

ARTICLE XV

SUPPLEMENTAL REGULATIONS

SECTION 1500 APPLICABILITY

The supplemental regulations in this Article supplement the requirements of Articles IV through XII governing each Zoning District and shall apply to all uses in all Zoning Districts.

SECTION 1501 PERFORMANCE STANDARDS

The following performance standards shall apply to all permitted uses, conditional uses and uses by special exception in the C-1, C-2, I-P and M-1 Districts. All conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1501.1 Environmental Performance Standards

All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to submission of plans for development which show compliance with the following standards.

a. Flood Plains

All areas identified as flood-prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Township Flood Plain Management Ordinance.

b. Landslide Prone Areas

Proposed development of areas which have moderate to high landslide susceptibility shall be reviewed by a professional soils engineer whose credentials are acceptable to the Township to assess necessary precautions, if any, in the design of the development to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.

c. Potential Mine Subsidence Areas

In areas where deep mining has occurred and the potential for mine subsidence exists, plans for development shall be reviewed by a professional soils engineer whose credentials are acceptable to the

Township to assess necessary precautions, if any, to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.

d. **Lakes and Ponds**

Lakes and ponds, as defined by this Ordinance, shall be maintained as permanent open space. No development, filling, piping or diverting shall be permitted, except for the construction of public streets or other crossings, subject to the approval and necessary permits from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.

e. **Stormwater Drainage and Management**

Stormwater drainage and management plans shall be prepared for each proposed development in accordance with the Township Stormwater Management Ordinance No. 8-1988.

f. **Soil Erosion and Sedimentation**

All developments shall protect streams and ponds from sedimentation damage and control erosion in accordance with the Clean Streams Law (P.L. 1987), Chapter 102 and Soil and Sedimentation Control Manual, Pennsylvania Department of Environmental Resources, May 1, 1976. All developments of any size shall submit a soil erosion and sedimentation control plan to the Township.

1501.2 Fire Protection

Fire prevention and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

1501.3 Electrical Disturbance

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

1501.4 Noise

All uses and activities shall comply with the Township Noise Control Ordinance No. 6-1986.

1501.5 Vibrations

Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

1501.6 Odors

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

1501.7 Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws or regulations.

1501.8 Glare

Lighting devices which produce objectionable direct or reflected glare greater than 0.5 footcandle on adjoining properties or public streets shall not be permitted.

1501.9 Erosion

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

1501.10 Water Pollution

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (PA DEP).

1501.11 Determination of Compliance with Performance Standards

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

1501.12 Continuing Enforcement

The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Section 2001 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

SECTION 1502 SCREENING AND LANDSCAPING

1502.1 Buffer Areas Described

Buffer Areas, as defined by this Ordinance and required by §1502.2, shall meet all of the following criteria:

- a. Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be thirty-five (35) feet as measured from the property line.
- b. Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be twenty-five (25) feet as measured from the property line.
- c. Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be ten (10) feet as measured from the property line.

- d. None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of two and one-half (2 ½) feet from the property line which constitutes the exterior boundary of the Buffer Area.
- e. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- f. In the event that a public street right-of-way, dedicated and accepted by the Township separates the two (2) dissimilar uses specified, the Buffer Area shall not be required, provided the width of the right-of-way equals or exceeds the width of the required Buffer Area and one (1) row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in §1502.2(d), below.
- g. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1503.4 of this Ordinance.
- h. No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.

1502.2 Buffer Areas Required

Buffer Areas "A", "B" and "C" listed in §1502.1 above shall be required under the following circumstances:

a. Buffer Area "A"

Buffer Area "A" shall be required:

1. Along all property lines where any development in the C-2, I-P or M-1 District adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.
2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "A" is required.
3. Along all property lines where a Planned Residential Development adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.
4. Along all property lines where multifamily dwellings adjoin property in an A-1, R-1, R-2 or R-3 District.

b. Buffer Area "B"

1. Along all property lines where any development in the C-1 District adjoins property in an A-1, R-1, R-2, R-3 or R-4 District.
2. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "B" is required.

c. Buffer Area "C"

1. Where the express standards and criteria for a conditional use or use by special exception in Section 1403 of this Ordinance specify that Buffer Area "C" is required.
2. On developed properties in the C-1 or C-2 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a property line which adjoins property in the A-1, R-1, R-2, R-3 or R-4 District.
3. Along all property lines in the R-4 District where townhouses and garden apartments adjoin R-4 zoned property containing an existing single family dwelling or two family dwelling.

d. **Low Level Screen Required**

In addition to the required plantings in Buffer Areas "A", "B" and "C", wherever twenty (20) or more parking spaces face the required Buffer Area, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Buffer Area which shall provide a year-'round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

These low level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three (3) feet in height at its centerpoint with a minimum width at the base of ten (10) feet. Low level shrubs or hedges shall be a minimum of three (3) feet in height at the time of planting.

