district adjacent to and within 1000 feet of the R2-C district;
- i. Bed and Breakfast Inn pursuant to Section 512.

405.4 Minimum Lot Size Per Building

	Off-site Sewer	On-Site Water and Sewer	Lot Width
Single-Family Detached	15,000 SF	1 acre	80 ft
Single-Family Semi-Detached	10,000 SF	1 acre	70 ft
Two-Family Semi-Detached	20,000 SF	1 acre	100 ft

405.5 Minimum Yard Dimensions

Front Yard	25 feet		
Side Yard - Detached			Semi-Detached
Total	25 feet	Total	25 feet
One Side	10 feet	One Side	25 feet
Rear Yard	25 feet		

405.6 Maximum Building Coverage and Height

Maximum Building Coverage	35%
Maximum Building Height (Feet)	35
(Stories)	2-1/2

Section 406 (R-2C) Residential/Commercial

406.1 Permitted Uses

- a. Single-Family detached buildings;

- b. Two-Family detached buildings;
- c. Single-Family semi-detached buildings;
- d. Public parks and playgrounds;
- e. Public schools, parochial schools, institutions of higher education, private schools;
- f. Churches or similar places of worship;
- g. Public uses, structures or buildings owned or operated by the Municipality or an Authority organized by the Municipality;
- h. Public libraries, police and fire protection;
- i. Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled, but excluding institutions for the insane, drug or liquor patients;
- j. Retail stores or shops for the conducting of any retail business;
- k. Business, professional, or government offices and office buildings;
- l. Banks, savings and loan associations;
- m. Bowling alleys;
- n. Restaurants, cafes, taverns, or other places serving food and beverages;
- o. Theaters or motion picture theaters, except drive-ins;
- p. Automobile sales with accessory service facilities;
- q. Hotels and motels;
- r. Commercial and residential uses in combination in one structure provided, however, the maximum number of residential dwelling units shall be limited to four (4);

- s. Multi-Family or town houses pursuant to Section 504.

406.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking areas or off-street parking, pursuant to Section 506;
- b. Signs pursuant to Section 505;
- c. Home Occupations pursuant to Section 502;
- d. Customary accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

406.3 Uses Permitted by Special Exception

- a. Rooming or boarding houses;
- b. Mobile home parks pursuant to Section 507;
- c. Accessory uses, structures or buildings not located on the same lot as the principal use;
- d. Gasoline service stations;
- e. Repair garages;
- f. Car washes;
- g. Commercial parking facilities;
- h. Wholesale businesses;
- i. Agriculture;
- j. Intensive agriculture pursuant to section 513;
- k. Any other uses as determined by the Board to be of the same general character as one or more of the permitted use;
- l. Self-Storage garages;
- m. Adult movie theaters, adult bookstores,

cabarets, or massage parlors;

f. Bed and Breakfast Inn pursuant to Section 512.

406.4 Minimum Lot Size

	<u>Off-site Sewer</u>	<u>On-Site Water and Sewer</u>	<u>Lot Width</u>
<u>Residential</u>			
Single-Family Detached	15,000 SF	1 acre	80 ft
Single-Family Semi-Detached	10,000 SF	1 acre	70 ft
Two-Family Detached	20,000 SF	1 acre	100 ft
<u>Commercial</u>			
Per construction			
Site	20,000 SF	1 acre	200 ft
Per unit of use	10,000 SF	1 acre	200 ft
<u>Commercial and Residential Combination Site</u>			
Additional Area per Dwelling Unit			
	20,000 SF	1 acre	200 ft

406.5 Minimum Yard Dimensions

	<u>Residential</u>	<u>Commercial</u>
Front Yard	25 feet	25 feet
Side Yard		
Total	25 feet	25 feet
One Side	10 feet	10 feet
Rear Yard	25 feet	25 feet
Distance Between Buildings		30 feet

406.6 Maximum Building Coverage and Height

	<u>Residential</u>	<u>Commercial</u>
Maximum Building Coverage	35%	55%
Maximum Building Height (Feet)	35	35
(Stories)	2-1/2	-
Maximum Paved Area	-	45%

Section 407

(I) - Industrial

407.1 Permitted Uses

- a. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair establishments and dry cleaning plants;
- b. Heavy commercial uses which do not require complete enclosure in a building including materials, storage, and sales;
- c. General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity;
- d. Extractive industries.

407.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Off-street parking and loading facilities and signs pursuant to Section 505;
- b. Factory retail outlet stores provided that the products sold are manufactured, assembled and produced on the premises;
- c. Restaurants, cafeterias or recreational facilities for employees only;
- d. Offices for administrative personnel;
- e. Accessory uses and structures to permitted uses.

407.3 Uses Permitted by Special Exception

- a. Single-Family residence pursuant to the

minimum requirements as per Sections 404.2, 404.4, 404.5, 404.6;

- b. Accessory uses, structures or buildings not located on the same lot as the principal use;
- c. Accessory buildings or structures used to store equipment, parts or materials provided that there are no sales in connection with such use;
- d. Agricultural Fairgrounds.

407.4 Performance Standards

All permitted and accessory uses shall conform to the following performance standards as applicable:

- 1. Odor - no emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.
- 2. Toxic Gases - no emission of noxious, toxic or corrosive gases or fumes injurious to persons, property, or vegetation, shall be permitted outside the lot lines of the tract.
- 3. Glare and Heat - no visible or objectionable glare and/or heat from any process shall be evident to properties adjoining the operation. Direct glare from incandescent exposed lights shall not be visible from adjoining streets and properties.
- 4. Liquid Wastes or Sewage - no discharge is permitted into a reservoir, sewage, or storm disposal system, stream, open body of water, or into the ground, of any materials in such way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances - oil, grease, acids, alkalines, and other chemicals are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection and the

Water and Sewer Authority.

5. Vibration - vibration perceptible beyond the lot line shall not be permitted.
6. Noise - no noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
7. Smoke, Soot, or Dust - the emission of gray smoke at a density greater than No. 2 on a Ringelmann Chart, published by the U.S. Bureau of Mines, shall not be permitted.
8. Electric or Electric Interference - electric or electric devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
9. All raw materials, fuel, machinery, and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing residential district line or public street.

407.5 Minimum Lot Size

Sufficient to provide for buildings all required yards, and off-street parking and loading requirements.

407.6 Minimum Yard Dimensions

Front Yard	40 feet
Each Side Yard	20 feet
Rear Yard	20 feet

Provided, however, no permitted or accessory building or structure shall be constructed within fifty (50) feet of any residential district boundary.

All lot lines abutting residential district along the side or rear shall be appropriately screen by fences, walls, and/or other suitable enclosures having a minimum height of four (4) feet and a maximum height of seven (7) feet or be equivalently screened by year round planting.

407.7 Maximum Building Coverage and Height

Maximum Building Coverage 50%
Maximum Building Height (Feet) 40

Section 408 (R-3) Residential

408.1 Permitted Uses

- a. Single-Family detached buildings;
- b. Public parks and playgrounds;
- c. Recreational facilities, limited to lakes and/or ponds, picnic areas, swimming pools, tot-lots, playgrounds, boat docks, nature trails and other passive recreational facilities when such are owned by a Home Owners' or Property Owners' Association;
- d. Uses, structures or buildings owned or operated by the Municipality or a Home Owners' or Property Owners' Association.

408.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Private garage or private parking areas;
- b. Storage sheds;
- c. Recreational facilities and structures limited to swimming pools, boat docks and storage facilities and gazebos;
- d. Customary accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

408.3 Uses Permitted by Special Exception

- a. Convenience retail store provided that such store is limited to a gross building area of three thousand (3,000) square feet and provides service only to the residents of the development; with the permitted use.

408.4 Site Requirements

- a. The gross tract size for development within the R-3 Zoning District shall be a minimum of fifty (50) acres;
- b. All development in the R-3 shall be served by public water and public sewage disposal systems, or on an interim basis, by a community water supply and sewage disposal system approved by the Pennsylvania Department of Environmental Protection.

408.5 Minimum Lot Size

Area	15,000 SF
Lot Width	80 feet

408.6 Minimum Yard Dimensions

Front Yard	25 feet
Side Yard	
Total	25 feet
One Side	10 feet
Rear Yard Principal	
Structure Use	25 feet
Accessory	
Structure Use	10 feet

408.7 Maximum Building Coverage and Height

Building Coverage	35%
Building Height (Feet)	35
(Stories)	2-1/2

408.8 Supplementary Regulations

- a. The following exceptions shall apply to the R-3 Zoning District for lake front property:

- (1) Individual boat docks and boat storage structures may be constructed within the required rear yard provided that such facilities do not occupy more than twenty-five (25) percent of the required rear yard.
 - (2) Other accessory buildings and structures may be located a minimum of ten (10) feet from the lake high water line.
 - (3) One (1) storage shed may be constructed in the required front yard, provided that said storage shed does not exceed one hundred fifty (150) square feet and twelve (12) feet in height.
- b. All storage sheds shall be located a minimum of ten (10) feet from any principal building or structure.

ARTICLE V

SUPPLEMENTARY REGULATIONS

Section 501

Additional Regulations for All Districts

501.1 Visibility at Intersections

On a corner lot nothing shall be erected, (except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height of ten (10) feet) placed, planted, or allowed to grow in such manner as to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy-five (75) feet from the point of intersection.

501.2 Fences, Walls, and Hedges, Trees

Fences, walls and hedges shall be permitted in any yard provided, however, that no fence, wall (except retaining walls) or hedge in a required front yard shall be over forty-eight (48) inches in height. Ornamental fences exceeding forty-eight (48) inches shall be permitted provided that said fence contains an open area of not less than seventy-five (75) percent.

501.3 Erection of More Than One Principal Structure or Building on a Lot

In any district, more than one structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Ordinance shall be met for each structure or building as though it were on an individual lot.

Erection of more than one principal structure or building on a lot shall be subject to the provisions and procedures of the Municipality's Subdivision and Land Development Ordinance and the procedures established in said Ordinance for review and Municipal approval shall be followed - even if there is no subdivision of the land.

501.4 Exceptions to Height Regulations

The height limitations contained herein do not apply to spires, clock towers, communication towers, cupolas, silos, antennas, flagpoles, water tanks, ventilators, chimneys, windmills for residential use under 50 feet high, television or radio transmission towers, electric transmission towers, elevators or stair bulkheads or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

501.5 Buildings to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Governing Body, and all buildings shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

501.6 Corner Lot Restriction

On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located.

501.7 Lots in Two Districts

Where a district boundary line divides an existing lot at the time such line is established, the regulations for the less restricted portion shall be applicable to the entire lot, provided the lot has frontage on a street in the less-restricted district. This provision shall not apply to lots partially in the Agriculture and R-2C Districts, which are governed by Section 403.3(i) and lots partially in the R-2 and R-2C Districts, which are governed by Section 405.3(h).

501.8 Lot Area and Lot Width for Lots not served with Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewerage system and the Municipality's Subdivision and Land Development

Ordinance or other state or local ordinance in force require a higher standard for lot area or lot width than this Ordinance, the more restricted regulations of such other ordinance or regulation shall apply.

501.9 Front Yard Exceptions

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty (50) percent of the required front yard for that district.

501.10 Projections into Required Yards

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

- a. Terraces or patios - provided that such terraces or patios are unroofed or otherwise unenclosed and are not closer than five (5) feet to any adjacent lot line.
- b. Projected architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features - provided that any single feature does not exceed five (5) square feet in external area.
- c. Uncovered stairs and landings, provided such stairs, or landings do not exceed three feet six inches (3'-6") in height.
- d. Lamp posts, walkways, driveways, central air conditioning units, home satellite television reception equipment, retaining walls or steps shall be permitted with-in any required yard.
- e. Open balconies provided such balconies are not supported in the ground and do not project more than five (5) feet into any yard nor closer than three (3) feet to any adjacent lot line.

- f. Temporary structure for exhibits, construction offices, or similar purposes.

501.11 Restrictions on Air Pollution

All sources of air pollution (except odors or dust arising from normal agricultural operations) must comply with Rules and Regulations as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection, or as modified by additional restrictions imposed by local or regional health departments. The term "air pollution" shall refer to the presence in the outdoor atmosphere of any form of contaminant including, but not limited to the discharging from stacks, chimneys, openings, buildings structures, open fires, vehicles, processes, or any other source of any smoke, soot, fly ash, cinders, dirt, toxic or radioactive substances, waste or any other matter in such place, manner, or concentration inimical or which may be inimical to the public health, safety, or welfare or which is, or may be injurious to human, plant or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

501.12 Solid Waste Disposal

All methods and practices for the collection, transportation, processing, generating, treatment, and disposal of solid waste, hazardous waste, residual waste, infectious and chemotherapeutic waste, municipal waste, special handling waste, sludge and other materials related thereto shall be in compliance with the provisions of Ordinance No. 1995-1, adopted by the Wayne Township Supervisors; all requirements of the Pennsylvania Department of Environmental Protection; or as specified by additional local ordinances and zoning requirements. The definition of waste shall be as provided for in the referenced ordinance.

