

LONGSWAMP TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 298

ADOPTED December 14, 2021

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MAPS

Primary Conservation Areas
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 Steep Slopes
 Agricultural Soils and Geology
 Zoning Map

TOWNSHIP OF
LONGSWAMP ORDINANCE
NO. 298

This is an Ordinance regulating the location, erection, construction, alteration, removal, and size of buildings, structures, and signs regulating the use of land. Zoning districts, with their applicable regulations, and general regulations are created to accomplish these purposes. Provision is made for the amendment, enforcement and administration of this Zoning Ordinance.

ARTICLE I

TITLE, PURPOSE, INTERPRETATION, AND APPLICATION

Section 100. TITLE

This Ordinance be known as and may be cited as "The Longswamp Township Zoning Ordinance of December 14, 2021".

Section 101. PURPOSE

This Ordinance is enacted to implement the Longswamp Township Comprehensive Plan and to promote the public health and safety and the general welfare of the residents and occupants of the Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population, providing for adequate areas for vehicular parking and loading; providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities; encouraging the harmonious and orderly development of land; and lessening congestion of the roads and highways.

This Ordinance is enacted in accordance with the Community Development Objectives as set forth in the Longswamp Township Comprehensive Plan. Those Objectives are incorporated herein by reference.

Section 102. INTERPRETATION

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Ordinance shall be complied with. Where the provisions of any other Township statute, ordinance, or regulations impose greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance, or regulation shall be complied with unless otherwise stated in this Ordinance.

For an official interpretation of the Ordinance, an application with the appropriate supporting data must be formally submitted to the Township for review.

Section 103. APPLICATION

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Longswamp Township shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed, subject to the special regulations herein provided with respect to non-conforming buildings, structures or uses.

Section 104. CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. If a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the stricter limitation on the proposed use or structure shall apply.

Section 105. USES NOT PROVIDED FOR

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

Section 106. PUBLIC UTILITIES CORPORATION EXEMPTED

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation for the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township in which the building or proposed building is located 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.

ARTICLE II

DEFINITIONS

Section 200. GENERAL

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

Section 201. SPECIFIC TERMS

Abandonment - The relinquishment of a use without intention to resume the said use.

Access Drive - An improved cartway designed and constructed to provide for vehicular movement between a public road and the off-street parking and/or loading for any use other than one (1) single-family dwelling unit or farm.

Accessory Apartment - A second dwelling unit either in or added to an existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building.

Accessory Building - A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Building Apartment - A dwelling unit that is located within a detached accessory building of a principal single-family detached dwelling.

Accessory Farm Dwelling - [See Farm Dwelling, Accessory].

Accessory Use - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

Act - [See Municipalities Planning Code].

Active Adult Community - A development of individual or multiple dwellings, which is designed for adult individuals and/or couples (55 years or older) who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment. An Active Adult Community may include some or all of the following uses:

1. Residential dwelling units which are restricted to occupancy by households where the resident(s) is/are 55 years or older, including:
 - a. Single family detached dwellings.

- b. Two-family dwellings, including single-family semi-detached dwellings and two-family detached dwelling.
 - c. Single family attached dwellings (townhouses).
 - d. Multiple family dwellings, including apartments
- 2. Congregate facilities where the applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the Active Adult Community, including:
 - a. Dining facilities.
 - b. Recreational facilities.
 - c. Worship facilities.
 - d. Maintenance shop, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the Active Adult Community.
- 3. Accessory uses customarily incidental to an Active Adult Community.

Adult Related Facilities - A business or club which engages in one (1) or more of the following areas of sales, services or entertainment:

- 1. Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- 2. Adult Body Painting Studio - Any establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body, when specified anatomical areas are exposed.
- 3. Adult Bookstore - Any establishment which has a substantial or significant portion of list stock in trade consisting of the following items:
 - a. Books, films, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or conduct or uncovered male or female genital areas;
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities; and,
 - c. To which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motion picture motion picture machines, projectors or other image producing devices are maintained to show images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.
- 4. Adult Cabaret - A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances

are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

5. Adult Massage Establishment (Massage Parlor) - Any establishment or business which provides the services of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or message therapist, who is both nationally certified in therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association (See Therapeutic Massage Establishment). This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Mini Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than 50, persons used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater - An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack - Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

12. Adult Outcall Service Activity - Any establishment or business which provides an outcall service, which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time, for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater - A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patron services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Agricultural Warehousing – Personal - A permitted accessory structure located with the respective farming operations. A structure to store product grown on the farm or acquired to support the personal farming practices of the farm on which it is located. Product is not sold retail from the warehouse facility.

Agriculture - (a) The cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture, but excluding forestry; (b) animal husbandry, poultry farming, and dairy farming, excluding kennels.

Agriculture, Intensive - Includes (1) Animal Husbandry, Intensive and (2) Intensive Produce Operations, as defined herein.

Agritainment/Agritourism Enterprise - An enterprise conducted upon, and accessory to, an active principal agricultural operation, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation.

Agritainment/Agritourism Special Event, Fair or Festival - Any organized event that is planned to occur within the Township as part of an approved agritainment/agritourism enterprise.

Airport - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

Alley - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

Alterations - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use. Conversion of a building or structure

from one (1) use to another (i.e. a single-family use to multi-family or apartment use, or to any other use.).

Alteration, Structural - Any modification of a building or structure; the moving of a building or structure from one (1) location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

Amusement Arcade - A commercial establishment which provides, as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skee-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

Amusement / Theme Park - A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

Animal Hospital - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include grooming as well as outdoor and overnight boarding of animals.

Animal Husbandry, Intensive –

1. A concentrated animal operation (CAO) which, is an agricultural operation with eight (8) or more animal equivalent units (AEUs) where the animal density exceeds two (2) AEUs per acre on an annualized basis, as defined under the Pennsylvania Nutrient and Odor Management Act regulations, 25 Pa. Code §83.201, et. seq., as amended.
2. A concentrated animal feeding operation (CAFO), which a concentrated animal operation with greater than 30 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under the Clean Streams Law, 40 CFR §122.23(b)(4), as amended, and Pennsylvania Nutrient and Odor Management Act regulations, 25 Pa. Code §92a.2, et. seq., as amended.

For purposes of this definition, an applicant for an intensive animal husbandry operation shall provide the Zoning Officer with written proof of the calculations used to identify the operation and the Zoning Officer shall refer to the applicable regulations for necessary calculations.

Animal Husbandry, Nonintensive - The practice of raising, breeding or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

Animal Sanctuary - A facility where animals are brought to live and to be protected for the rest of their lives. Unlike animal shelters, sanctuaries do not seek to place animals with individuals or groups, instead maintaining each animal until its natural death. However, they can offer rehoming services.