1502.3 Conflict Between Buffer Area and Yard Requirements

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through XII, the greater distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

1502.4 Existing Structures in Buffer Areas

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure which encroaches on the required Buffer Area. The required Buffer Area, as determined by §1502.2, shall apply on all other sides of the existing structure.

1502.5 Existing Trees in Buffer Areas

Where trees already exist within the required Buffer Area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees shall be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission shall not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

1502.6 Size of Trees in Required Buffer Areas

Any existing trees within the required Buffer Area which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the Buffer Area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required Buffer Area.

All trees required to be planted within the Buffer Area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

1502.7 Responsibility for Maintenance

It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

1502.8 Stormwater Management Facilities in Buffer Areas

Stormwater management facilities and structures may be maintained within a Buffer Area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

1502.9 Landscaping of Open Areas

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding shall occur within two (2) weeks of April 1.

1502.10 Landscaping Specifications

Landscaping shall be provided in accordance with the following specifications:

- a. Planting required in Buffer Areas as outlined in §1502.2 shall not be substituted for any required planting mandated in this Section.
- b. A landscaping plan, with detailed drawings, shall be submitted prior to building permit application and this landscaping plan shall contain and show the following information:
 1. All required Buffer Areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 2. All required planting independent of any Buffer Area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 3. Any planting in excess of the requirements in §1502.1 and §1502.2 of this Ordinance.
 4. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 5. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- c. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Building Footprint</u>	<u>Requirement</u>
1,000 s.f. – 30,000 s.f.	1 tree for each 1,000 s.f. of building footprint
30,000 s.f. – 75,000 s.f.	A minimum of 30 trees plus 1 tree for each 3,000 s.f. of building footprint in excess of 30,000 s.f.
Over 75,000 s.f.	A minimum of 45 trees plus 1 tree for each 5,000 s.f. of building footprint over 75,000 s.f.

The required trees shall be planted in clusters on the site and shall be distributed throughout the site to enhance the green space on the site. The final location of the plantings shall be subject to approval by the Township depending on the size of the site, the magnitude of the required Buffer Area and the amount of paving and building coverage proposed.

- d. In any development which contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Dwellings</u>	<u>Required Trees</u>
First 25 dwelling units	1 tree for each dwelling unit
26-100 dwelling units	25 trees plus 1 tree for each 2 dwelling units in excess of 25 dwelling units
101-200 dwelling units	63 trees plus 1 tree for each 3 dwelling units in excess of 100 dwelling units
201+ dwelling units	96 trees plus 1 tree for each 4 dwelling units in excess of 200 dwelling units

The required trees shall be planted as street or front yard trees or may be clustered in groups around the dwelling units.

- e. All trees which are required to be planted as per the regulations of this §1502.10 shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
- f. In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
- g. Any existing trees which are not disturbed and are not located within a required Buffer Area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the Buffer Area.
- h. In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and one (1) tree for each ten (10) spaces shall be installed.

- i. Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.
- j. All areas not utilized for structures, driveways, planting strips or parking facilities shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "reasonable period of time" shall be given the same interpretation given that phrase as it is used in §1502.9 of this Ordinance.

1502.11 Posting of Bond for Landscaping

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

SECTION 1503 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

1503.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

1503.2 Nonconforming Lots of Record

See Section 1803 of this Ordinance.

1503.3 Accessory Structures

In all Zoning Districts the following regulations shall apply to accessory structures:

a. Private Swimming Pools Accessory to a Dwelling

Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard. All swimming pools and the equipment

necessary for maintaining the pool shall be completely enclosed by a fence which is at least six (6) feet in height and which has a self-latching gate. The dwelling may constitute a part of the required enclosure.

For an above ground swimming pool which is completely enclosed by a minimum three (3) foot railing around the entire perimeter and which has a self-latching ladder, the pool shall not be required to be fenced. All other above ground swimming pools shall be fenced in accordance with the requirements of this Sub-paragraph (a).

b. Private Tennis Courts Accessory to a Dwelling

Tennis courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the lighting shall be shielded so that it does not reflect on any adjoining property. All tennis courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.

c. Fences

In the A-1, Agricultural District, a permit shall not be required for installing a fence on a farm as defined, herein. Farm fences in the A-1 District may be located in the required rear and side yards. In the A-1, Agricultural District fences which contain opening equal to at least seventy-five percent (75%) of the surface area of the fence shall be permitted in the front yard.