501.13 Requirements for Sewage and Liquid Waste Disposal

All sewage and liquid disposal practices must be in accordance with rules and regulations of the Pennsylvania Department of Environmental

Protection. All operators of treatment or disposal facilities must also be properly licensed as called for by the Department of Environmental Protection.

501.14 Brush, Grass, and Weed Control

No person owning real estate within the Township shall permit the growth of any grass, weeds or similar vegetation exceeding a height of eight (8) inches within one hundred fifty (150) feet of any developed parcel or tract of land within three hundred (300) feet of any occupied structure unless such premises is physically separated by a public street, railroad, stream, wooded area, hedge row or similar type separation.

Within a residential development, no owner of a vacant building lot shall permit grass, weeds or similar vegetation to grow a height in excess of eight (8) inches, regardless of the distance from developed parcels or tracts of land.

The following types of areas are exempt from the provisions of this section:

- a. All areas containing crops planted for some useful purpose.
- b. All wooded areas.
- c. All erosion control filter strips as defined by the PA Code, Title 25, Chapter 102.
- d. All areas planted with vegetation designed to prevent erosion of steep slopes.
- e. All state game lands.
- f. All cultivated fields and similar areas used for agricultural purposes.
- g. All areas adjacent to streams (within fifty (50) feet).
- h. All mature hedge rows.
- i. All areas containing wildflowers or native plants and other ornamental plantings as part

of a managed, written landscape plan.

- j. All areas determined to be wetlands.
- k. All stormwater management areas maintained as natural areas.

501.15 Parking Area Requirements

Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.

Section 502 Home Occupation Regulations

In any residential district, all dwelling units and accessory structures with direct access to a public street may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that such use of the dwelling or accessory structure does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate as provided in this Ordinance.

502.1 Standards

Home occupations shall be limited to the employment on the premises of not more than two (2) paid or unpaid assistants or employees, in addition to the homeowner, at any one time.

Two off-street parking spaces, in addition to those required for the residence units, are required for any such home occupation.

Home occupations shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling unit.

Home occupations shall be subject to the following limitations:

1. No emissions of unpleasant gases or other odorous matter beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.

2. No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.
3. No glare and heat shall be emitted from any dwelling unit or building in which the home occupation is conducted.
4. No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process, or otherwise could cause the emission of dangerous objectionable elements.
5. No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.
6. No noise which would reasonably be judged to be objectionable shall be audible beyond the dwelling unit or building in which the home occupation is conducted.
7. Electric or electric devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
8. Any other reasonable conditions that the Governing Body or Zoning Hearing Board may deem necessary to protect the public interest.

Section 503

Permitted Accessory Uses, Buildings or Structures

- 503.1 No detached accessory building or structure shall be erected in any required front, side or rear yard and no detached accessory building or structure shall be erected within five (5) feet of any building or structure except in the R-3 District where the required distance shall be ten (10) feet.

- 503.2 Private non-commercial swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, must be located in a rear or side yard only, not less than fifteen (15) feet from side or rear lot lines. Below ground pools shall be entirely enclosed with a permanent fence not less than four (4) feet in height. Such fence shall contain a gate which can be locked. Above ground pools shall be equipped with a ladder or stairway which can be removed or secured so as to prevent young children from entering the pool when it is not in use.
- 503.3 No non-residential activities shall be permitted in any residential zone except those permitted by Home Occupation Regulations of this Ordinance.
- 503.4 No agricultural use or individual gardens for home consumption shall occupy any front yard nor more than one-half of the minimum side or rear yard required in the applicable residential zoning district.
- 503.5 No structure or building housing farm animals shall be located within two hundred (200) feet from any existing or proposed dwelling on any adjacent property.

Nothing in this Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

Section 504 Multi-Family Residential or Town House
Developments

504.1 Permitted Uses

Multi-family or town house buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities. Coin-operated washing and drying machines, and vending machines for food, beverages, newspapers or cigarettes located inside the building shall be permitted provided that these are for the tenants'

use only. Sample apartment or town house for display purposes shall be permitted for each type of construction.

504.2 Water Sewer

The proposed development shall be served by centralized water supply and sewage disposal by means of a public water supply and sewage disposal system; or a community water supply and sewage disposal system approved by the Department of Environmental Protection; or a combination thereof.

504.3 Area and Bulk Regulations

All multi-family residential or town house development shall conform to all of the requirements as herein established:

	Apartment	Town Houses
a. Minimum gross lot area	2 acres	2 acres
b. Minimum lot width at Building line	100 feet	16 feet(*)
c. Maximum building coverage of gross land area	30%	30%
d. Minimum side yard	30 feet	30 feet(**)
e. Minimum rear yard	50 feet	30 feet
f. Minimum front yard	50 feet	30 feet
g. Distance between buildings	See 504.4	See 504.4
h. Maximum dwelling units per gross acre	10	6
i. Minimum useable open space (not including parking or driveway areas devoted solely to recreational use and activities)	15% of tract(***)	10% of tract(***)

- | | | | |
|----|--------------------------------|-------------------------|-------------------------|
| j. | Maximum height | 3 stories
or 35 feet | 3 stories
or 35 feet |
| k. | Maximum impervious
coverage | 60% | 60% |

NOTE: *1 - Minimum width of a town house dwelling is 16' per unit.

** - Applies to end building only.

*** - Useable open space shall not include front, side and/or rear yards of an individual building.

504.4 In addition to the provisions of the above requirements, the following shall also apply:

- a. There shall be no group of town houses consisting of more than seven (7) dwelling units.
- b. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a town house development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials, or use of color.

Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space, and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

- c. The horizontal distance between groups of town houses or apartments shall be:
 1. Two (2) times the average height of the two (2) groups of town houses and apartments for front or rear walls facing front or rear walls;
 2. One and one-half (1-1/2) times the average height for front or rear walls

facing side walls; and

3. Equal to the height of the highest building for side walls facing side walls.
- d. The minimum width of any side yard abutting a street, driveway, or parking area should not be less than thirty (30) feet.
- e. Access and service shall be provided in the front of each town house. Parking may be provided on the lot, as carports, as an integral part of the town house; or a joint parking facility for a group of town houses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining, snow removal and repairs.
- f. Useable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.
- g. Apartment buildings shall not exceed one hundred fifty (150) feet in length.
- h. In the event a development is designed to contain more than one permitted use, the plan submitted shall indicate an area designation for each such use and all requirements of this Ordinance for each area so designated shall be met.

504.5 Parking Facilities

- a. Number of spaces - Off-street parking, whether garage or on-lot, shall be provided on the premises at the rate of two (2) spaces for each dwelling unit.
- b. Requirement for parking lots shall be as follows:

1. All access drives and parking lots shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
2. Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.
3. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
4. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for approval.
5. All access ways and parking areas shall be suitably paved with a permanent hard-surface covering and shall provide for stormwater management as required by applicable laws and ordinances.
6. No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.
7. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
8. No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting Municipal street standards.
9. The total length of any single or combined parking area shall not exceed

five hundred (500) feet. The length shall be measured from the centerline of the public or private street providing access to the furthest point of the parking area.

c. Site Requirements

1. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
2. Entrance and exit ways shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width.
3. Entrance and exit ways accessing PA Department of Transportation (PADOT) roads shall be designed and installed in accordance with a highway occupancy permit issued by PADOT. A copy of the permit shall be submitted with the application for approval.

504.6 Drainage

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties.
- b. All provisions of existing Municipal Ordinances and Subdivision and Land Development Ordinance regarding storm drainage shall be complied with.

504.7 Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building

occupants or surrounding property owners or residents.

504.8 Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be well screened on all four (4) sides; one side or portion thereof being a gate, and contained in covered vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

504.9 Site Plan Review and Approval

Multi-family and town house developments shall be subject to the provisions and procedures of the Municipality's Subdivision and Land Development Ordinance and the procedures established in said Ordinance for review and Municipal approval shall be followed.

Section 505 Signs

1. Purpose

- a. Signs constitute a separate and distinct use of the premises upon which they are placed and also affect the use of adjacent roads, streets, walkways and other properties. The purpose of this section is to promote and maintain overall community beautification; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values; and ensure compatibility with the character of neighboring existing and planned land uses, while at the same time allowing the public to be informed of available products, businesses and services.
- b. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations of the Township relating to the erection, alteration, and maintenance of signs.

2. Supplemental Sign Definitions

Area of - The area of a sign shall be construed to

include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface of a structure, the area of the sign shall be considered to be smallest rectangle which can be drawn to encompass all of the letters and symbols. In computing the permitted sign area of any sign with two (2) sides, the permitted total sign area shall be based upon the sign area of only one (1) side, (the larger of the two if they differ). Unless otherwise specified, all square footages stated in this Ordinance in regards to signs shall be considered as maximum sizes.

Facade - Any structure or part of a structure attached; or otherwise mounted parallel, to a wall or other vertical part of the structure.

Roof - The roof slab or deck with its supporting members, not including vertical supports.

Roofline - The top edge of a roof or building parapet, whichever is higher, but excluding any mansards, cupolas, pylons, chimneys or any minor projections.

Roof Ridge - The upper and lower ridges are the horizontal lines formed by the juncture of two sloping planes formed by the surfaces of a roof as indicated in Appendix 2.

Roof Eaves - The projecting overhang at the lower edge of a roof.

Roof Structure - An enclosed structure on or above the roof of any part of a building.

3. Categories of Signs

Abandoned - A sign located on a property which is vacant and/or unoccupied for a period of ninety (90) days; a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days; a sign which contained an outdated message for a period exceeding thirty (30) days.

Advertising - (See "Off-Premises" or "On-Premises" in

this subsection).

A-Frame - (See "Portable" in this subsection).

Animated/Moving Sign - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

1. Electrically Activated - Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of stimulating movement through employment of the characteristics of one or both of the classifications noted below.
 - a. Flashing - Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which there is a period of non-illumination. For the purpose of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
 - b. Patterned Illusionary Movement - Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
2. Environmentally Activated - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
3. Mechanically Activated - Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Awning - A sign, having its advertisement material

written, lettered, painted etc. upon a surface made of any non-rigid material, such as fabric or flexible plastic, that is supported by, or stretched over, a frame and in turn is attached to an exterior wall of a building or other structure. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

Banner - A sign with its advertisement or message written on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework. These can be displayed by (but not necessarily limited to) the following methods: hung from ceilings or other overhead features; attached to walls or other surfaces; or attached to one (1) or more poles.

Bench - A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

Bulletin Board - A particular type of changeable copy sign for use by local, state, and federal government as well as public and private schools, churches, or similar institutions that displays advertisements, or news-worthy items in a casement made of glass, plexiglass or other materials.

Business - (See "On-Premises").

Canopy - A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.

Center - A sign located on the premises identifying an office or industrial complex (ex. "plaza", "park", "commons") housing individual commercial office or industrial businesses. A Center Sign may include the display of Business Signs as part of its structure (also see "Plaza").

Changeable - A sign with the capability of content change by means of manual or remote input, including signs which are:

1. Manually Activated - Changeable sign whose message copy or content can be changed manually, or
2. Electrically Activated - Changeable sign whose

message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illuminated may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, "Electronic Message sign or center".

Contractor - A Temporary Sign which depicts the name and relevant contact information about a contractor, mechanic, artisan, engineer or architect, or financier who is involved in construction work occurring on the premises on which the sign is located, such signs may be placed temporarily upon properties but only for the duration of the work which the contractor is doing at said property.

Decals - Decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.

Development - An identification sign at the entrance to a residential development.

Directional - A sign containing directional information locating public places owned or operated by federal, state or local governments or their agencies. This includes publicly owned natural phenomena, historic, cultural, scientific, educational and religious sites; public areas of natural and scenic beauty or public areas which are naturally suited for outdoor recreation; as well as signs for directing members or visitors to churches, schools, municipal buildings, service clubs, non-profit organizations, hospitals or other institutions.

Directory Sign - A sign which displays the names and/or addresses of the establishments, housing units, amenities, or uses of a building or group of buildings.

Electronic Reader Board / Message Center - An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy

area that remains on for a specified minimum period of time and blacks out for a specified minimum period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

Flashing - (See "Animated/Moving Sign, Electrically Activated").