Animal Unit (AEU) - One (1) animal unit is equal to a total of 1000 pounds of animal(s) as further defined with standard weights of various animals in accordance with Section 83.262 of the Nutrient Management Act. Standard weights to be used in calculations are as provided

in Table 1 of the latest edition of Agronomy Facts 54, as published by the Penn State College of Agricultural Sciences, Agricultural Research and Cooperative Extension.

Antenna Height - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure - Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Antique and Flea Market - [See Farmers, Antique, and/or Flea Market]

Apartment House (or Apartment Building) - A detached building consisting of three (3) or more dwelling units.

Apartment Unit - A dwelling unit within an apartment building.

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

Approved Private Street - A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision plan.

Aquaculture - The controlled cultivation of aquatic plant and animal species.

Aquaponics - The cultivation of fish and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants and consumers.

Area - The two-dimensional measurement of space between known lines or boundaries.

1. Gross Floor Area - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.
2. Habitable Floor Area - The sum of the floor areas of a dwelling unit, as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, services or utility rooms, nor unheated areas such as enclosed porches.
3. Lot Area - The total surface area contained within the property lines of a lot.
4. Retail Sales Area - The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

Attic - That part of a building which is immediately below, and completely or partly within, the roof framing. Within a dwelling unit, an attic shall not be counted as floor area, unless it is constructed as, or modified into, a habitable room by the inclusion of dormer windows, an average ceiling height of seven feet (7') or more, and a permanent stationary interior access stairway to a lower building story.

Auction House - A building used for the conduct of public auctions of goods by a licensed auctioneer or apprentice auctioneer. Three types of auction houses are defined:

1. Auction House for Household and Other Goods - A building used solely for the conduct of auctions of household and other goods, specifically excluding livestock and automobiles and trucks.
2. Automobile and Truck Auction - A building used solely for the conduct of public auctions of motor vehicles.
3. Livestock Auction - A building used solely for the conduct of public auctions of livestock.

Bank and Financial Institution - A business that is open to the public and engaged in deposit banking, exchange of money, and performs closely related functions such as making loans, investments, and fiduciary activities.

Basement - A story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

Bed and Breakfast - An existing home and/or ancillary buildings refurbished, restored, redecorated and converted from a single family use to an owner occupied facility containing sleeping rooms available for transient guests subject to the conditions of this Ordinance. Food served to Bed and Breakfast guests on the premises shall be limited to breakfast only.

Beekeeping - The raising or keeping of bees within a man-made box (beehive) for hobby or business purposes.

Billboard - A sign, upon which advertising matter of any character is printed, posted or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed.

Board of Supervisors - Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania.

Boarding House (Rooming House) - A building or portion thereof, other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

Brew Pub - A retail restaurant/tavern restaurant establishment with on-premises consumption of malt and brewed beverages produced on the premises (by way of an on-site Microbrewery as defined herein) or on real property immediately adjacent to the premises (at a Microbrewery as defined herein) or at a remote location where the Brew Pub owner also has an ownership interest in the Microbrewery that produces the malt and brewed beverages being consumed at the Brew Pub. The Brew Pub must be licensed by the Commonwealth of Pennsylvania Liquor Control Board and any successor agency of the Commonwealth of Pennsylvania. Sales of malt and brewed beverages that are not produced on the premises, on real property immediately adjacent to the premises, or at a remote location where the Brew Pub owner also has an ownership interest in the Microbrewery that produces the malt and brewed beverages being consumed at the Brew Pub are prohibited. The definition does not include on-premises Special Events, which are

defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Brewery - A facility for the production, packaging and sampling of malt and brewed beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces more than twenty five thousand (25,000) barrels of a combination of malt and/or brewed beverages (whether alcoholic or non-alcoholic) per year. Sales of malt and brewed beverages of alcoholic and or non-alcoholic content that are manufactured outside the facility are prohibited. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Buffer Strip - A continuous strip of landscaped land which is clear of all buildings and paved areas, designed for the visual or aural separation from adjacent land.

Building - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

1. **Detached** - A building which has no party wall.
2. **Semi-detached** - A building which has only one (1) party wall in common.
3. **Attached** - A building which has two (2) or more party walls in common.

Building Area - The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

Building Coverage - [See Lot Coverage].

Building Height - The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof for a roof having a slope of 15% or less, and to a point midway between the peak and eaves for a roof having a slope greater than 15%. The front of the building shall be the wall facing and closest to the front lot line. Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

Building Length - The measurement of a building in one (1) general direction.

Building Setback - The minimum distance a building or structure must be set back from a street right-of-way line, except the right-of-way of a service street.

Building Setback Line - A line parallel to the front, side or rear lot line set so as to provide the required yard. In the case of flag lots, the building line shall be established at a point that provides the required yard depth as measured from a point where the lot provides the required lot width.

Business Service Shop - An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service.

Butcher Shop - An establishment where meat, poultry and/or fish are cooked, cured, cut or otherwise prepared and are offered for retail sale, but does not include the smoking of meats, meat products plant, stock-yard, abattoir, tannery or hide processing plant, poultry-killing establishment, animal food factory, or animal by-products plant.

Caliper - The diameter of a tree trunk measured at a point 6 inches above the ground.

Campground - A parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

Campsite - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

Cartway - The portion of a street right-of-way, whether paved or unpaved, designed for vehicular use.

Cellar - A story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

Cell Site - A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular phone transmission.

Cemetery - Land used or intended to be used for the burial of the deceased, including columbarium, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign, and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

Church and Related Uses - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, and church related educational and/or day care facilities.

Clear Sight Triangle - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Club or Lodge (Fraternal or Social) - An association of persons for some common non-profit recreational and/or fraternal activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Commercial Composting - Any composting operation where compost, for mushroom production or any other use, is produced or made for the purposes of sale or distribution.

Commercial Conversion - The conversion of all or a portion of an existing residential or nonresidential building for business use.

Commercial Greenhouse - [See Greenhouse]

Commercial Livestock Hauling - Facilities for the collection and transportation of livestock.

Commercial Mushroom Operation - A specialized form of agriculture involving the raising and harvesting of mushrooms, carried on primarily inside buildings, including accessory operations such as composting, pasteurization, packaging and shipping.

Commercial Recreation Facility - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment including, but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult related uses or off-track betting establishments, as defined herein.

Commercial School - [See School, Commercial]

Commercial Sightseeing Ride - The transportation of people for sightseeing purposes by vehicle, buggy, carriage, surrey, tram, or similar device, whether propelled by animals or mechanical means. This shall include tethered hot air balloon rides. Not included are tours by vehicles that are properly licensed and registered under the Pennsylvania Motor Vehicle Code.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines of the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area - A parking facility other than those provided within the lot lines of a lot on which one (1) single family detached dwelling, one (1) single family semi-detached dwelling, or one (1) townhouse is located.

Common Wall - A wall used or adopted for joint service between two (2) buildings or parts thereof.

Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

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

Communication Tower - A structure in excess of 35 feet from the base of the tower, and necessary auxiliary components, proposed by a public, semi-public, or private entity for the purpose of sending and receiving electronic or analogous signals as an integral component of a communication system including, but not limited to, cellular phone transmission towers, etc.

Community/Tenant Garden - Land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households, or for donation. Community/tenant gardens may be divided into separate plots for cultivation by individuals or used collectively by members of a group.

Comprehensive Plan - The latest version of the document adopted by the Township, pursuant to Article 3 of the Act.

Conditional Use - A use which shall only be permitted by the Township Supervisors pursuant to the provisions of this Ordinance.

Condominium - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

Conservancy Lot - A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenway land. Public access to conservancy lots is not required.

Conservation Area, Primary - Lands within the 100-year floodplain, wetlands, areas greater than 1,000 square feet in size containing rock outcrops, boulder-fields and/or soils with bedrock at the surface and slopes in excess of 25%.

Conservation Area, Secondary - All landscape elements not included in the Primary Conservation Area. These include:

1. Hydric soils, swales, springs, lowland areas other than wetlands.
2. Moderately steep slopes up to 25%, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
3. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
4. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
5. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
6. Historic structures and sites.
7. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
8. Existing trails, especially those connecting the tract to other locations in the Township.

9. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Berks County.

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

Construction Site - The total necessary land required for all buildings or uses within a unified development.

Contractor's Office or Shop - A building or part of a building for the construction or storage of materials, equipment, tools, products, and vehicles.

Contractor's Storage Yard - Land and buildings utilized by a contractor for the storage of vehicles, equipment, tools, machinery, building materials, stone, soil, fuel and/or similar items that relate to the normal operations of a contractor for off-site construction or improvement projects.

Convalescent Home - An establishment providing nursing, dietary and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Convenience Store - A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

1. Retail sales or rental of books, magazines, videos software, and video games provided that adult related facilities are expressly prohibited;
2. Restaurants, including drive thru or fast food operations, provided that restrooms are made available to the public;
3. Amusement arcades;
4. Automatic bank teller machines;
5. Photomats and film development drop-off sites;
6. Laundry, dry cleaning and tailoring drop-off sites;
7. Lottery sales counters and machines;
8. Propane fuel sales within no larger than 20 pound tanks, which must be stored outside of the building, but within a locked enclosure at all times;
9. Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items;
10. Motor vehicle wash facilities, subject to the other requirements of this Ordinance; and,

11. Post Offices and other parcel delivery drop-off sites.

Convention Center - An assemblage of uses that provide for a setting where indoor and outdoor exhibits and activities serve various businesses, entertainment, recreation, conventions. This use can also include related lodging and dining facilities.

Conversion Apartment - A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one (1) family, without substantially altering the exterior of the building.

Corner Lot - [See Lot, Corner]

Country Club - An area of land and/or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

Country Inn - An existing home and/or ancillary buildings refurbished, restored, redecorated and converted from a single-family use to an owner occupied facility containing sleeping rooms available for transient guests subject to the conditions of this Ordinance. Food served to Country Inn guests on the premises may include all meals.

Dance Studio - A space in which dancers are instructed and/or rehearse.

Day Care - The offering of care or supervision over minors or special needs adults in-lieu-of care or supervision by family members. This definition does not include the offering of overnight accommodations.

1. Day Care, Accessory - A day care that is operated as an accessory use to a principal business in which minors and special needs adults who are related to employees of the site are offered care and supervision. Such uses must comply with applicable State requirements at all times, and proof of such compliance must be provided to the Zoning Officer at the time of application for a building permit.
2. Day Care, Commercial - A day care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.
3. Day Care, Family - A day care facility that is operated as an accessory use to a detached single family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than four (4) persons during any calendar day.

DBH (Diameter at Breast Height) - The diameter of a tree trunk(s) measured at a point 4 1/2 feet above ground level at the base of the tree.

Density - A term used to express the allowable number of dwelling units per acre of land.

1. Density, Gross - The number of dwelling units in relation to the entire area of a tract exclusive of existing public rights of way whether interior or exterior but including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open space.

2. Density, Net - The number of dwelling units in relation to the land area actually in use or proposed to be used for residential development exclusive of existing and proposed rights of way, common open space, streets, sidewalks, parks, playgrounds, and other nonresidential uses.

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

Development - Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Distance Between Buildings - This measurement shall be at the closest points.

Distillery - Any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol for human consumption under such regulations as are or may be promulgated by a proper agency of the United States Government. The term shall include an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited. The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery, or Winery use.

Domestic Pets - Adult nonfarm animals that are locally available for purchase as pets, as an accessory use to a primary residential use.

Dormitory - A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, or a commercial recreational use.

Driveway - An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single family dwelling unit or a farm.

Dry Cleaner/Laundry - An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dwelling - A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

1. Apartment Building - A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.
2. Mobile Home - A transportable, single family dwelling constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1)

integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

3. Single Family Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.
4. Single Family Semi-Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a common wall.
5. Tiny Home - A dwelling unit placed on a property for occupancy as a principal dwelling unit with a habitable floor area between 150 square feet and 600 square feet constructed with a foundation or on wheels.
6. Townhouse (Single Family Attached Dwelling) - A building arranged, intended, or designed to be occupied exclusively as a residence for one (1) family which is one (1) of a group of three (3) or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least one (1) separate entrance from the outside.
7. Two Family Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, with the two (2) dwelling units located one (1) unit over the other.

Dwelling Unit - A building or structure 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.

Dwelling Unit For the Elderly - A dwelling unit in which at least one (1) family resident shall be at least 62 years of age.

Earthmoving Activity - Any construction or other activity (excluding agriculture) which disturbs the surface of the land including, but not limited to, excavations embankments, land development, mineral extraction, and the moving, depositing or storing of soil, rock or earth.

Elder Cottage Housing (ECH) Unit - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

Elderly Congregate Housing - A type of living accommodation, including multiple individual rooms or dwelling units, to be occupied by persons over 55 years of age (or in the case of couples, at least one (1) of the two (2) persons shall be over 55) as a residential shared living environment. Such construction may include small individual apartments with kitchens or individual rooms, either of which shall be combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy.

Emergency Service Station - Buildings and appurtenant facilities utilized by emergency medical and ambulance services.

Excavation Contractor - A contracting use that operates heavy equipment, such as bulldozers, backhoes, forward loaders, and excavators to excavate, move and grade the earth for various construction projects.

Family -

1. One (1) or more persons, related by blood, marriage, adoption, or guardianship, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
2. Not more than four unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not so related occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Farm - An area of land used for agriculture, as defined in this Ordinance.

Farm Dwelling, Accessory - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one (1) or more full-time laborers (or any family member thereof) on the farm.

Farm Equipment Sales and Service - The distribution, sale and/or servicing of new and used equipment and machinery, including construction equipment, commonly used for agricultural purposes.

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

Farm Produce Stand - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, as well as foods or beverages prepared from crops produced on the farm. No cooking for on-premises consumption of produce occurs on the site.