All posts, framing members and other fence elements used in constructing and supporting fences shall be placed on the side of the fence facing the property where the fence is installed.

In Residential Zoning Districts, fences no greater than six (6) feet in height shall be permitted in the required rear or side yards.

In Residential Zoning Districts, fences which contain openings equal to at least seventy-five percent (75%) of the surface area of the fence and which are not more than four (4) feet in height shall be permitted in the required front yard, provided they are decorative and do not enclose the entire front yard.

In the C-1 and C-2, Commercial Districts, the maximum height of a fence shall be eight (8) feet.

In the I-P and M-1, Industrial Districts, the maximum height of a fence shall be ten (10) feet.

d. Fences, Walls and Buffer Areas

All walls, fences and Buffer Areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.

e. Satellite Dish Antennas

Only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards. In Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet. In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall not exceed twenty (20) feet. In all Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.

f. Radio or Television Antennas

A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located within twenty (20) feet of any property line.
2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet shall be mounted with guide wires.
3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission regulations.
4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.

g. Structures Accessory to Industrial Uses

In the I-P and M-1, Industrial Districts, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

h. Canopies and Similar Structures

Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C-1 and C-2, Commercial Districts, provided that:

1. Such structure shall not be attached to the principal building;
2. Such structure shall be located at least ten (10) feet from any property line or street right-of-way;
3. Such structure shall not be enclosed; and
4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

i. Accessory Storage Structures and Detached Garages

Storage structures accessory to a single family dwelling which have a total floor area of one hundred eighty (180) square feet or less shall be located at least five (5) feet from the rear property line and shall be located at least ten (10) feet from a side property line, but shall not be located in any front yard. All storage structures accessory to a dwelling which have a total floor area of more than one hundred eighty (180) square feet and all detached garages shall not be located in the required front yard, required rear yard or required side yards.

j. Distance from Principal Building

All accessory structures shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous side walls, breezeways or similar connections.

1503.4 Visibility at Intersections

No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

a. Agricultural and Residential Districts

The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

b. Commercial and Industrial Districts

The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of fifty (50) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.

SECTION 1504 PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District:

Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

SECTION 1505 HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water

tanks, derricks, public utility structures and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

SECTION 1506 DRIVE-THROUGH FACILITIES

All businesses which propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements:

- 1506.1** The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- 1506.2** In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.
- 1506.3** Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- 1506.4** Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

SECTION 1507 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

- 1507.1** Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer.

- 1507.2 Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.
- 1507.3 A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- 1507.4 Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1507.5 Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- 1507.6 No combustible materials shall be stored in temporary construction trailers.
- 1507.7 Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- 1507.8 Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
- 1507.9 Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

SECTION 1508 AGRICULTURE

Agricultural activities, including greenhouses, stables, kennels and animal husbandry, where authorized by this Ordinance, shall be subject to the following requirements:

- 1508.1 Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.

- 1508.2 Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least two hundred (200) feet from any street line and from any adjacent landowner's well or dwelling and not less than one hundred (100) feet from the landowner's well or property line.
- 1508.3 Animal shelters shall be located no closer than two hundred (200) feet to any property line.
- 1508.4 Greenhouse heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
- 1508.5 The minimum lot area for keeping horses shall be five (5) acres. The minimum lot area for keeping horses shall not be less than two (2) acres per horse. For farms over ten (10) acres there shall be no minimum lot area per horse.
- 1508.6 No stable shall be located within two hundred (200) feet of any property line or occupied dwelling, other than the stable owner's dwelling.
- 1508.7 All grazing and pasture areas shall be adequately fenced.
- 1508.8 Outdoor kennels shall be located at least three hundred (300) feet from any occupied dwelling on an adjacent lot and at least two hundred (200) feet from any property line which adjoins an R-1, R-2, R-3 or R-4 District.

SECTION 1509 STORAGE

1509.1 Outdoor Storage in Commercial and Industrial Districts

Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of products offered for sale, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.

In the M-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

1509.2 Refuse Collection and Waste Disposal

All organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

1509.3 Storage of Travel Trailers and Mobile Homes

The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

1509.4 Storage of Commercial and Construction Equipment

Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of forty (40) horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles shall not be stored or parked temporarily or permanently in any R-1, R-2, R-3 or R-4 District, except within a completely enclosed building.

SECTION 1510 AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

SECTION 1511 SECONDARY DWELLING FOR RESIDENT FARM WORKERS

One (1) permanent secondary dwelling shall be permitted to be constructed on a lot or parcel where the principal use is agriculture, as defined by this Ordinance, without subdividing the property for the secondary dwelling, providing that all of the following requirements are met:

1511.1 If the property were to be subdivided in the future, the area proposed for the secondary dwelling would be capable of meeting the current minimum lot area and lot width requirements specified for a single family dwelling in the A-1 Zoning District without creating a nonconforming lot for the existing dwelling.