Free-Standing -

1. A general term for an independently supported sign permanently affixed to the ground with a foundation, and which is not attached to any building or structure.
2. A sign attached to the ground by one (1) or more upright poles or braces, and which is not attached to any building or structure.

Garage/Yard Sale - A Temporary Sign which directs attention to the sale of personal goods on the premises of a residential property on which the sign is located.

Grand Opening Sign - A Temporary Sign permitted for thirty (30) days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

Ground - A free-standing sign with a base affixed to the ground, where the length of the base is at least two-thirds more than the vertical height of the sign.

Handicapped Parking Space - Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.

Identification - Signs for public and private schools, churches, lodges, or similar institutions identifying the subject use.

Illegal Sign - A Sign which does not meet the requirements of this Ordinance or which is not a legally non-conforming sign. This specifically includes a sign that remains standing when the time limits set by the permit are exceeded and any sign not removed after notification from the Zoning Officer to remove the sign.

Illuminated - A sign illuminated in any manner by an

artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

Incidental - An Informational Sign, no more than two (2) square feet in size and not including any commercial message or logo, which carries a message such as "enter", "telephone", "rest rooms", "no parking", and on-site direction or anything similar. It does not include Security and Warning Signs.

Informational Sign - Public or private directional, street or traffic signs, address numbers, names of buildings, rooms, etc. and other signs of a similar nature.

Instructional Sign - An On-Premises Sign giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities, and housing units. Such signs may contain a small logo/insignia of an establishment.

Marquee - Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Monument - A free-standing sign with a base affixed to the ground, where the length of the height is at least two-thirds more than the horizontal length of the monument.

Non-conforming - A sign that met all legal requirements when constructed but is not in compliance with current sign regulations. A registered non-conforming sign is not an illegal sign.

Nonprofit Organizations - An Off-Premises Sign displaying information about a church, service club or other nonprofit organization.

Off-Premises - A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is offered or located at a location other than the lot upon which the

sign is located. This includes signs commonly called "billboards", and "advertising signs".

On-Premises - A sign which directs attention to a business, profession, institution, service, activity, or industry conducted on the premise or to uses, services, or products provided, sold, manufactured or assembled upon the same premises upon which it is displayed.

Pennant - Any relatively long, tapering flag.

Personal Expression - A sign which displays an individual's political, religious or personal belief. It shall be limited to a lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other provisions of this Ordinance including the specific provisions for signage in the land use category on which the sign is placed.

Plaza - A type of On-Premises Sign being a one or two-sided structure displaying smaller signs, each of equal size. Plaza Signs identify the name of a shopping center or retail complex as well as the names of the businesses therein.

Political - A Temporary Sign larger than four (4) square feet, but less than twenty-five (25) square feet in size identifying, either singly or combined, a political candidate, slate of candidates, ballot issue, or party. The area may be increased to thirty-two (32) square feet, if the sign is set back twenty-five (25) feet or more from the street right-of-way. These signs are used or intended to be used for the display of any announcement, advertisement or notice of any individual candidate or slate of candidates for any public office or similar purposes and shall be non-illuminated. These signs shall be limited to a display no longer than sixty (60) days prior to a primary or general election and shall be removed within five (5) days after said election.

Political Yard Sign - A Temporary Sign four (4) square feet or smaller used or intended to be used for the display of any announcement, advertisement or notice of any individual candidate or slate of candidates for any public office or similar political purposes and shall be non-illuminated. These signs shall be limited to a display no longer than sixty (60) days prior to a primary

or general election and shall be removed within five (5) days after said election.

Portable - A free-standing sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flat-bed truck and that is not permanently attached to a building or the ground.

Private Drive - On premises private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the addresses of any residents using the private driveway.

Public Use, Official, Governmental, Quasi-governmental, Institutional - Safety signs, signs indicating points of interest, historical plaques, public parks or recreation facilities, utilities, signs identifying official or public buildings or facilities, any signs erected by a governmental, quasi-governmental or institutional entity.

Real Estate - A Temporary Sign which provides information about a real estate activity on the premises in which the sign is located, such as a sale, rental, open house or property available for, or in the process of, development.

Residential Identification - A sign, bearing only the property number, street address, names of the occupants of the residence, name of the dwelling, or the profession or activity of the occupant of the dwelling. One sign that does not exceed two (2) square feet in area per side, and does not include any commercial advertising or other identification. Any such sign shall either be non-illuminated or indirectly illuminated, and there shall be a limit of one (1) such sign per each street frontage.

Roof Sign - A sign which is erected, constructed, and maintained on or above the roof of a building. For purposes of this Ordinance, Roof Signs are considered On-Premises Signs and are regulated as such.

Rotating Sign - Any sign or portion of a sign that moves in a revolving or similar manner.

Security and Warning - On-Premises Signs regulating the use of the premises, such as "no trespassing", "no

hunting", and "no soliciting" signs, as well as signs provided by home security firms, that do not exceed one (1) sign two (2) square feet in area for residential and agriculture uses and one (1) sign five (5) square feet in area for commercial and industrial uses. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

Special Event - A Temporary Sign which carries information about a special event such as an auction, flea market, festival, carnival, meal, fundraising events, grand openings, new management, going-out-of-business sales and events by religious, charitable or public service groups.

Street Sign - Official highway sign, street name, directional or other traffic sign erected in accordance with the Pennsylvania Motor Vehicle Code.

Temporary - A sign displayed for a fixed, terminable length of time which advertises community or civil projects, political events/candidates, real estate for sale/lease, contractor signs, or other special events on a temporary basis, and which are intended and/or required to be removed after the temporary purpose has been served.

Vehicular - A vehicle to which a sign is affixed or painted and which is used or parked in such a manner (on public right-of-way or public property or on private property) that the display of such sign becomes the vehicle's primary purpose. This subsection is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle such as a construction trailer, whose primary purpose is not advertising to the public.

Walkway Sign - A sign affixed to the underside of a permanent, covered walkway fronting and connecting three or more commercial premises having direct customer access to the out-of-doors and erected perpendicular to the fronts of such premises at the entrance, so as to aid passerby pedestrians in identifying the location of such premises. All such signs within a commercial complex shall be of the same coloring and shall use the same lettering style and shall not contain logos or any other

information than the name of the commercial establishment.

Wall - 1) a sign primarily painted on a wall of a building; 2) a sign supported on a wall and which is either mounted parallel with the wall or perpendicular to the wall.

- a. Painted Wall Sign - A sign that is directly painted onto a wall's surface.
- b. Parallel Wall Sign - A sign mounted parallel to a wall or other vertical building surface, but not extending beyond the edge of the wall, roof lines or other surface to which it is mounted and not projecting more than twelve (12) inches from the surface to which it is mounted.
- c. Projecting Wall Sign - A sign mounted perpendicular to a wall or other vertical surface.

Wheeled - (See Portable).

Window - A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached internally to a window or transparent door or that can be read through a window or transparent door.

4. General Requirements

- a. Unless otherwise stated, all signs shall require a Township Zoning Permit as regulated by this Ordinance. Only signs that are specifically permitted by this Ordinance, within the applicable Zoning District, shall be allowed.
- b. A lawfully existing sign may be painted, repaired or changed in message without a new permit under this Ordinance provided that any such changes, or repairs, do not increase the area of the sign or otherwise result in non-compliance or an increased non-conformity with this Ordinance.
- c. A lawfully, existing non-conforming sign may be replaced with a new non-conforming sign provided that the new sign is not more non-conforming in any way than the old sign. The replacement of an existing non-conforming sign must occur within one-

hundred eighty (180) days of its removal.

- d. Signs advertising a lawful non-conforming use are allowed provided that:
 - 1. No side of any such sign shall exceed ten (10) square feet in area.
 - 2. The sign shall be erected only upon the premises on which such non-conforming use is located.
 - 3. No more than one (1) such sign shall be erected on any one (1) street frontage.
- e. Signs advertising a business, or use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered for lease by new tenants or for purchase by new owners) shall be removed within fourteen (14) days of the cessation of such business's operation, or use.
- f. Animated and changeable messages (manually or electronically activated) are permitted in R-2C and I zones only.
- g. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded. Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign shall be utilized in a manner which produces a light intensity greater than one-half (0.50) foot-candle beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties and streets so there is no direct light transmitted to other properties, public rights-of-way or in an upward direction.
- h. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- i. No sign shall be placed in such a position, or have

such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic or block the clear sight triangle.

- j. No portion of any sign shall project over any lot line. Unless regulated elsewhere in this Ordinance, no point of any sign, including trim, border and supports, shall be located within ten (10) feet of any side or rear property line or within the street right-of-way.
- k. No signs other than school warning signs, official traffic signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
- l. No sign shall be erected or located as to prevent a free ingress to or egress from any window, door or fire escape. No sign shall be placed in such a position that it will obscure light or air.
- m. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device, or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of words "Danger" or "Stop"), are prohibited. Red, green or amber lights, (except those contained within a school warning sign, traffic control sign, or similar sign), shall not be located in such a manner that, they could create a danger by being misconstrued as traffic lights by an operator of a motor vehicle.
- n. Spinners, or any other type of moving object used to attract attention, are strictly prohibited.
- o. Except as permitted within this Ordinance (i.e.; Off-Premises Signs/Billboards), no sign shall be erected on a property to which it does not relate.
- p. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes in effect, the primary purpose in itself shall be considered a Free-Standing Sign and as such; shall

be subject to requirements for Free-Standing Signs in the zoning district in which said vehicle or structure is located.

- q. Signs which contain information that states, infers, or implies that a lot or property, may be used for any purpose not permitted under the applicable provisions of this Ordinance, are prohibited.
- r. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency are strictly prohibited.
- s. No sign shall be tacked, stapled or nailed to a utility pole, except by an authorized utility company, or by a person who has obtained permission from the authorized utility company.
- t. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
- u. Every sign shall be constructed of durable material and shall be kept in good condition. Peeling paint shall be removed and replaced. Broken lights shall be replaced, and similar maintenance tasks shall be performed when deemed necessary by the sign's owner, the property owner and/or the Zoning Officer.
- v. Any sign which becomes dilapidated or which creates a hazard to the public health, safety and welfare shall be removed at the expense of the owner or lessee. The Zoning Officer shall make such determinations as to state of any sign condition. The Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days.
- w. Any and all signs lawfully permitted are further subject to any requirements of any other local, state or federal agencies having jurisdiction over such matters.

- x. Any and all signs placed on smokestacks, water towers, silos and other similar structures shall be governed by the applicable provisions of this Ordinance.
- y. No sign located within a floodplain shall exceed six (6) square feet of area per side.
- z. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that all sign/signs meet the requirements of this Ordinance.
- aa. Any sign allowed under this Ordinance may contain, in lieu of any other text, any otherwise lawful non-conforming message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other provisions of this Ordinance including the specific provisions for signage in the land use category on which the sign is placed.

5. Prohibited Signs

- a. Moving Signs - Signs that are environmentally or mechanically activated.
- b. Flashing Signs - Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- c. Glaring Signs - signs with light sources or which reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.
- d. Obstructive Signs - A sign or other advertising device erected or placed at any street, alley, driveway, or road intersection in such a manner as to obstruct free and clear vision sight distance at the intersection.

- e. Inflatable Signs and Other Objects - Signs and other objects which are inflated, including, but not limited to balloons. An outdoor display of not more than one bouquet of balloons shall be allowed on a property that sells balloons. Balloons shall also be permitted to be displayed in temporary situations or on special occasions at a residence provided that, said balloons are removed immediately after said special occasion is over.
- f. Posters and Handbills - Signs affixed to any structure, tree or other natural vegetation including rocks or poles other than temporary signs posted by the Zoning Officer for the purpose of identifying a property which is the subject of a Hearing before the Zoning Hearing Board or Board of Supervisors as required by the Municipalities Planning Code.
- g. Roof Signs - Roof Signs are prohibited in the C-W, C-R, A, R-1, R-2, and R-3 Zoning Districts and are limited to lawful conforming commercial uses in the R-2C and I Districts. Roof Signs are On-Premises Signs and shall conform to this Section and all other sections of the Zoning Ordinance.
- h. Simulated Traffic Signs and Obstructions - Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- i. Strings of Light - Any devices including lights that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows:
 - 1. Lights used temporarily as holiday decorations.
 - 2. Lights or other devices used on a temporary basis on parcel on which carnivals, fairs or other such similar temporary activities are held.
- j. Vehicle Signs - Signs are prohibited on non-

operable or unlicensed vehicles, as well as those which function only as an advertising device. Signage on vehicles used in the principal activities of that business are exempt.