Farm Related Business - A principal use that contributes to the local agricultural economy.

Farmers, Antique, and/or Flea Market - A retail sales use where more than one (1) vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

Financial Institution - A bank, savings and loan association, credit union, finance or loan company, etc.

Flag Lot - [See Lot, Flag]

Floor Area (Gross Floor Area) - The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports, and accessory buildings. Cellar area is excluded.

Floor Area Ratio - The ratio of floor area to lot area.

Forestry - The management of forest and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transportation, and selling trees for commercial purposes, which does not involve any land development.

Fuel Distribution and Storage Facility - Fixed or Mobile - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

Funeral Home or Mortuary - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, or entombments, but do include mortuaries and crematoria.

Furniture and Upholstery Refinishing Shop - An establishment for the production, display and sale of draperies and soft coverings for furniture.

Gaming Facility - Any licensed facility or location at which any lawful gambling activity other than or in addition to pari-mutuel wagering may be conducted under Pennsylvania law, including any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term "lawful gambling activity" shall not include the sale of lottery tickets in compliance with state and federal laws.

Go Kart Facility - A facility that includes a racetrack for go-karts and may also include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or other retail facilities.

Golf Course - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; driving ranges or miniature golf courses.

1. Golf Course, Miniature - A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.
2. Golf Driving Range - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green.

Grade - The level of the ground adjacent to the exterior walls of a building or structure, or adjacent to the base of a storage pile or sign.

Grade, Finished - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Greenhouse and Nursery - Commercial - A greenhouse which is part of a retail sales operation for the sale of plants and related equipment and supplies.

Greenway Land - That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of conservancy lots which are not accessible to the public.

Grocery Store/Supermarket - A retail use established primarily for the retail sales of food, but may also include routine household goods, pharmacy, motor vehicle fueling stations, and ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area that complies with the provisions of this Zoning Ordinance.

Group Facility - Any one of the following group living arrangements:

1. Community Rehabilitation Facility/Halfway House - Group living quarters for persons who need specialized housing, treatment and/or counseling that (a) provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation, or (b) provides treatment/housing for persons convicted of driving under the influence of alcohol or drugs.
2. Emergency Shelter for Homeless - A structure or part thereof operated by a private corporation as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.
3. Group Care Facility - An institutional care facility, licensed, registered or certified under an applicable County, Commonwealth or Federal agency, in which persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, reside while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements in family dwellings, or nursing, convalescent, or similar health care facilities.
4. Shelter for Abused Persons - A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence and/or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.
5. Temporary Shelter - A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.
6. Transitional Housing Facility - Group living quarters that provide transitional housing for groups such as, but not limited to, unwed mothers. Transitional housing facilities are not facilities that (a) provide supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation; (b) provide treatment/housing for persons convicted of driving under the influence of alcohol or drugs; (c) provide housing for persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, while receiving

therapy or counseling for their disability prior to moving into more permanent living arrangements; or (d) shelters as defined in this Ordinance.

Group Home - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

1. a physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;
2. a record of having such an impairment; or
3. being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex- convicts, or other housing facilities serving as an alternative to incarceration including, but not limited to, a halfway house or similar juvenile facility.

Hazardous Waste - Hazardous Waste as defined in the Pennsylvania Solid Waste Management Act, as amended.

Hazardous Waste Facility - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township. Any use involving the refining or processing of hazardous materials, hazardous waste, petroleum products, and/or containing highly flammable or explosive materials, shall not be a permitted use within the Township.

Health and Recreation Club - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

Heavy Equipment - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks and trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

Heavy Equipment Sales, Service and Repair - A building or open area used for the display, sale, rental repair or storage of heavy equipment, tractors or similar machines, or a group of machines which function together as a unit.

Hedgerow - A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, and may occur naturally or be specially planted (e.g. windbreak).

Helicopter Pad (Private) - An accessory use where no more than one (1) helicopter may land/take-off and be stored.

Heliport - A principal use with a defined area to accommodate all phases of operation of rotor-wing aircraft or helicopters, with sufficient space for all required safety controls and maneuvers in accordance with all state and federal requirements, as well as to allow for the provision of service facilities. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangers.

Highway Access Point - A place of egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the termination of one (1) such point to the beginning of another such point.

Highway Frontage - The lot dimension measured along the right-of-way line of any one (1) street or highway abutting a lot.

Historic Structure or Building - Any structure or building that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance or a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have 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 in states without approval programs.
5. Any additional building, structure, or property included on the Township Historic Resource Inventory, as defined in Article XI – Historic Overlay District of this Ordinance and as designated by the Board of Supervisors.

Home Improvement, Building Supplies and Hardware Sales (Indoor or Outdoor) - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.

Home Occupation - An occupation customarily conducted within a dwelling unit and as indicated within the home occupation regulations of this ordinance. (See also No Impact Home-Based Business).

Horse Barn for Transportation - An accessory building used for the boarding of horses, which are used by the landowner or resident of the property as the primary means of transportation.

Hospital - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis, and provides

primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

Hotel - A building or group of buildings containing seven or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Extended Stay Hotel - A type of hotel that offers temporary residential accommodations to guests or transients for not more than 180 cumulative days within a given calendar year. An extended stay hotel may include an individual kitchen, cooking, cleaning, bathing and other efficiency facilities. An extended stay hotel shall not be classified and/or occupied as a residential apartment or multi-family dwelling.

Hydric Soil - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this Ordinance, hydric soils include any soils inventoried or described as hydric or as a soil with hydric inclusions according to Soil Survey of Berks County.

Hydroponics - The propagation of plants using a mechanical system designed to circulate a solution of minerals in water, for distribution to retailers, restaurants and consumers.

Impervious Surface - A surface which prevents the percolation of water into the ground (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts). Impervious surfaces are more specifically defined in the Stormwater Management Ordinance applicable to the lot in question.

Impervious Coverage - The percentage of a lot covered by impervious surfaces.

Improvement - Any type of structure, piping, or paved section (excluding driveway, curb, sidewalk, planting strip, or barrier to unchanneled motor vehicle entrance or exit) whether subsurface or on the surface of the ground.

Improvement Setback - The minimum distance an improvement must be set back from a street right-of-way line.

Improvement Setback Line - A line parallel to and measured at right angles from a street line. No improvements are permitted between the street line and the improvement setback line.

Intensive Produce Operation - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of 10%.

Interior Drive - Any on-site vehicular movement lane(s) that are associated with a use other than a single family dwelling.

Jail or Detention Center - A facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including but

not limited to jails, prisons, penitentiaries, reformatories, juvenile detention facilities, and similar facilities.

Joint-Use Driveway - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four properties, each of which contain a single dwelling unit.

Junk Yard - A lot, land, or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage, and/or sale of scrap or discarded material, including but not limited to scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, glass, and containers, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

Kennel - Any lot on which up to three (3) each or more cats or three (3) each or more dogs (except relating to a farm) are kept, boarded, raised, bred, treated, or trained for a fee.