1511.2 Adequate vehicular access to a public street is provided for the secondary dwelling.

- 1511.3 The owner of the secondary dwelling shall be the owner of the original dwelling. The secondary dwelling shall not be sold to any other party unless and until a plan of subdivision is recorded in the Lawrence County Recorder of Deeds Office in accordance with all applicable requirements of the Township Subdivision and Land Development Ordinance.
- 1511.4 The sole purpose of the secondary dwelling shall be to provide a permanent dwelling for a person or persons who are working on the farm as tenants or as paid or unpaid employees.

SECTION 1512 ON SITE SALES ACCESSORY TO A FARM

In the A-1 District, retail sales of agricultural products shall be permitted accessory to a farm, subject to the following regulations:

- 1512.1 All sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.
- 1512.2 Products sold shall include products raised, grown or produced on the farm.
- 1512.3 All permanent structures shall comply with the yard requirements for principal structures in the A-1 District.
- 1512.4 Seasonal roadside stands shall be located no closer than fifteen (15) feet to any street right-of-way or property line, and shall be removed at the end of each growing season.
- 1512.5 Buildings used for retail sales of agricultural products shall not exceed one thousand (1,000) square feet of sales floor area for every ten (10) acres of land farmed. No building used for agricultural products shall exceed five thousand (5,000) square feet of sales area.
- 1512.6 Off-street parking for permanent structures shall be provided in accordance with the requirements of Section 1602 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of Section 1601.
- 1512.7 Off-street parking for seasonal roadside stands shall be designed in accordance with Section 1601, however, the requirements for surfacing, marking, screening and landscaping shall not apply.
- 1512.8 Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of Section 1602 for retail businesses, however, in no case shall less than ten (10) spaces be provided.

- 1512.9 Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street right-of-way and do not park or stand on any street or berm.
- 1512.10 One (1) non-illuminated freestanding sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall not exceed twenty-four (24) square feet, the height of the sign shall not exceed eight (8) feet and the sign shall be located no closer than ten (10) feet to any property line or street right-of-way.

SECTION 1513 FORESTRY/FISH PRODUCTION

Where authorized as a permitted use, forestry and fish production shall be subject to the following regulations:

- 1513.1 All operations shall be located at least five hundred (500) feet from any existing dwelling, other than any dwelling located on the site of the forestry or fish production.
- 1513.2 Timbering operations shall be discontinued between dusk and dawn, provided, further, that such operations shall not take place during any hours on Sundays or legal bank holidays.
- 1513.3 Routes to be used by any hauling or delivery trucks shall be approved by the Township, and the operator shall demonstrate that there shall be no negative impact on Township roads from the proposed operation.
- 1513.4 A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township roads used as hauling routes.
- 1513.5 The applicant shall submit a copy of the State permit for hauling on State roads.
- 1513.6 In the event that timber removal is proposed, a logging plan shall be submitted which shows, at a minimum:
- a. The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b. The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars;

- c. The design, construction and maintenance of stream and wetland crossings, if any;
- d. The general boundaries of proposed operation in relation to Township and State roads, including any accesses to those roads;
- e. The site location, including boundaries of the property and boundaries of the proposed harvest area;
- f. Significant topographic features;
- g. The location of all earth-disturbance activities, such as roads, landings and water-control measures and structures; and
- h. The location of all crossings of waters of the Commonwealth.

1513.7 During timber removal, felling or skidding on or across any public street is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation (PENNDOT), whichever is responsible for the maintenance of the street.

1513.8 During timber removal, no tops of trees or debris shall be left within twenty-five (25) feet of any public street or any private road providing access to adjoining residential property.

1513.9 The operation shall show compliance with the following laws and regulations of the Commonwealth, and all necessary permits shall be maintained during the operation:

- a. Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law.
- b. Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act.

1513.10 Any suspension or revocation of a State permit shall constitute revocation of zoning approval, and the operator shall be subject to the enforcement provisions of Section 2001 of this Ordinance.

1513.11 Any impoundment of water shall be secured to prohibit access by the general public.

- 1513.12 Any storage of chemicals or other potentially hazardous supplies shall be within a completely enclosed building and shall be properly handled and stored so as not to contaminate any wells, watercourses or potable water supplies.
- 1513.13 Any materials or wastes which may cause fumes or dust or may be edible or otherwise attractive to rodents or insects shall be stored in enclosed containers adequate to eliminate such hazards.