- k. Portable, A-frame/Wheeled Signs - Except where allowed for lawful, conforming uses in the R-2C and I Zoning Districts, any wheeled "A" frame, or similar Portable Sign is prohibited except on a temporary basis not to exceed seventy-two (72) consecutive hours and for no more than two (2) times per calendar year. A Zoning Permit is required for any such temporary use.
 - l. Signs Adversely Affecting Safety - Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of the roof to any other part. No sign of any kind shall be attached to a stand-pipe or fire escape. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
 - m. Sign Emissions - No sign which emits smoke, visible vapors, particles, sound or odors shall be permitted.
 - n. Mirrors - No mirror device shall be used as part of any sign.
6. Exempt Signs - Zoning Permits shall not be required for the following signs provided that they comply with this Section and Section 4. General Requirements:
- a. Residential Identification
 - b. Decals
 - c. Flag of the United States as defined by United States Code, Title 4, Chapter 1, Sections 1 and 2, and Executive Order 10834 issued pursuant thereto, and any further Executive Orders pursuant thereto.
 - d. Flags, other than the Flag of the United States, Emblems and Insignia of Government Agencies, Religious, Charitable, Public or Non-Profit Organizations, and Corporate Logos - These types of signs are exempt from permit requirements but are

subject to the following requirements:

1. No single flag that is flown shall exceed forty (40) square feet in area and no single parcel shall fly more than three (3) flags.
 2. Flagpoles shall not exceed forty (40) feet in height.
- e. Handicapped Parking Space
 - f. Private Drive Signs
 - g. Public Use, Official, Governmental, Quasi-governmental, Institutional
 - h. Security and Warning Signs
 - i. Real Estate Signs - Display of these signs shall be limited to one (1) per property and six (6) square feet in area in residential zones and thirty-two (32) square feet in all other zones. These signs shall be removed within thirty (30) days of settlement or lease of the property.
 - j. Garage or Yard Sale Signs - Signs are limited to one (1) On-Premises Sign of four (4) square feet. Any signs erected may be erected one (1) day prior to the event, and shall be removed at the end of the day the event occurs.
 - k. Contractor - No one sign shall exceed sixteen (16) square feet. Only one (1) sign may be erected for each business or contractor who is actually engaged in permitted work on the property where said sign has been placed. No illumination is permitted.
 - l. Incidental
 - m. Personal Expression
 - n. Political - In all zoning districts, political signs shall not project higher than ten (10) feet from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
 - o. Walkway Signs

- p. Street Sign
- q. Informational Sign
- r. Instructional Sign
- s. Signs necessary for the identification and protection of public utility facilities - provided that no side of any such sign shall exceed twelve (12) square feet in area.
- t. Window Sign
- u. Holiday Decorations - Holiday decorations displayed for recognized federal, state or religious holidays shall be exempted from the provisions of this Section except where these signs interfere with traffic safety or in any other way found to be a public safety hazard, as determined by the Zoning Officer.
- v. Legal Notices - As may be posted upon properties by the Township, or its Zoning Officer, when they are required to do so under applicable local, state or federal laws and regulations.
- w. Cornerstone - As may be found on the cornerstone of significant public buildings (e.g. municipal offices, churches, schools etc.).
- x. Barber Pole - Revolving barbershop pole sign - provided that it does not exceed thirty-six (36) inches in height and that it is erected only in conjunction with an operational barbershop.
- y. Special Event Sign
 - 1. For municipal, religious, charitable, non-profit or public service groups provided that:
 - a. A maximum of two (2) signs shall be displayed for no more than sixty (60) days prior to the event which they advertise and shall be removed within fourteen (14) days after the conclusion of the event advertised.
 - b. The area on one (1) side of any Free-

Standing Sign shall not exceed ten (10) square feet. The area may be increased to thirty-two (32) square feet if the sign is set back twenty-five (25) feet or more from the street right-of-way.

2. For the announcement of special events including, but not limited to, grand openings, new management, going-out-of-business sales and similar events provided that:
 - a. Except for the announcement of grand openings and new management, a maximum of two (2) special event signs may be displayed for up to seven (7) days prior to a special event.
 - b. The announcement of grand openings and new management may be permitted for thirty (30) days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management.
 - c. Signs shall not exceed thirty-two (32) square feet in area each and shall be removed immediately following the event or announcement.
 - d. Signs attached to walls shall meet the requirements of Wall Signs and be limited to thirty-two (32) square feet.
 - e. A Special Event Sign shall not be used to continuously advertise the same event.
- z. Identification Signs and Bulletin Board Signs - provided that:
 1. No more than two (2) such signs shall be erected on any frontage of any one (1) property.
 2. No side of any such sign shall exceed thirty (30) square feet in area.
 3. A sign consisting of open lettering attached to a building shall not have a height

exceeding ten (10) feet nor an area exceeding ten (10) percent of the building façade to which it is attached.

4. Signs shall be erected only upon the property on which the use is conducted.

aa. Directional Signs - No side of any such sign shall exceed six (6) square feet in area.

1. No more than two (2) such signs shall be permitted per street entrance.

2. A maximum of 25% of the area of any directional sign may be utilized for a business identification or logo.

7. Signs Permitted in the C-W, C-R, A, R-1, R-2, and R-3

a. In addition to those signs specifically listed in Subsection 505.6 above, the following signs are allowed in the C-W, C-R, A, R-1, R-2, and R-3 Zoning Districts:

1. Signs advertising the sale of farm products, nursery products or livestock produced or raised on the premise, provided that a zoning permit obtained and that no side of any such sign shall exceed fifteen (15) square feet in area.

2. Signs indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or plants provided that zoning permit is obtained and that the area on one (1) side of any such sign shall not exceed fifteen (15) square feet.

3. Development Signs - provided that one (1) such sign shall be allowed for each entrance to the subdivision from a public street and no such sign shall exceed fifteen (15) square feet in area.

8. Signs in the R2-C and I Zoning Districts

a. In addition to those signs specifically listed in Subsection 505.6 above, the following signs are

allowed in the R2-C and I Districts:

1. Signs for individual businesses

a. Limitation on Number and Cumulative Area

Signs

	Single frontage property (facing only one public roadway)	Double frontage (corner) property
Maximum sign area of attached signs*	2 sq.ft. of sign per lineal ft. of one building façade facing a public street not to exceed 200 sq.ft.	2 sq.ft. of sign per lineal ft. of two building facades facing a public street not to exceed 200 sq.ft. per side of street frontage.
Maximum Number of attached signs*	4	6
Maximum Number of Free-Standing Signs	1	2
Maximum Area of each Free-standing Sign	150 sq.ft.	150 sq.ft.
Total Area of all Signs on property	350 sq.ft.	400 sq.ft.

*Attached Signs: Any combination of Wall Signs (parallel or projecting), Roof Signs, Marquee, Awning, or Canopy Signs that are physically attached to the building.

2. Signs for multi-tenant commercial or industrial buildings, office/commercial parks and industrial parks.

a. No more than one (1) Plaza or Center Sign (as defined) shall face any one (1) public street frontage. The sign area shall not exceed two hundred (200) square feet.

b. Each individual tenant or development/park lot owner shall be allowed the same building signage as allowed for individual businesses listed in Sub-Section 505.8.a.1.a.

3. Off-Premises Signs including "Billboards" and "Advertising Signs".

a. Off-Premises Signs are as defined in

Subsection 505.3.

- b. Off-Premises Signs are controlled by this Ordinance for the following purposes: to prevent visual pollution in the Township, to protect property values; to prevent glare from said signs adversely affecting adjacent property and street; to protect the open space and natural character of areas of the Township planned to remain agricultural, woodland, or rural preservation areas; to avoid the creation of additional visual distractions to motorists, especially along the busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize that this Ordinance allows every landowner a reasonable use for their land; and to avoid to the extent possible the placement of Off-Premises Signs that would have an unfair advantage over On-Premises Signs in the competition for attention, as Off-Premises Signs are typically higher and are typically larger than On-Premises Signs.
- c. An Off-Premises Sign is only permitted within a maximum of two hundred (200) feet of an existing right-of-way of an arterial road and shall be placed a minimum of ten (10) feet from any lot line. Any Off-Premises Sign shall be set back a minimum of twenty (20) feet from all existing and ultimate road rights-of-way. No Off-Premise(s) sign shall be located within two hundred (200) feet of any existing residential dwelling unit.
- d. No Off-Premises Sign shall be attached in any way to any other Off-Premises Sign. Off-Premises Signs shall have a maximum of two (2) sign faces.
- e. The maximum area of each sign face of any and all types of Off-Premises Signs shall be two hundred (200) square feet.

- f. One (1) Off-Premises Sign is permitted on any one (1) property. In no case shall a proposed Off-Premises Sign be located within one thousand (1,000) feet of another existing or proposed Off-Premises Sign regardless of whether or not the proposed or existing signs are on opposite sides of a street; or regardless of whether or not the proposed or existing signs are visible from any location on the street. The distance is to be measured from the centerline of the street between both signs.
 - g. The maximum height of such sign shall not exceed the maximum height permitted for buildings in the zoning district.
 - h. A non-conforming Off-Premises Sign may not be replaced with an animated/moving sign; any replacement of such a nonconforming sign may only be with a like type sign, of the same or smaller size, at the same or lower maximum height, and the same number of sides as the original non-conforming sign.
 - i. Off-Premises Signs that are animated/moving signs are only permitted in the R2-C and I districts, if not prohibited by other regulations.
- b. Supplemental requirements for individual sign types permitted in the R2-C and I districts.

1. Free-Standing Signs

- a. A Free-Standing Sign for a commercial or industrial business shall not be located within twenty (20) feet of any lot line adjoining a property with an existing residential dwelling.
- b. No portion of a Free-Standing Sign shall be closer than ten (10) feet to any street right-of-way or property line.
- c. The total area of a Free-Standing Sign

shall not exceed one hundred fifty (150) square feet.

2. Wall Signs

- a. The maximum elevation of parallel Wall Signs shall be equal to the highest elevation of the wall to which it is attached and shall not project more than twelve (12) inches from the building face to which it is attached. When located above a public walkway, these signs shall be at least eight (8) feet above the ground, measured from the highest grade elevation under the sign to the lowest part of the sign.
- b. Projecting Wall Signs shall project from the face of a building a distance of not more than six (6) feet. When located above a public walkway, all such signs shall be at least eight (8) feet above the ground, measured from the highest grade elevation under the sign to the lowest part of the sign.
- c. Projecting Wall Signs shall not be located or erected on the roof area of any building, shall be located only on the building walls, and may not project above the building roof line or roof ridge.
- d. Projecting signs shall not project into any public or private street right-of-way.

3. Roof Signs

- a. No roof sign shall exceed one hundred fifty (150) square feet in area.
- b. The height of a Roof Sign may not exceed twenty-five (25) percent of the vertical height from the roof eave to the roof ridge as indicated in Appendix 2.
- c. In no case should the highest point of a

Roof Sign be more than seventy (70) feet above the average elevation of the ground immediately adjacent to the building on which it is erected.

- d. No portion of a Roof Sign may project further than any roof overhang on which it is erected.
- e. All Roof Signs shall be safely affixed to the roof of a structure. The supporting design shall be structurally sound and approved by the Township's building code official.

4. Awning and Canopy Signs

- a. The permitted area of awning or canopy signs shall be as per maximum of wall signage for commercial & industrial zones provided that the copy area of the canopy or awning does not exceed an area equal to fifty (50) percent of the total building façade area fronting the public street.
- b. Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on a the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

5. Marquee Signs

- a. The permitted area of Marquee Signs shall not exceed one hundred fifty (150) square feet in area.
- b. The top of all Marquee Signs shall be below the roof line and at a height no greater than twenty (20) feet above the ground immediately adjacent to the sign.
- c. Theaters may erect one (1) of the permitted Free-Standing, Wall, or Marquee

Signs with changeable copy board to display the name(s) and time(s) of the current motion picture or theatrical production.

6. Portable, A-Frame, and Wheeled Signs

- a. Any, and all, portable signs shall have a maximum total area of forty (40) square feet with a maximum of two (2) sides.
- b. Any, and all, Portable Signs shall only be displayed on a lot for four (4) periods per calendar year, which shall not exceed thirty (30) consecutive days per period during a calendar year. Failure to remove the sign after each thirty (30) day period shall constitute a zoning violation.

Section 506

Parking and Truck Loading Requirements

506.1 Off-Street Parking

a. Minimum Parking Requirements

Any building or other structure used (including any existing building or structure subsequently enlarged) and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith.