Boarding Kennel - A facility available to the general public, where three (3) or more dogs or cats that are more than six (6) months old are boarded for a specified period of time or housed for training purposes. This shall also include facilities operated by a licensed veterinarian in the treatment of animals.

Breeding Kennel - A facility operated for the purpose of breeding, buying, selling or in any way transferring three (3) or more dogs or cats for research or nonresearch purposes.

Laboratory, Medical - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

Laboratory, Scientific/Industrial/Research - An establishment that engages in research, testing or evaluation of materials or products, but not medical related.

Land Development

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

Landing - The place where logs, pulpwood or firewood are assembled for transport to processing facilities.

Landowner - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner,

or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Laundromat - A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment, house, hotel or other similar use.

Lawn and Garden Sales and Service - The distribution, sale and/or servicing of new and used lawn and garden equipment and machinery and the sale of lawn and garden supplies.

Library - A room or building where a collection of books, newspapers, periodicals, maps and/or musical scores on any audio, visual or written media is kept for either public, quasi-public or community use/access.

Licensed Commercial Kitchen - A commercial kitchen or a separately constructed kitchen where foods are prepared for resale and where such foods include foods that are "time and temperature controlled for safety" (TCS) foods.

Livestock - Domesticated animals of types that have been traditionally associated with agriculture or farming, including but not necessarily limited to horses, ponies, mules, donkeys, cows, cattle, sheep, goats, swine, fish, poultry or fowl.

Loading Space - An off-street space not less than 12 feet wide, 55 feet long and having a minimum clear height of 15 feet, exclusive of access area, for the parking of one (1) vehicle while loading or unloading merchandise or materials. Loading spaces shall have direct usable access to a street by means of an access

Lot - Any area of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development. The word "lot" includes the word "plot," "parcel" or "tract." The area and depth of a lot abutting a street shall be determined by measurements to the street line. No building lot shall be bisected by a street nor shall the lot area include any land within a street right-of-way.

1. Lot, Corner - A lot abutting two (2) or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees). Upon presentation of an application for establishment of a use on a corner lot, the Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable Zoning District. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable Zoning District, and the yard opposite that yard shall meet the side yard requirements of the applicable Zoning District. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable Zoning District, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable Zoning District, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable Zoning District.
2. Lot, Flag - A lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the 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.

3. Lot, Interior - A lot other than a corner lot, the sides of which do not abut a street.
4. Lot, Through - An interior lot having frontage on two parallel or approximately parallel streets.

Lot Area (Lot Size) - An area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area, but shall include the area of any easement.

Lot Coverage - The percentage of a lot covered by principal and accessory buildings.

Lot Line - Any line dividing a lot from another lot, street or parcel.

1. Front Lot Line - On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
2. Rear Lot Line - The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. The rear lot line of any triangularly or irregularly shaped lot shall be established such that it will be at least 10 feet long.
3. Side Lot Line - Any lot line that is not a front or rear lot line.

Lot of Record - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

Manufacturing Activities - Manufacturing Activities include the on-site production of goods by methods other than agricultural and extractive in nature; the provision of warehousing and storage, freight handling, shipping, and trucking services; and the storage, transportation, and processing of recyclable or waste materials, and hazardous materials from such on-site produced goods. They also include certain activities accessory to the above.

1. Light Manufacturing Activities - Light Manufacturing Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of finished parts or products, primarily from previously prepared materials, and typically within enclosed buildings. They also include certain activities accessory thereto.

Examples include but are not limited to printing and related support activities; computer and electronic product manufacturing; electrical equipment, appliance, and component manufacturing; furniture and related product manufacturing; pharmaceutical production; and similar uses. They also include food, beverage, and

tobacco product manufacturing generally occupying less than 25,000 square feet of production area.

2. General Manufacturing Activities - General Manufacturing includes the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials, or large-scale production. They typically include larger-scale operations and may have some or all activities conducted outdoors. They also include certain activities accessory thereto.

Examples include but are not limited to food, beverage and tobacco product manufacturing where production areas exceed 25,000 square feet; textile mills; textile product mills; production apparel manufacturing; wood product manufacturing; paper finishing; chemical manufacturing (except for the chemical products listed under Heavy Manufacturing); plastics and rubber products manufacturing; automotive, ship, aircraft, and heavy equipment manufacturing; and fabricated metal product manufacturing.

3. Heavy/High Impact Manufacturing Activities - Heavy/High Impact Manufacturing Activities include high-impact or hazardous manufacturing processes.

Examples include but are not limited to explosives manufacturing; petroleum and coal products manufacturing and refining; leather tanning; cement and asphalt manufacturing; lime and gypsum products manufacturing; primary metal manufacturing; nonferrous metals production, processing, smelting, and refining; fertilizer and other agricultural chemical manufacturing; paint, coating and adhesive manufacturing; synthetic dye and pigment manufacturing; urethane and other open-cell foam product manufacturing; battery manufacturing and storage; any manufacturing use with large-scale facilities for outdoor oil and gas storage; and any biotechnology research, development, or production activities involving biopharmaceuticals with National Institute of Health Level 1 and 2 indications.

Manure - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

Manure Storage Facilities - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and above-ground storage.

Medical/Dental Clinic or Urgent Care Facility - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health service to people on an outpatient basis.

Medical Marijuana - Marijuana for certified medical use as legally permitted by the Commonwealth and the provisions of the Pennsylvania "Medical Marijuana Act" - PA Act 16, 2016.

Medical Marijuana Facility - A Dispensary Facility or a Grower/Processor Facility.

1. Dispensary - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.

2. Dispensary Facility - Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.
3. Grower/Processor - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process Medical Marijuana in the Commonwealth, pursuant to the provisions of the Act.
4. Grower/Processor Facility - Any building or structure used to grow Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.

Medical Residential Campus - A large campus-scale facility (or integrated group of facilities) which has a primary purpose of providing housing, continuing care and related services for people over the age of 55, and which may consist of independent living units, assisted living facilities, skilled care nursing facilities, congregate areas and accessory uses. At least one (1) resident of each independent living unit shall be at least 55 years old, or possess some handicap that can be treated within a medical residential campus setting.

Meeting Hall/Community Center, Public - A recreation or educational center open to the public and operated by a nonprofit organization or government entity.

Methadone Treatment Facility - A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Methane Digester System - An anaerobic digestion system for the purpose of generating electrical and/or heat energy for onsite or off-site consumption.

1. Accessory Methane Digester System - An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located. An Accessory Methane Digester System generates electrical and/or heat energy for onsite consumption.
2. Regional Methane Digester System - An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located, and/or manure transported to the site from other farming operations. A Regional Methane Digester System generates electrical and/or heat energy for onsite or off-site consumption.