1. Dwellings: two (2) parking spaces for each dwelling unit.
2. Church, Public Auditorium, Theaters: one (1) parking space for every five (5) seats provided.
3. Hotel, Motel: one (1) parking space for each rental unit plus one (1) parking space for each employees on maximum shift.
4. Rooming House or other Group Quarters: one (1) parking space for each roomer or boarder plus one (1) additional parking

space if the owner resides in the building.

5. Eating Establishment: one (1) parking space for every four (4) seats or each fifty (50) square feet of gross floor area used by the eating establishment, whichever shall require more spaces.
6. Retail Stores: one (1) parking space for each one hundred (100) square feet of gross retailing floor area.
7. Wholesale Establishments or Warehouses: one (1) parking space for each employee on maximum shift, but at least one (1) space for each five thousand (5,000) square feet of gross floor area.
8. Manufacturing, Industrial, and General Commercial Uses not otherwise Specified: one (1) parking space for each employee on maximum shift, but at least one (1) space for each five thousand (5,000) square feet of gross floor area.
9. Offices: one (1) space for each four hundred (400) feet of net rentable floor area.
10. Bowling Alleys: five (5) spaces for each lane.
11. Drive-in Establishments: one (1) space for each fifty (50) square feet of gross floor area.
12. Other Uses not Specified: the same requirement as for the most similar use listed.

b. Share Parking

One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

c. Fractional Space

When required parking computations result in fractions, any fraction below one-half(1/2) may be discarded and any fraction over one-half (1/2) shall be construed to require a full space.

d. Reduction of Existing Parking

Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance.

e. Paving

All required parking areas and all access drives for commercial or industrial uses shall have a hard homogeneous all-weather surface.

f. Parking and Storage of Certain Vehicles

Automotive vehicles, boats or trailers of any kind or type without current license plates shall not be parked or stored on any public street or on any residentially zoned property other than in completely enclosed buildings.

g. Parking Within Front Yard

Required parking shall be permitted within required front or side yards notwithstanding other requirements of this Ordinance.

h. Services

No repair to or maintenance of vehicles of any kind, except emergency repairs, shall be permitted in any accessory parking facility.

506.2 Off-Street Truck Loading

a. Required Loading Spaces

Every building or structure, lot or land hereafter put to a commercial or industrial use or existing building or structure enlarged

shall provide one (1) off-street truck loading space for the first ten thousand (10,000) square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional forty thousand (40,000) square feet of gross floor area.

b. Size of Truck Loading Space

An off-street loading space shall have a minimum of twelve (12) feet in width, a minimum of thirty-five (35) feet in length and a minimum clear height of fourteen (14) feet.

Section 507

Mobile Home Parks

All such facilities shall conform to all the requirements of the Commonwealth of Pennsylvania for mobile home parks and applicable regulations in addition to the following regulations:

507.1 Mobile Home Park Site

The park site shall be well drained and have such grades and soil as to make it suitable for the purpose intended. All such parks shall be planned as a unit and shall be located on a tract of land at least five (5) acres in size. The area of said site shall be in single ownership or under unified control.

507.2 Lot Requirements

All lots in any mobile home park shall be well drained and graded to a point where mobile homes may be parked so that the parking of the same shall result in safety to all concerned. In all instances as much natural vegetation as is reasonably possible shall be preserved by any mobile home park developer.

- a. Individual mobile home lots located in a mobile home park shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building setback line exclusive of easements.

- b. The maximum number of mobile home lots that may be approved in a mobile home park shall be computed by subtracting from the total gross area a fixed percentage of ten (10) percent of said area for useable open space and dividing the remaining ninety (90) percent of the area by the minimum lot requirements set forth above.

507.3 Yard and Setback Requirements

- a. All mobile homes shall be located at least seventy-five (75) feet from any street right-of-way which abuts a mobile home park boundary and at least fifty (50) feet from any other park boundary line.
- b. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining right-of-way of a park street, common parking area or other common areas.
- c. All mobile homes shall be separated from each other and from other buildings by at least twenty (20) feet.

507.4 Required Off-Street Parking

- a. Off-street parking shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
- b. Each off-street parking space shall contain at least two hundred (200) square feet. Common parking areas shall not be located further than three hundred (300) feet from the mobile home lots they are intended to serve.

507.5 Water Sewer

- a. The proposed mobile home park shall be served by centralized water supply and sewage disposal by means of a public water supply and sewage disposal system; or a community water

supply and sewage disposal system approved by the Department of Environmental Protection; or a combination thereof.

507.6 Drainage

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties.
- b. All provisions of existing Municipal Ordinances and Subdivision and Land Development Ordinance regarding storm drainage shall be complied with.

507.7 Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

507.8 Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be well screened on all four (4) sides; one side or portion thereof being a gate, and contained in covered vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

507.9 Site Plan Review and Approval

Mobile Home Park developments shall be subject to the provisions and procedures of the Municipality's Subdivision and Land Development Ordinance and the procedures established in said Ordinance for review and Municipal approval shall be followed.

Section 508 Flood Plains

It is the intent of this section to supplement the Zoning District regulations to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by protecting and controlling development in flood plains which are considered areas of potential flooding hazards.

508.1 Abrogation and Greater Restrictions

This section supersedes any Zoning District regulations, but if existing zoning regulations are more restrictive for the particular district within which the property is located, then the more restrictive requirements shall apply.

508.2 Definition of Terms

- a. Basement: any area of the building having its floor below ground level on all sides.
- b. Completely Dry Space: a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- c. Development: any man-made change to improved or unimproved real estate, including, but not limited to, the construction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities, filling, grading and excavation; mining, dredging, drilling operations; storage of equipment or materials; and the subdivision of land.
- d. Essentially Dry Space: a space which will remain dry during flooding; except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- e. Flood: a temporary inundation of normally dry land areas.

- f. Flood-Proofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real estate, water and sanitary facilities, structures and their contents.
- g. Flood Plain: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation of water; (2) area subject to the unusual and rapid accumulation of surface water from any source.
- h. Flood Hazard Area: the area inundated by a one hundred (100) year flood.
- i. Floodway: the designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
- j. Historic Structure: any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a list maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district.
 - (3) Individually listed on a state inventory of historic places if the states historic program has been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory

of historic places in the Municipality if an historic preservation program has been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior if the state does not have an approved program.
- k. Manufactured Home: a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at the site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailer, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) days.
- l. Minor Repair: the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include additions to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- m. New Construction: structures for which the start of construction commenced on or after October 22, 1979, and includes any subsequent improvements thereto.
- n. One Hundred (100 Year Flood: a flood that, on

the average, is likely to occur once every hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flooding may occur in any year).

- o. One Hundred (100) Year Flood Plain: the relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation on the average of once every hundred (100) years.
- p. Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the longest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- q. Regulatory Flood Elevation: the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.
- r. Structure: anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, or other similar terms.
- s. Substantial Damage: damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- t. Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which is equal or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed, the terms does not,

however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

508.3 Designation of Flood Plains

Flood plains are those areas that have been delineated on the Flood Hazard Boundary Map, dated November 29, 1974 by the Federal Emergency Management Agency (FEMA) or the most recent revision of the Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) (if same has been prepared) for the Municipality or those areas which the U.S. Department of Agriculture, Soil Conservation Service has classified as alluvial soils or local alluvium in the "Soil Survey, Schuylkill County, Pennsylvania", dated 1975 whichever is greater. The limits of the alluvial soils are also shown on the Official Zoning Map.

The actual determination of the limits of such alluvial soils and the elevation of land subject to inundation by flooding due to a one hundred (100) year storm frequency shall be the responsibility of the applicant, and Hydrologic and hydraulic calculations for the determination shall be approved by the Soil Conservation Service, Corps of Engineers, and/or the Township Engineer. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used for the calculations are accurate. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Municipality. Whenever available,

information from other federal, state, and other acceptable sources shall be used to determine the one hundred (100) year flood elevation, as well as a floodway area, if possible.

Should the area designated as flood plain on the Zoning Map be found to be inapplicable or inaccurate, based upon approved calculations, then the zoning requirements for such property shall be deemed to be the regulations of the district in which the property is located.

The delineation of any of the identified flood plain area(s) may be revised by the Municipality where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual, documents the needs for such revision. However, prior to any change, approval must be obtained from the Federal Insurance Administration (FIA).

508.4 Permitted Uses

- a. Agricultural uses (excluding permanent structures) such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, sod farming, lumbering and reforestation (excluding storage and mill structures), and wild crop harvesting.
- b. Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation such as: parks, day camps, picnic grounds, golf courses, shooting preserves, fishing preserves, boating clubs (excluding structures), game farms, fish hatcheries, wild life and nature preserves, target ranges, trap and skeet shooting ranges, hiking and arboreta.
- c. Utilities and public facilities and improvements such as: dams, power plants, flowage areas, transmission lines, pipe lines. Water monitoring devices, outlet installations for sewage treatment plants, sealed public and

private water supply wells, and accessory uses customarily incidental to any of the foregoing permitted uses.

- d. Previous parking lots where required by the regulations for any other zone or district.

508.5 Uses Permitted by Special Exception

The Zoning Hearing Board may authorize the issuance of a zoning permit to construct buildings, consistent with the provisions of the Zoning District in which such property is located, or may permit property to be used for minimum lot area, or front, side or rear requirements, provided the following requirements are met:

- a. Use of property for minimum requirements

Front, side and/or rear yards for minimum lot area within the flood plain may be included for residential lots in order to meet minimum lot area or yard requirements required by this Ordinance, provided that the intent and objectives of the section will be met to the satisfaction of the Board.

- b. Buildings or Structures

Buildings or structures may be permitted in the flood plain, subject to the following:

1. No new residential construction or building or any portion thereof shall be erected or improved unless the lowest floor (including basements) is elevated to at least one and one-half (1-1/2) feet above the elevation of the one hundred (100) year flood.
2. No new non-residential construction or building or any portions thereof shall be erected or improved unless the lowest floor (including basements) is elevated to at least one and one-half (1-1/2) feet above the elevation of the one hundred (100) year flood or is flood-proofed to that height in completely or essentially

dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972) or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above reference standards.

3. Any building or structure permitted in the flood plain area shall be securely anchored to prevent the structure from floating away and restricting the floodway.
4. Any building or structure permitted in the flood plain shall be constructed and placed on the lot to offer the minimum obstruction to the flow of water and shall further be designed to have a minimum effect upon the flow and height of flood water.
5. Enclosed space below the lowest floor (including basements) is prohibited.

c. Mobile Homes

1. All mobile homes and any additions thereto shall be placed on permanent foundations and shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:

1.1 over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length,

and one (1) additional tie per side for units less than fifty (50) feet in length.

1.2 frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

1.3 all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

2.1 the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the one hundred (100) year flood elevation.

2.2 adequate surface drainage is provided.

2.3 adequate access for a hauler is provided.

2.4 where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

3. An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the

appropriate municipal officials for mobile home parks and mobile home subdivisions.

- d. Within any floodway area, no development, use, or activity shall be allowed that would cause any increase in the one hundred (100) year flood elevation.

508.6 Utilities and Sanitary Facilities

- a. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collection systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- b. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood water into the system, and be located and constructed to minimize or eliminate flood damages.
- c. The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.
- d. All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the change or impairment during a flood.

508.7 Obstructions

The following shall not be placed or caused to be placed in the flood plain area:

- a. Fences, except two-wire fences, and any other structure or other material which may impede, retard or change the direction of the natural flow of water, or which will catch or collect debris or which could be carried downstream,

to the damage or detriment of either public or private property adjacent to the flood plain.

- b. Any on-site sewage disposal system.
- c. Materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall not be stored below an elevation lower than one and one-half (1-1/2) feet above the elevation of the one hundred (100) year flood.
- d. Placing, depositing or dumping of any solid waste.
- e. Stock pilings or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which if flooded would cause pollution.
- f. Any other use which would adversely affect the capacity of channels, floodways, drainage ditches, or other drainage facility.

508.8 Fill Materials

- a. Fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
- b. When fill is used to raise a structure or building above the flood elevation, the finished fill elevation shall be extended fifteen (15) feet beyond the limits of any structure or building erected thereon.
- c. Fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- d. Fill shall not be steeper than one (1) vertical or two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Municipality.

508-9. Design and Construction Standards

The following standards shall apply to all construction and installation located below one and one-half (1-1/2) feet above the elevation of the one hundred (100) year flood:

- a. All buildings and structures shall be designed, located and constructed, so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood waters.
- b. All buildings and structures whether flood-proofed or elevated, shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
- c. All air ducts, large pipes and storage tanks and other similar objects or components shall be firmly anchored or affixed to prevent floatation.
- d. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without incurring structural damage to the building.
- e. Plywood shall be of a "marine" or "water-resistant" variety.
- f. Walls and ceilings shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- g. Windows, doors, and other components shall be made of metal or other water-resistant material.
- h. Water heaters, furnaces, air conditioning and ventilating systems, and other electrical or mechanical equipment or apparatus shall not be located below one and one-half (1-1/2) feet above the one hundred (100) year flood elevation and other electrical equipment or apparatus shall be permitted only at elevations of one and one-half (1-1/2) feet

above the one hundred (100) year flood elevation.

Electrical distribution panels shall be at least three (3) feet above the level of the one hundred (100) year flood elevation.

Separate electrical circuits shall serve lower levels and shall be dropped from above.

- i. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- j. Paints, adhesives and the finishes shall be of a "marine" or water-resistant quality.

508.10 Certification of an Architect or Engineer

- a. Plans for building and structures within the area designated as a flood plain shall be prepared by a registered architect or licensed professional engineer, including hydraulic and other necessary calculations used to determine the flood elevations. The proposed lowest floor and basement elevations in relation to mean sea level, based upon the National Geodetic Vertical Datum of 1929 shall be shown.
- b. Plans shall accurately delineate the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage.
 - 2. All utilities and facilities, such as sewer, gas, electrical and water systems

are located, elevated and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- c. Such plan shall also include existing and proposed contours; information concerning the one hundred (100) year flood elevations, and other applicable information such as uplift forces and other factors associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soils types, and flood-proofing measures.

508.11 Other Permit Issuance Requirements

- a. Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the Municipality, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dam Safety, Obstructions, and Stormwater Management, as specified in the Water Obstruction Act of 1913, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forward to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- b. Prior to the issuance of any building permit the Building Official shall review the application for permit to determine if all other necessary governmental permits such as those required by state and federal laws have been obtained including those required by Act 537, The Pennsylvania Sewage Facilities Act, the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C.

1334 and the Pennsylvania Clean Stream Act. No permit shall be issued until this determination has been made.

508.12 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Municipal Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Soil Conservation District shall be considered by the Building Official for possible incorporation into the proposed plan.

508.13 Existing Structures in Identified Flood-Prone Areas

Structures existing in any identified flood plain area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

No expansion or enlargement of any existing structure shall be allowed within the floodway area that would cause any increase in the one hundred (100) year flood elevation.

508.14 Activities Prohibited in Flood Plain Areas

It has been determined that certain activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located either entirely or partially, within an identified flood-prone area.

Therefore, the following are specifically prohibited within flood plains:

1. Hospitals (public or private)
2. Nursing homes (public or private)
3. Jails or prisons
4. New mobile home parks and mobile home subdivisions, and substantial improvements thereto
5. Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

508.15 Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances on which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be prohibited within a flood plain or within the area measured fifty (50) landward from the top-of-bank of any watercourse where no flood plain has been delineated.

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)

13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

No variance shall be granted for these prohibited uses.

508.16 Flood Plain Variances

If compliance with any requirements of this Ordinance would result in an exceptional hardship to prospective builder, developer, or landowner, the Municipality may upon request, grant relief from the strict application of the requirements.

Requests for variances shall be considered by the Municipality in accordance with the procedures contained in Article VIII of this Ordinance and the following:

1. No variance shall be granted for the uses and/or hazardous materials listed in subsection 508.14 and 508.15.
2. If granted, a variance shall involve only the least modification necessary to provide relief.
3. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
4. Whenever a variance is granted, the Municipality shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.

- b. Such variance may increase the risks to life and property.
5. A complete record of all variance requests and related actions shall be maintained by the Municipality. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
6. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

508.17 Municipal Liability

The grant of a zoning permit in the flood plain shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Municipality, its officials or employees.

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes in the identified flood-prone area(s). Larger flood may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside identified flood-prone area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Municipality or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 509 Farm Review

509.1 New residential development in any Zoning District where agriculture is a permitted use shall be subject to the following. The purpose of such review shall be to protect farm operation.

509.2 Standards

- a. The location of the dwelling and accessory buildings will not substantially interfere with a farm access road or livestock path.
- b. The location of any dwelling shall not be located within two hundred (200) feet of any farm structure housing farm animals on any adjacent property.
- c. The proposed residential lot is enclosed by adequate fencing to provide sufficient protection against trespassing by farm animals.
- d. The lot width of the proposed residential lot shall not amount to one-third (1/3) or more of the highway frontage of any side of a farm property being removed from farm use unless one satisfactory access road serves the remaining area of the farm.
- e. The proposed dwelling shall be set back a minimum of fifty (50) feet from the centerline of an access lane.

Section 510 Appalachian Trail Restrictions

In order to meet the objectives and purpose of the Pennsylvania Appalachian Trail Act, no buildings, accessory building or structures shall be permitted within one hundred (100) yards of the Appalachian Trail. The cutting of trees and the construction of roads within the one hundred (100) yards shall be prohibited.

Section 511 Lane Lots

511.1 No more than two (2) lane lots will be permitted per 10 acre tract of land as it existed at the date of the adoption of the original Zoning Ordinance

Number 1982-1 adopted June 16, 1982, even if lots are subdivided from the tract at different times.

- 511.2 The access lane will have a minimum width of twenty-five (25) feet, be contained entirely within the lot and serve only one (1) lot.
- 511.3 The access lane shall not be included in the calculation of the rectangular area of the lot that is served by the access lane.
- 511.4 These lanes may not become Township public streets unless a separate agreement to that end is concluded with the Supervisors.
- 511.5 Creation of a lane lot shall not create two (2) non-conforming lots.
- 511.6 Alternate setback line for a lane lot shall be determined from the end of the access lane.
- 511.7 The access lane must abut on public or private street.

Section 512 Bed and Breakfast Inn

- 1. A maximum of six (6) rental units shall be provided, no more than three (3) adults may occupy one rental unit and no more than twelve (12) guests total may occupy the facility at one point in time.
- 2. One (1) off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- 3. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of four (4) square feet on each of two (2) sides and with a maximum height of eight (8) feet. The sign shall be no closer than twenty (20) feet from any side lot line. The sign shall require a zoning permit.
- 4. The use shall have a residential appearance and character.

5. The use shall be operated by permanent residents of the lot.
6. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a Restaurant, Café, or Tavern is also permitted in the underlying Zoning District.
7. No guest shall stay for more than fourteen (14) days in any month.
8. No retail sales are permitted.
9. No sales of alcohol are permitted unless a Restaurant, Café, or Tavern is also permitted in the underlying Zoning District.
10. The Township Sewage Enforcement Officer must confirm if the sewage facilities are adequate for the number of rental units utilized. This confirmation must accompany the application to the Zoning Hearing Board.
11. The Township Road Master and the Township Engineer must confirm if the access drive(s) are adequate for safe ingress and egress for the anticipated volume of traffic for the proposed use. A Township driveway permit (or PA DOT HOP permit if applicable) must accompany the application to the Zoning Hearing Board.
12. The Township Road Master and Township Engineer must confirm if the applicant will be required to address stormwater issues prior to the issuance of any driveway, zoning and/or building permits.

Section 513 Intensive Agriculture

513.1 Definition

Intensive agriculture shall be defined as specialized agricultural activities including but not limited to certain swine, mushroom, poultry, horse, and dry lot livestock production, which due to the intensity of production necessitates special control of operation, raw materials storage and processing, housing, and the disposal of liquid and solid wastes. This includes the following:

- A. CAFO (concentrated animal feeding operation) as defined by US EPA.

- B. CAO (concentrated animal operation) as defined by PA Act 38.
- C. Animal Heavy Use Area as defined by PA Code Title 25, Chapter 102.
- D. The raising and ownership of horses, cattle, sheep, goats, poultry, rabbits or similar animals in any number or amount which exceed 2.0 animal units (AU) per acre. Standard animal weights, as defined by Penn State College of Agricultural Sciences, shall be used to calculate animal units. An animal unit (AU) is 1000 pounds.

513.2 Standards

- A. No agricultural building or other accessory outbuilding utilized for any type of Intensive Agriculture shall be constructed within five hundred (500) feet of any residence, or within two hundred (200) feet of any property line, whichever distance is greater.
- B. All areas utilized for grazing shall be completely and entirely enclosed within a fence of sufficient type, height (and if necessary electrically activated) to ensure that grazing animals cannot escape from said grazing area.
- C. The production, processing or cultivation of mushrooms shall be construed as Intensive Agriculture.
 - 1. Mushroom houses and complexes will require a Special Exception for up to one hundred thousand (100,000) square feet total gross building space for growing. Any use including more than one hundred thousand (100,000) square feet of mushroom growing space will require a Variance.
 - 2. Mushroom houses shall be operated under the guidelines as set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community", draft of December, 1996, as may be amended, revised or adopted, which is incorporated herein by reference thereto.
 - 3. Mushroom industry housing for workers will not be allowed except as it relates to single-family residences as regulated by this Zoning Ordinance.

- D. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code (as may be amended) for all proposed Intensive Agricultural uses. A copy of approved Nutrient Management Plan shall be submitted to the Township.
- E. A stormwater management plan shall be prepared pursuant to the (SALDO) and any other stormwater management ordinances adopted by the Township. All such stormwater management plans shall be reviewed and approved by the Township Engineer for all proposed Intensive Agriculture uses.
- F. No construction of any improvements such as driveways, parking, building, or tanks required to support Intensive Agriculture shall be permitted except pursuant to an approved Land Development Plan in accordance with the Township Subdivision and Land Development Ordinance.
- G. An Erosion and Sedimentation Pollution Control Plan shall be prepared for all proposed Intensive Agriculture uses and approved by the Schuylkill County Conservation District. A copy of the approved Erosion and Sedimentation Pollution Control Plan shall be submitted to the Township.
- H. A Conservation Plan shall be prepared and approved by the Conservation District for all proposed Intensive Agriculture uses. The approved Conservation Plan shall be submitted to the Township.
- I. A Landscaping Plan shall be submitted to the Township pursuant to this Ordinance, for all proposed Intensive Agricultural uses.
- J. Solid and liquid wastes shall be disposed of in a manner that will avoid creating insect or rodent problems and in a manner which shall be consistent with the Nutrient Management Plan.
- K. No discharges of liquid wastes and/or sewage shall be permitted into any water bodies, water reservoir, sanitary sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless any such discharges are in compliance with any permits approved by the applicable local, state and/or federal regulatory agencies.

- L. Any and all Intensive Agriculture uses and activities shall be reviewed and/or permitted by the Township, the Schuylkill County Conservation District, the Schuylkill County Cooperative Extension, and any and all applicable Federal and State Regulatory Agencies having jurisdiction over such matters prior to the commencement of any activities associated with said use.

- M. Animal manure storage facilities planning, design, construction, and operation shall be in accordance with PA DEP approved manure management practices as described in the publication entitled "*Manure Management for Environmental Protection*" and addenda or amendments thereto prepared by PA DEP; "*The Pennsylvania Technical Guide*" and addenda or amendments thereto; Pennsylvania Code, Title 25, Chapter 83, Section 83.351, "*Minimum Standards for the Design, Construction, Location, Operation, Maintenance and Removal From Service of Manure Storage Facilities*" when applicable; and Pennsylvania Code, Title 25, Chapter 91, Section 91.36 "*Pollution Control and Prevention at Agricultural Operations*".

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ARTICLE VI

NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

Section 601 Statement of Intent

Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, or restricted under the terms of this Ordinance or subsequent amendments thereto.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction is completed within two (2) years after such date.

Section 602 Non-Conforming Lots of Record

In any district, residential structures and customary accessory buildings for residential use may be erected on any single lot of record at the effect date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and approval for non-residential structures and customary accessory buildings for non-residential uses shall be obtained only through action of the Zoning Hearing Board.

If two (2) or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes

compliance with lot width and/or area below the requirements stated in this Ordinance. A Consolidation Deed shall be filed of record by the landowner to confirm the combination of such lots into a single lot. This section shall not apply, for a period of three (3) years, to an approved subdivision or land development plan, whether preliminary or final.

Section 603 Non-Conforming Uses of Land

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

a. Extension

No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of such adoption or amendment of this Ordinance.

b. Discontinuance

Whenever a non-conforming use has been discontinued for a period of eighteen (18) consecutive months, such use shall not thereafter be reestablished unless Certificate of Intention as per Section 608 has been filed. Any future use shall be in conformity with the provisions of this Ordinance.

c. Changes or Moving of Use

A non-conforming use if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the Zoning District than the existing non-conforming use.

d. Additional Structures or Buildings

No additional structures or buildings, not conforming to the requirements of this Ordinance, shall be erected in connection with such non-conforming use of land.