Microbrewery - A facility for the production, packaging and sampling of malt and brewed beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than twenty-five thousand (25,000) barrels of malt beverages per year. Sales of malt and brewed beverages of alcoholic and/or non-alcoholic content that are manufactured outside the facility are prohibited. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Microdistillery - A Microdistillery is a Distillery that produces less than 100,000 gallons of distilled liquor per year and has the right to sell bottled liquors on the leased premises to the Liquor Control Board licensees and the public. The term shall include an accessory

tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Mini-Warehouse - [See Self Storage Facility]

Mobile Home - (See Dwelling, Mobile Home)

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 has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Motel - A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Freight Company - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

Municipalities Planning Code (MPC) - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended and as may in the future be amended.

Municipality - Township of Longswamp, Berks County, Pennsylvania.

Municipal Uses - Those uses and facilities owned and maintained by the Township or a Township Authority and designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but not be limited to:

1. Township offices, meeting halls, garages, and storage yards;
2. Township sanctioned police, fire and ambulance stations;
3. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
4. Outdoor community service facilities and activities, including fairgrounds, community bulletin boards and other similar uses; and,
5. Uses accessory to the above permitted uses, including parking and loading spaces,

signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

Museum - A public or private institutional use in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education, and enjoyment, the tangible and intangible evidence of people, their history, and environment.

Night Club - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered more frequently than three times per week. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Night Clubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an "under 21" club which features entertainment. This use does not include adult related uses as defined herein.

No Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Non-conforming Building, Lot, Structure or Use - A building, lot, structure, or use which does not conform to the regulations of the Zoning District in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Zoning Ordinance. Non-conforming structures include, but are not limited to, non-conforming signs.

Nursing Home - Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Office - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

1. Office, Business - An office used in the management, control or administration of another business activity.
2. Office, Professional - An office in which a primary service is offered to the client/patron. Such uses shall not involve the retail purchase of goods, and personal service businesses are specifically excluded.

Open Area - Ground upon which no buildings or paved areas are permitted.

Outdoor Sales and Service - The outdoor display and retail sale of merchandise (other than motor vehicles).

Parking Compound - An open lot or parking structure where passenger vehicles or commercial trucks may be stored for short-, or overnight off-street parking, and connected to a street by an access drive.

Parking Space - A space within a building or on a lot, used for the parking of a motor vehicle.

Parks and Playgrounds - Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
2. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
3. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, and other similar uses;
4. Indoor community service uses and activities, including meeting rooms; classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
5. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
6. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
7. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

Paved Area - The percentage of a lot covered by paving.

Paving - Hard material such as concrete, asphalt, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

Person - An individual, corporation, partnership, incorporator's association, or any other similar entity.

Personal Service Shop - Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress making, millinery shops and dry cleaning / laundry drop-off points.

Personal Use Airport - An airport used exclusively by the owner of the airport. [See Airport]

Pet and Animal Grooming Shop - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

Pets/Animals -

1. Animal, Exotic - Any animal defined as "exotic" by State and/or Federal regulations. Examples include, but are not limited to, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, and any crossbreed of these animals, etc.
2. Animal, Farm - Any member of the avian, bovine, equine, porcine, ovine, and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, goats, and fish. Animal, Farm is defined to specifically exclude dogs. (See definition of "Livestock".)
3. Animal, Wild - Wild birds, wild mammals, and facsimiles thereof, as defined by Title 34 of the Pennsylvania Game and Wildlife Code.
4. Domestic Animals/Pets - Small domestic animals including but not limited to those animals customarily raised, kept, fed or maintained by people living in developed residential communities such as dogs, cats (including feral cats), rabbits, birds, fish or fowl, or those animals commonly available in retail pet stores. Such domestic pets shall not include livestock, horses, or any exotic wildlife as defined herein.
5. Novelty Pet - An animal, bird or insect that is kept for pleasure, that is not a customary household pet, nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

Petting Zoo or Menagerie - Any place where one (1) or more birds or animals that have similar characteristics and appearance to birds or animals wild by nature, or local domestic animals, are kept in captivity for the evident purpose of exhibition to the public with or without charge.

Photography Studio - A workspace to take, develop, print and duplicate photographs. Photographic training and the display of finished photographs may also be accommodated in a photography studio.

Premises - The property upon which the activity is conducted as determined by physical facts, rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incidental to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway or other obstruction, and not used by the activity; and extensive, undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.

3. Any land which is in closer proximity to the highway than to the principal activity and developed or used only in the area of the sign site, or between the sign site and the principal activity, and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

Principal Building - A building in which a principal use on a lot is carried on.

Principal Use - The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

Processing of Farm Products - A processing facility located on a farm where the majority of the materials to be processed have been grown or raised on the subject property.

Professional - Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional people offering similar medical care, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, computer programmer, or other such professional licensed by the Commonwealth of Pennsylvania.

Property/Facility Management Facilities - A facility from which a Property/Facility Management Business operates and may include office space, fitness areas and similar amenities for employee use, garage space and storage space. The facility may also include the storage of landscape and hardscape materials and supplies; plant and landscape nursery, including greenhouses; storage of yard waste and composting material; outdoor storage, washing and fueling of vehicles and equipment owned or used in the operation of the business.

Public Hearing - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters or other matters involving such a hearing by Pennsylvania law.

Public Meeting - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

Public Notice - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for Rezoning, Special Exception, Conditional Use and/or Variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

Public Road - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Township and accepted by it.

Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery - The Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery is an accessory use to any of the following uses, which shall include a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery, for the commercial purpose of holding Special Events.

Public Use - Any use owned, operated, or controlled by a governmental agency (Federal, State or local, including a corporation created by law for the performance of certain specializing governmental functions and the Board of Education. In addition, public uses include those governed by the Public Utilities Commission.

Public Utilities - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority; or which is privately owned and requires a "Certificate of Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; water; or for the purpose of providing the transmission of energy or telephone service.

Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Racetrack - A facility consisting of a roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

Recreational Facility - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreation, Indoor - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents.

Recreation, Outdoor - A recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, shooting ranges and other activities which generate noise objectionable to a residential environment.

Recreation, Passive - Recreational uses which can be carried with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking, and picnicking.

Recreation Vehicle (RV) - A self-propelled vehicular unit, which is designed as a temporary dwelling for travel, recreational, and vacation use.

Recreation Vehicle Park (RV Park) - Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

Recreation Vehicle Space or Site - A parcel of land within an RV Park used for placement of an RV, appurtenant structures or additions.

Recycling Center - A business that accumulates material such as paper, glass, aluminum, and plastic that is no longer useful for its original purpose. The materials are then transported off the premises to be manufactured into a new product. A place for the collection and storage of materials suitable for the recycling into usable products of the like, kind and quality of the materials collected.

Recycling Collection Facility - An accessory use which serves as a collection point for the temporary storage of refuse items, such as, but not limited to, bottles, cans, plastics, and newspapers, from which resources are recovered at another location.