Section 604

Non-Conforming Structures or Buildings

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

a. Enlargement

No such non-conforming structure or building may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

b. Damage or Destruction

A non-conforming structure which is destroyed or partially destroyed by fire, explosion, or by any means to an extent of seventy-five (75) percent or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a non-conforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance.

c. Moving of Structure or Building

No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

Lawful uses of structures of buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

a. Extension

A non-conforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a non-conforming use shall not exceed fifty (50) percent of the gross floor area occupied by said non-conforming use at the time such non-conforming use became non-conforming.

b. Change of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in Zoning District than the existing non-conforming use.

c. Discontinuance

Whenever a non-conforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months, such structure or building or portion

thereof shall not thereafter be reestablished unless a Certificate of Intention, as per Section 608, has been filed. Any future use shall be in conformity with the provisions of this Ordinance.

d. Destruction

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the use of the land upon which the structure or building was erected for a non-conforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five (75) percent or more of the market value of the structure or building immediately prior to such damage or destruction. However, if construction begins within twelve (12) months after destruction or partial destruction, the same non-conforming use may be reestablished. The Zoning Hearing Board may, by special exception, authorize another equally appropriate or more appropriate use to be reestablished.

Section 606 Unsafe or Unlawful Structures or Buildings

If a non-conforming structure or building or portions thereof containing a non-conforming use becomes a physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the Zoning District in which it is located.

Section 607 Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a special exception in a Zoning District under terms of this Ordinance and which existed at the adoption of this Ordinance (other than a change through Zoning Hearing Board action from one conforming use to another non-conforming use) shall not be deemed a non-conforming use in such Zoning District, but

shall without further action be considered a conforming use. Any extension or enlargement shall be subject to the conditions listed in Section 605a.

Section 608

Certificate of Intent

A Certificate of Intent shall be required in all instances where a non-conforming use of land or non-conforming use of a structure or building, is discontinued if the owner or operator of such uses desires to maintain such a non-conforming use.

The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intent. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered an administrative duty of the Zoning Officer, who shall not refuse to accept the completed form.

The Zoning Officer shall maintain a separate file for all Certificates of Intent.

A Certificate of Intent must be filed within eighteen (18) months after the discontinuance of the use of the land or structure or building, and shall remain in effect for no more than five (5) years after the date on which it is filed with the Zoning Officer. After the lapse of the said five (5) year period, the non-conforming use shall be deemed to be abandoned and shall no longer be allowed under this section.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

Section 701

Enforcement

701.1 Zoning Officer

A Zoning Officer shall be appointed by the Governing Body to administer and enforce this Zoning Ordinance. A Zoning Officer shall not hold any elective office in the Municipality. The Zoning Officer shall meet qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Municipality a working knowledge of municipal zoning.

701.2 Duties and Powers of Zoning Officer

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, and amendments and the Zoning Officer shall have such duties and powers as are conferred on the Zoning Officer by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- a. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.
- b. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of any action taken in response to such complaints. All such records shall be open to public inspection, pursuant to the Pennsylvania Open Records Law. Copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained indefinitely, and may be stored in a digital

format, with appropriate back-up.

- c. Make inspections as required to fulfill his duties. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
- d. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- e. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
- f. Determination of Preliminary Opinions in accordance with Section 705.
- g. Such other duties and powers as may be assigned to the Zoning Officer from time to time by the Governing Body, pursuant to this Ordinance, or any ordinance or resolution.

701.3 Enforcement Notices

The Zoning Officer shall serve enforcement notice on any person, firm, corporation, or partnership responsible for violating any of the provisions of the Ordinance, or in violation of a detailed statement or a plan approved there under. Enforcement Notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

The Enforcement Notice shall state at least the following:

- 1. The name of the owner of record and any other person against whom the Municipality

intends to take action.

2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. The date or time period before which the steps for compliance must be commenced and the date or time period before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 702

Zoning Permit

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, land shall not be put to any use, nor shall any home occupation be established without a permit therefore, issued by the Zoning Officer. Zoning permits shall however, not be required for utility structures not exceeding one hundred fifty (150) square feet and which are not placed on permanent foundations. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception, variance or as otherwise provided for by this Ordinance, any applicable laws or any Court of competent jurisdiction.

702.1 Form of Application

All applications shall be made in writing and

shall be accompanied by two (2) sets of plans showing at least the following information if applicable:

- a. The name and mailing address of the applicant, name(s) and mailing address(es) of the landowner(s), and contact information (telephone numbers, email addresses) of the applicant and landowner(s)
- b. Actual dimensions and shape of the lot to be built upon and the Uniform Parcel Identifier numbers as established by the Schuylkill County Tax Assessment Office, for the land which is the subject of the application;
- c. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto; if deemed necessary by the Zoning Officer, such items shall be shown on a drawing prepared by a licensed surveyor or engineer;
- d. The number of dwelling units if applicable;
- e. Parking spaces provided and/or loading facilities;
- f. Statement indicating the existing or proposed use;
- g. Height of structure, building, or sign;
- h. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance;
- i. A detailed scaled drawing of each sign showing intended location and stating how it shall be affixed;
- j. A statement indicating the type of construction and the manner of installation for signs, together with the materials to be

used;

- k. A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign;
- l. A written agreement that the sign shall be erected according to the accompanying plans and specifications;
- m. Approved permit for sewage disposal.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and zoning permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

702.2 Expiration of Zoning Permit

Zoning permit shall expire within six (6) months from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the six (6) month period, said permit shall expire after two (2) years from date of issuance thereof. However, an extension of time may be granted by the Governing Body.

702.3 Free-Standing Signs

If the sign is to be supported by a separate structure to be erected for that purpose, then

the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

702.4 Hazardous Signs

When in the discretion of the Zoning Officer, the type or placement of a sign constitutes a potential danger to the community, the Zoning Officer may require the applicant or landowner to provide proof of liability insurance coverage, insuring against any loss caused by such sign type or placement, in the amount of at least Fifty Thousand Dollars (\$50,000). A Certificate of Insurance effective for at least one (1) year respectively, will be deemed sufficient proof of such insurance coverage.

702.5 Sign Permits

No sign permit shall be granted unless the application conforms to the requirements of this Ordinance. If the denial is based upon an interpretation of this Ordinance, the applicant shall be informed of his right to appeal.

702.6 Temporary Permit

a. A Temporary Permit shall be necessary for all temporary signs.

A temporary Permit shall be necessary for all temporary uses not permitted by the applicable Zoning District.

A temporary Permit shall be necessary for all temporary violations of the area and bulk regulations or performance standards of the applicable Zoning District.

b. For temporary uses in violation to area and/or bulk regulations, applications shall be made in writing and shall contain the

following:

A statement indicating the present owner of the lot in question and a statement indicating the names of the persons or organizations requesting the permit. Said statement(s) shall also contain the signature(s) of such persons.

A statement describing the proposed use and the length of time which such use will be continued.

c. The following standards must be met:

No temporary violation of this Ordinance shall continue for a period of more than one (1) year, unless extended by the Governing Body.

All temporary violations of this Ordinance shall be so designed to minimize the detrimental effect on surrounding properties.

No temporary violations of this Ordinance shall utilize in any manner an adjacent lot.

All temporary violations of this Ordinance shall be for the general welfare of the community and not be detrimental to the public health of the community.

d. The Zoning Officer, acting upon the complaints of residents of the Municipality, may revoke this permit for the repeated violation of the preceding standards. Such revocation shall entitle the applicant to request a hearing before the Zoning Hearing Board which Board shall then affirm or reverse the actions of the Zoning Officer.

Section 703

Schedule of Fees, Charges, and Expenses

The Governing Body shall establish, by resolution, a

schedule of fees, charges, and expenses and collection procedures for Zoning Permits, Certificates of Occupancy, Special Exceptions, Variances, and Appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body, by resolution.

Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal, and no time limits imposed upon the Zoning Officer, Zoning Hearing Board, Governing Body or Municipality shall begin to run.

Section 704 Amendments

The provisions of this Ordinance and boundaries of Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Governing Body of the Municipality, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

704.1 Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or to the Official Zoning Map:

- a. Every such proposed change not initiated by the Planning Commission shall be referred to the Planning Commission at least thirty (30) days prior to the Governing Body holding a public hearing to provide the Planning Commission opportunity to submit recommendations.
- b. The recommendations of the Planning Commission shall be submitted in writing to the Governing Body.
- c. At least thirty (30) days prior to the public hearing, the Governing Body shall submit the proposed ordinance to the County Planning Commission for recommendation.

- d. Before voting on the enactment of an amendment, the Governing Body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Municipality at points deemed sufficient by the Municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- e. Proposed action shall not be taken until the Planning Commission and County Planning Commission recommendation is made. If, however, the Planning Commission and County Planning Commission fail to act within thirty (30) days, the Governing Body shall proceed without its recommendation.
- f. Procedure for Landowner Curative Amendments
 - 1. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Governing Body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The Governing Body shall commence a hearing thereon within sixty (60) days of the request, as provided for in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the County and Municipal Planning Commission and notice of the

hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Municipalities Planning Code, as amended.

2. The hearing shall be conducted in accordance with Section 906 of the Pennsylvania Municipalities Planning Code, as amended, and all references therein to the Zoning Hearing Board shall, for the purposes of this section be referenced to the Governing Body. If the Municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. If the Governing Body determines that a validity challenge has merit, the Municipality may accept a landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the challenged defects. The Governing Body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 - (b) if the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal

in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance and Map;

(c) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(d) the impact of the proposed use on the site's soils, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public land uses which are essential to public health and welfare.

g. Procedure for Municipal Curative Amendments

If the Municipality determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

1. The Municipality shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and proposed to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Governing

Body of the Municipality shall:

- (a) By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - (i) references to specific uses which are either not permitted or not permitted in sufficient quantity,
 - (ii) reference to a class of use or uses which require revision, or
 - (iii) references to the entire Ordinance which requires revisions.
 - (b) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declare invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Municipality shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, as amended, in order to cure the declared invalidity of the Zoning Ordinance.
 3. Upon the initiation of the procedures, as set forth in clause (i) the Body shall not be required to entertain or consider any landowner's curative amendment filed under Section 704.1.f nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning

Code, as amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause 1(a). Upon completion of the procedures as set forth in clauses 1 and 2, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which there has been a curative amendment pursuant to this section.

4. The Municipality having utilized the procedures as set forth in clauses 1 and 2 may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to clause 2 provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Municipality by virtue of a change in statutory law or by virtue of a Schuylkill County Court of Common Pleas or Pennsylvania Appellate Court decision, the Municipality may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

Section 705

Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the Ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval

of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the Ordinance or map will run under Section 805.2 by the following procedure:

- a. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for preliminary opinion as to their compliance with the applicable Ordinance and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- b. If the Zoning Officer's preliminary opinion is that the use or development complies with the Ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 914.1 of the Pennsylvania Municipalities Planning Code, as amended, and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published. The cost of the publication of such notice shall be paid as an expense by the landowner, to be deducted from any fee paid for such Preliminary Opinion or billed separately to the landowner.

Section 706

Publication, Advertising and Availability of Ordinances

- a. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the

manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered a reference to a place within the Municipality where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Governing Body shall publish the proposed amendment once in one (1) newspaper of general circulation in the Municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and a brief summary, prepared by the Municipality's Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be supplied to a newspaper of general circulation in the Municipality at the time the public notice is published.
 2. An attested copy of the proposed Ordinance shall be filed in the County Law Library or other County Office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinance.
- b. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Governing Body shall at least ten (10) days prior to enactment re-advertise, in one (1) newspaper of general circulation in the Municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendment.

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ARTICLE VIII

ZONING HEARING BOARD

Section 801 Creation - Appointment - Organization

801.1 Creation of Board

The Governing Body hereby creates a Zoning Hearing Board herein referred to as the Board consisting of three (3) residents of the Municipality appointed by resolution by the Governing Body pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and as herein provided.

801.2 Appointment

One member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of three (3) years. Members of the Board shall hold no other office in the Municipality.

801.3 Removal

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Governing Body, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.

801.4 Vacancies

Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of the

vacated term.

801.5 Compensation and Expenditures for Services

The member of the Board may receive such compensation as shall be fixed by the Governing Body, by resolution, but in no case may it exceed the rate of compensation authorized to be paid the members of the Governing Body.

Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

801.6 Organization

The Board may promulgate such rules and forms for its procedure, not inconsistent with this and other Ordinances of the Municipality and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

801.7 Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

801.8 Minutes and Records

The Board shall keep full stenographic records of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be

immediately filed with the Secretary of the Governing Body and shall be the property of the Municipality. The Board shall submit a report of its activities as requested by the Governing Body.

Section 802 Hearings

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer adjoining property owners, and such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided for herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Hearings shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the finding shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Municipality, may - prior to the decision of the hearing - waive decision or findings of the Board and accept the decision or findings of the hearing officer as final.

3. The parties to the hearing shall be the Municipality, 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 permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. 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 all adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
7. The Board or the hearing officer, as the case may be, shall keep stenographic records and a transcript of the proceedings.
8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda, or other materials, except advise from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
9. The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision

is called for, make written findings on the application within forty-five (45) days after the hearing, or if said hearing is continued within forty-five (45) days after said continued hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of this Ordinance, shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within forty-five (45) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant - unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection 1 of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the rights of any party opposing the application to appeal the decision to a court of competent jurisdiction.

10. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board

shall provide by mail or otherwise, brief notice of the decision or findings may be examined.

Section 803

Functions of the Zoning Hearing Board

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

803.1 Appeals and Challenges

- a. Substantive challenges to the validity of any land use ordinance, except those brought before the Governing Body pursuant to Section 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
- b. Challenge to the validity of a land use ordinance procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said ordinance.
- c. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on the application thereof, the issuance of any cease and desist order.
- d. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- e. Appeals from the Zoning Officer's determination under Section 705.
- f. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not

involving subdivision and land development or planned residential developments.

- g. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 803.2.
- h. Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinances or such provisions within a land use ordinance, pursuant to Section 803.3.

803.2 Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of a 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 circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- b. 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.
- c. That such unnecessary hardship has not been created by the applicant.

- d. 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;
- e. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated, not substantially or permanently impair the appropriate use or development of adjacent property.
- f. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land, structure, or buildings in other districts shall be considered grounds for the granting of a variance.
- g. That in no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.
- h. That the jurisdiction of the Governing Body shall not be infringed upon by action of the Board in any matter which should appropriately be the subject for an amendment to the Zoning Ordinance or Zoning Map. No variance shall be granted under this Section to allow a structure or use in a zone restricted against such structure or use.
- i. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance.

803.3 Special Exceptions

To hear and decide, only such special exceptions to the terms of this Ordinance upon which the Board, by the provisions of this Ordinance, is specifically authorized. The granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions:

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the Zoning District.
- b. Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- c. Such special exception may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- d. Such use shall be found by the Board to be in harmony with the general purposes and intent of this ordinance.
- e. Such use shall not adversely affect the character of the Zoning District, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- f. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create

undue congestion or hazards prejudicial to the general neighborhood.

- g. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Governing Body.

Section 804

Special Exception Conditions

Special exceptions shall be subject to the appropriate safeguards and conditions contained herein and applicable state and local rules, regulations or ordinances.

804.1 Membership Clubs, Camps, Outdoor Recreation Facilities

Membership clubs, lodges and camps, and outdoor recreational facilities such as private and public playgrounds, golf clubs, country clubs, swimming clubs, and tennis courts, shall be subject to the following conditions:

- a. No building or part thereof or any parking or loading area shall be located within one hundred (100) feet of any street or lot line.
- b. The sum of all areas covered by principal and accessory buildings shall not exceed twenty (20) percent of the area of the lot.
- c. That any such club is incorporated pursuant to the provision of a Membership Corporation or unincorporated association approved by the Township Supervisors; and catering exclusively to members and their guests.
- d. That such use shall occupy a lot with an area of not less than five (5) acres.
- e. That exterior lighting other than that essential for the safety and convenience of the users of the premises shall be

prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

804.2 Timbering

Timbering is permitted by special exception subject to the following conditions:

- a. Timbering plans shall be submitted showing on a topographic map areas to be cut and proposed road or trail systems.
- b. A statement will be prepared to show how problems of increased runoff, erosion, stream siltation, soil stabilization and re-vegetation are to be overcome.
- c. A replanting plan for areas cleared shall also be submitted.
- d. All roads and trails shall be dust stabilized where adjoining residential areas.

804.3 Conversion of Existing Structures to Higher Densities

Conversion of existing residential structures to higher densities is subject to the following conditions:

- a. The minimum lot area per dwelling unit shall not be less than three thousand (3,000) square feet per each dwelling unit.
- b. Conversion is not allowed unless off-street parking is provided on the premises at a rate of two (2) off-street parking spaces per each dwelling unit proposed within the existing structure.
- c. Where off-street parking cannot be accommodated on the lot, shared off-street

parking lots may be permitted at the discretion of the Zoning Hearing Board.

- d. Confirmation that the sewage facilities are adequate for the higher density.

804.4 Gasoline Service Stations

Gasoline service stations are subject to the following conditions:

- a. Plans are required to be presented detailing traffic flow within the station, points of ingress and egress, and probable effects on local traffic flow. Ingress and egress points shall not be located closer than one hundred (100) feet of any intersection.
- b. Service stations operation shall be limited to sales and minor repairs.
- c. All vehicle and parts storage areas, shall be so designed and located as not to intrude into any required yard. Yard areas adjacent to residential districts shall be suitably screened.
- d. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- e. All lighting provided shall not produce glare visible to adjoining residences.

804.5 Car Wash

Car washes are permitted subject to the following conditions:

- a. Automatic, semi-automatic or self-service car washes shall be limited to the service of cleaning or waxing of vehicles and shall be carried out only within an enclosed building.

- b. The lot shall be so graded that process water shall not run off across the lot or onto a public street.
- c. Car washes shall be required to provide a grease trap within their sewer hookup designed to specifications provided by the Wayne Township Municipal Authority.
- d. Lot area shall be sufficient to provide space for the building, required yards, and drives and storage area.
- e. Automobile storage or waiting space shall be provided at the rate of not less than five (5) vehicles for each bay in a self-service car wash and not less than ten (10) vehicles for each space or rated capacity within an automatic or semi-automatic car wash.
- f. All vehicle storage shall be designed and located so as not to intrude into any required yards. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- g. All lot lines adjoining residential areas shall be adequately screened.
- h. Lighting provided shall not produce glare to adjoining properties.
- i. Hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.

804.6 Repair Garages

Repair garages are subject to the following conditions:

- a. All vehicles and parts storage shall not intrude onto any required yard. Yard areas adjacent to residential districts shall be suitably screened.

- b. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- c. Lighting provided shall not produce glare to adjoining properties.
- d. Operating characteristics and hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.

804.7 Single-Family Residences and Other Buildings Permitted by Special Exception in C-W, C-R and I Zones

Wayne Township is an area which contains many natural assets, and areas of natural beauty. Some of these assets are its excellent agricultural land, large wooded areas, and steeply sloping land. A number of creeks and their branches run through the Township, and there are also areas which are susceptible to flooding, and general drainage problems, and present dangers of loss of life and property.

It is felt necessary then to control and guide development in these areas to the greatest extent possible because of the function of this area as prime agricultural land; water supply; to prevent possibilities of pollution and contamination; the need to control drainage and erosion; and generally to conserve natural resources.

It is because of these needs and desires for the general protection of areas in the Township and in the Region that the following constraints are placed on development in the C-W, C-R and I Districts.

a. Development of Slopes

Development of residential or other building structures on land with a natural slope of

twenty-five (25) percent or more is prohibited.

b. Development in Floodways

All residential development shall comply with regulations established in the Township Floodplain Ordinance.

c. Development in Wooded Areas

If a wooded area is intended primarily for residential or other building use, a maximum of fifteen (15) percent of the wooded area may be selectively cleared only if this wooded area is required for appropriate placement of the structures on the lot, so structures will conform to the bulk requirements of this Ordinance. The Zoning Hearing Board will determine the necessity for the clearance of woodland in order to achieve adequate placement of structures on the lot.

d. Erosion Controls

1. Stripping of vegetation, grading, filling, excavation or other alteration of the landscape shall be done in such a way that will minimize erosion, and not remove significant amounts of natural resources. Natural resources shall be retained when possible.

2. Grading and cut/fill operations shall be kept to a minimum to insure conformity with the natural topography, to minimize erosion hazard and to adequately enable surface runoff.

3. Fills should not encroach on natural water courses or constructed channels.

4. Fills placed adjacent to natural water courses or constructed channels shall

have suitable protection against erosion during periods of flooding.

e. Drainage

1. Lots shall be provided with positive drainage away from onsite sewage disposal facilities.
2. Adequate drainage and runoff should be provided on each property to protect the property in question and adjoining properties, and avoid problems which may arise from runoff or the possible concentration of stormwater runoff on properties.
3. The Zoning Hearing Board, in issuing a Special Exception, may require special treatment be given to properties in order to provide adequate drainage and lessen possibilities of erosion and flooding from its runoff.

804.8 Self Storage Garages

Self storage garages shall be subject to the following conditions:

- a. All driveways and parking areas shall be paved in accordance with the requirements of Section 506.1e and lighting shall comply with Section 504.7 of this Ordinance.
- b. All fencing shall be in accordance with the requirements of Section 501.2; however, no fence shall exceed ten (10) feet in height and the use of barbed wire or razor wire shall be prohibited.
- c. All other regulations and requirements applicable to the R-2C Zoning District shall apply.

804.9 Adult Movie Theaters, Adult Bookstores, Cabarets,
or Massage Parlors

Adult movie theaters, adult bookstores, cabarets,
or massage parlors shall be subject to the
following conditions:

- a. No adult movie theater, adult bookstore,
cabaret, or massage parlor shall be located
within one thousand (1,000) feet of any
other adult movie theater, adult bookstore,
cabaret, or massage parlor.
- b. No adult movie theater, adult bookstore,
cabaret, or massage parlor shall be located
within five hundred (500) feet from any
school, church, playground, or any other
area designated as a recreational area.
- c. The applicant shall be required to document,
to the satisfaction of the Zoning Hearing
Board, that the proposed use will not be
detrimental to the general character of the
area or neighborhood.
- d. All other requirement and regulations
applicable to the R-2C Zoning District shall
apply.

Section 805 Procedures for Application to the Zoning
Hearing Board

The Board shall act in strict accordance with the procedure
specified by Article IX of the Pennsylvania Municipalities
Planning Code, as amended, and by this Ordinance.

All appeals and applications made to the Board shall be in
writing, on forms prescribed by the Board. Every appeal or
application shall refer to the specific provision of this
Ordinance involved and shall exactly set forth the
interpretation that is claimed, the grounds for any
challenges to the validity of this Ordinance, the use for
which a special exception is sought, or the details of the
variance that is applied for and the grounds on which it is
claimed that the variance should be granted, as the case

may be. In the event the procedures set forth in this Ordinance shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail.

Applications and appeals together with the required filing fee, as established by the Governing Body, shall be submitted to the Secretary of the Zoning Hearing Board.

805.1 Parties Appellant before the Zoning Hearing Board

Appeals under Section 803.1(a)(b)(c)(d)(e) and (f) may be filed with the Board in writing by the landowner affected, by an officer or agency of the Municipality, or any person aggrieved. Requests for a variance under Section 803.2 and for special exception under Section 803.3 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

805.2 Time Limitations, Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Municipality, agency or body if such proceeding is designed at secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended, shall

preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 806

Stay of Proceedings

- a. Upon filing of any proceeding referred to in Section 803 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing proceedings before the Board.
- b. Court hearing and determinations for posting of bonds shall be in accordance with Section 915.1(b), (c) and (d) of the Pennsylvania Municipalities Planning Code, as amended.

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ARTICLE IX

MISCELLANEOUS

Section 901 Appeals

Proceeding for securing review of any ordinance, decision, determination or order of the Governing Body, its agencies or officer, adopted or issued pursuant to this Ordinance, shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Section 902 Causes of Action

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

Section 903 Enforcement Remedies

- a. Any person, partnership, limited liability company, corporation, and any other organization or association who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a

judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Municipality 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have only one (1) such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Municipality.

- b. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- c. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this section.

Section 904

Public Utilities Corporation Exempted

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall after a

public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Utility Commission to ensure that both the corporation and the Municipality have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Section 905 Severability

Should any section, clause, word or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 906 Repeal of Conflicting Ordinances

All existing ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

Section 907 Effective Date

This Ordinance shall become effective five (5) days after the date of its enactment and such advertisement thereof as required by law.

Duly enacted by the Governing Body of Wayne Township, Schuylkill County, Pennsylvania, this 19th day of September, 2012, in lawful session duly assembled.

ATTEST: Barbara J. Moyer
 Secretary

Larry L. Luckenbill
Mark L. Schropp
Stanley F. Fidler
BOARD OF SUPERVISORS

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