Repair Service Shop - Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

Resort - A group or groups of buildings containing dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, barbecue and picnic facilities, and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

Restaurant - An establishment that serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service, so long as the area used for carry-out service does not exceed 5% of the total patron seating area nor 80 square feet, whichever is less. Caterers shall be included in this definition.

Restaurant, Drive Thru or Fast Food - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

Retail Stores/Retail Sales - Retail stores are those businesses whose primary activities involve the display and retail sales and/or rental of goods and products. This term shall not include adult related facilities as defined herein.

Retirement Community - A development of individual or multiple dwelling units which is designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, as amended.

Riding Club - An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered including, but not limited to, polo clubs, public show rings and rodeos.

Riding School - Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, school, ranch or similar establishment.

Riding Stable - An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered upon land that may or may not be occupied by the owner of the horse(s), but excluding riding clubs.

Right-of-Way - The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semipublic uses, including easements for utilities, detention ponds, etc.

Rooming House - (See Boarding House).

Sanitary Landfill - A solid waste disposal facility where engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards or nuisances approved by the Township and other agencies having the power to regulate.

Sanitary Sewage Onlot Disposal System, Offsite - A system designed to treat sanitary sewage serving one (1) dwelling that is located either partially or completely on land adjacent to the lot being served.

Sanitary Sewage Onlot Disposal System, Offsite Community - A system shared by two or more dwellings with all or portions of the treatment and drainfield system being located on land separated from but near the properties being served.

Sanitary Sewage Onlot Disposal System, Onsite - A system designed to treat sanitary sewage within the boundaries of an individual lot.

Sanitary Sewerage System, Community - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area or as otherwise defined by Township Ordinance or Pennsylvania Department of Environmental Protection regulation.

Sanitary Sewerage System, Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally not confined to one (1) neighborhood.

Satellite Dish Antenna - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Sawmill - A stationary or portable machine and associated structures, used for changing raw timber into lumber products on an ongoing basis and processing timber brought from off premises.

School - A principal use in which supervised education or instruction is offered according to the following categories:

1. Charter School - A school that receives public funding but operates independently of the established public school system in which it is located.
2. Commercial School - A school that may offer a wide range of educational or instrumental activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district.

3. Private School - A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business.
4. Public School - A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education and operated by the School District.
5. Vocational-Mechanical Trade School - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - a. Truck driving;
 - b. Engine repairs;
 - c. Building construction and general contracting;
 - d. Woodworking;
 - e. Masonry;
 - f. Plumbing;
 - g. Electrical contracting; and,
 - h. Other similar trades, as determined by the Zoning Hearing Board pursuant to this Ordinance.

Screen, Landscape - A completely planted visual barrier composed of evergreen shrubs and trees, arranged to form both a low-level screen between grade and to a height of 6 feet.

Screen Planting - A vegetative material of sufficient height and density to screen the view, in adjoining Zoning Districts, of the structures and uses on the premises upon which the screen planting is located.

Screening - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of 6 feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

Seasonal Residence - A dwelling, cabin, lodge or summer house which is intended for occupancy less than 182 days of the year.

Self Storage Facility (Mini-Warehouse) - A building and/or series of buildings divided into separate storage units, for rent or lease, for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

Septage - Those remnant materials that result from the use of domestic on-site sewage disposal systems that are not released into the ground but are periodically pumped from the septic tank. Such materials can include solid and semi-solid matter that is often referred to as sludge and scum.

Service Street - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.

Setback - The required horizontal distance between a setback line and a property or ultimate right-of-way as defined by the Subdivision and Land Development Ordinance.

1. Setback, Front - The distance between the ultimate right-of-way line and the front setback line projected the full width of the lot. Commonly, called "required front yard".
2. Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard".
3. Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard".

Setback Line - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or ultimate right-of-way line as defined by the Subdivision and Land Development Ordinance.

Sewage - Any substance that contains any of the waste product or excrementitious matter or other discharge from the bodies of human beings or animals, and laundry, bathroom and kitchen wastewater.

Shooting Range - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Shopping Center - One (1) store containing more than 20,000 square feet of gross floor area, or two or more stores which are designed to function as a unit, with shared vehicular access, off-street parking and signage.

Short Term Rental - Any dwelling unit owned or managed by a person, firm, or corporation which is rented or leased for a period of no more than 30 consecutive days.

Sight Distance - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made in accordance with the Pennsylvania Department of Transportation requirements and guidelines.

Sight Triangle - An area within which no vision obstructing object is permitted above a height of 2 1/2 feet and below a height of 10 feet at highway access points and intersections.

Sign - Any structure, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, information, attraction, or advertisement.

Slaughterhouses and Meat Packaging Facilities - Facilities where cattle and other meat animals are slaughtered and the carcasses processed for sale, and where the packaging of processed meat products may also occur.

Solar Farm - An installation of a solar array, and all related structures and equipment, typically designed as the primary land use of a parcel and including multiple solar energy collectors on

mounting systems, from which the energy generated is sold for use on an energy grid system rather than being consumed on site.

Solid Waste - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement or hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Special Exception - A use permitted in a particular Zoning District, permission to undertake certain activities, to occupy or use land, buildings or structures for a specific purpose or in a certain manner in accordance with this Ordinance, only upon application to and granting by the Zoning Hearing Board with appropriate restrictions.

Special Use Permit - A permit required to be obtained by a property owner for erecting, constructing, reconstructing, moving or structurally altering a building or structure, or developing or improving land, located within the Sewage Management Overlay District.

Specified Anatomical Areas - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1. Specified Sexual Activities - For the purposes of this Ordinance, this term shall include any of the Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or turnescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, public region, buttocks or female breasts; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or human excretion following: urination, menstruation, vaginal or anal irrigation.

Spent Mushroom Compost or Spent Mushroom-Growing Substrate - Any material or substance remaining, which is no longer used for growing mushrooms, after the mushroom-growing cycle is complete, and the crop harvested.

Steep Slopes - Those areas of land where the grade is 15% or greater. For the purposes of this Ordinance, steep slopes are divided into two categories:

1. Precautionary slopes are those areas of land where the grade is 15% to 25%.
2. Prohibitive slopes are those areas of land where the grade is 25% or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this Ordinance, slope shall be measured over three 2-foot contour intervals (6 cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a Registered Surveyor or Engineer licensed to practice in the Commonwealth of Pennsylvania.

Street - A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

Street Centerline - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

Street Frontage (Lot Frontage) - The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street (Right-of-Way) Line - The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one (1) or more lots held in single and separate ownership have a right-of-way.

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

1. Structure, Accessory - A structure associated with an accessory use (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than 720 square feet shall comply with Principal Structure setbacks.
2. Structure, Principal - A structure associated with a primary use.

Structures shall not include such things as fences, sand boxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.

Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agriculture purposes into parcels of more than 10 acres not involving any new street or easement of access or any residential dwelling shall be exempted. The term subdivision shall refer, as appropriate in this Ordinance, to the process of subdividing land or to the land proposed to be subdivided. The term subdivision includes re-subdivision.

Subdivision and Land Development Ordinance (SALDO) - Longswamp Township Subdivision and Land Development Ordinance.

Surface Mining - The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Swimming Pool - A pool used for swimming or bathing which has a depth in any part of 24 inches or more.

Tavern - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted more than three times per week.

Temporary Farm Employee Housing - A mobile home for the use of farm workers and their families, who are employed by the owner of the farm, for such time as the employee works the land of the owner.

Tennis and Athletic Club - A commercial or noncommercial establishment that provides facilities for playing tennis on a membership basis only. A tennis and athletic club may provide additional services customarily furnished by a club, such as swimming, outdoor recreation, dining and related retail sales.

Theater - A building or part of a building devoted to the showing of moving pictures or for dramatic, musical or live performances.

Therapeutic Massage Establishment - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Timber Harvesting or Tree Harvesting - A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

Tiny Home - A dwelling unit placed on a property for occupancy as a principal dwelling unit with a habitable floor area between 150 square feet and 600 square feet constructed with a foundation or on wheels.

Tiny Home Community - A parcel of land under single ownership, which has been planned and improved for the placement of two or more Tiny Homes for transient or permanent use.

Township - Township of Longswamp, Berks County, Pennsylvania.

Township Planning Commission - Planning Commission of the Township of Longswamp, Berks County, Pennsylvania.

Township Supervisors - Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania.

Transit Terminal - A principal use whereby vehicles of mass transit are stored, maintained, dispatched and/or boarded.

Travel Trailer - A vehicular portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage, and,
5. The unit contains some identification by the manufacturer as a travel trailer.

Tree Dripline - The line marking the outer edges of the branches of the tree.

Truck/Motor/Rail Freight Terminal - An area and building where cargo is stored and where trucks, including tractor and trailer units, and/or trains load and unload cargo on a regular basis. Terminals may include facilities for the temporary storage of loads prior to shipment.

Unit of Use - A single use.

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

1. Use, Accessory - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
2. Use, Principal - The main or primary use of property or structures.

Variance - Relief, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest and meeting the requirements of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

Vehicle Body Shop - A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles used for conveyance.

Vehicle Impoundment Facility or Yard - A designated and secured area for the temporary storage of motor vehicles, which have been transported to the facility for a period of time not to exceed ninety (90) days. An impoundment facility shall not be permitted as a principal use within the Township. Police impoundment facilities or yards shall be exempt from the provisions of this Zoning Ordinance.

Vehicle Parts Store - Any property used for the retail storage and sales of motor vehicle parts. No outdoor storage of parts is permitted. No installation, repair, or servicing of parts and vehicles shall be permitted.

Vehicle Sales - Any building or land devoted to the retail sales of passenger vehicles or boats, including accessory service and repair facilities, if conducted within a completely enclosed building.

Vehicle Sales Auction - A use whereby motor vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

Vehicle Salvage Yard - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Vehicle Service and Repair - The retail repair, servicing, maintenance, and reconstruction of motor vehicles, but not including car washes per se.

Vehicle Storage - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this Ordinance, of operable motor vehicles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles [See "Vehicle Salvage Yard"].

Vehicle Storage Facility – Dealer – A parking area utilized by an automobile sales and service agency for the temporary storage prior to sale of new and pre-owned automobiles and light trucks

Vehicle Washing Center (Car Wash) - A building on a lot, designed and used primarily for the cleaning the exterior, interior or engines of vehicles, including automated facilities or those using individual bays for manual washing, and which may provide for the retail sale of minor, motor vehicle accessories.

Vertical Farming - The practice of producing food in vertically stacked layers, using technology to control all environmental factors.

Veterinarian's Office - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

Vineyard - Ground planted with grapevines or fruit trees cultivated for the purpose of producing wine. A vineyard is an agricultural use where grapes and/or other wine-producing crops are

grown. A vineyard used exclusively for the production of grapes and/or other wine-producing crops shall be considered an Agriculture Use. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Warehouse/Logistic Center or Distribution Center - A building or group of buildings primarily utilized for the storage, sale and/or distribution of merchandise in large quantities or transactions of commodities to retailers, contractors, businesses, and their agents.

Water Distribution System, Community - A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

Water Distribution 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.

Water Distribution System, Public - A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one (1) neighborhood.

Wetlands - Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marches, bogs, and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

Wholesale Uses - Sale of goods primarily in bulk or large quantities to persons engaged in further resale of such goods, or use of them in construction, auto repair, or similar activities. Wholesale uses typically do not serve the general public.

Wholesale Trade Facility - A building or group of buildings primarily utilized for the sale and distribution of goods primarily in bulk or large quantities to persons engaged in further resale of such goods, or use of them in construction, auto repair, or similar activities.

Wildlife Refuge - A principal use whereby environments and habitats are provided for the raising and/or natural livelihood of plant and animal species native to the region.

Wind Energy Conversion System (WECS) - A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any. Also referred to as a "Windmill."

Wind Farm - An electric generation facility, whose main purpose is to supply electricity, consisting of one (1) or more Wind Energy Conversion Units and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, used on-site for commercial purposes or which is sold on the open market. A wind energy conversion unit accessory to a principal structure, which is sized and intended to be used to generate

electricity primarily for the principal structure to which it is accessory, shall not be considered a wind farm.

Wind Rotor - A structure that contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and, along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

Winery/Meadery - Any premises where any alcohol or liquor is produced by the applicable process by which wine is produced, or facility wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by a proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction. A winery processes grapes and other fruit products honey, or vegetables, to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, warehousing and wholesale sales. The Winery use may provide for the interior display or sale of wine and related retail merchandise, wine tasting, tours, and instruction related to the wine making process. A meadery is a winery that produces honey wines or meads. The definition does not include on-premises Special Events, which are defined within the Public Special Event Use Accessory to a Brewery, Brew Pub, Distillery, Meadery, Microbrewery, Microdistillery or Winery use.

Woodland or Game Preserve - An area maintained in a natural state for the preservation of both animal and plant life.

Woodlands - A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e. larger than 6 inches dbh) covering an area of one-quarter (1/4) acre or more or consisting of 10 individual trees larger than 6 inches dbh, shall be considered a woodland. For the purposes of this Ordinance, the extent of any woodland plant community for any part thereof shall be measured from the outermost dripline of all the trees in the community. Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than 6 inches dbh). Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years which would have met the definition of woodland prior to timbering or disturbance.

Yard - An area between the permitted structures and the property lines.

1. Yard, Front - The area contained between the ultimate right-of-way line and the principal structure. For flag lots, the front yard shall include the flagpole plus that area between the principal structure and that property line which is most parallel to the street that provides access and is not part of the flagpole.
2. Yard, Rear - The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above described front yard.

3. Yard, Side - The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

Zoning Hearing Board - Longswamp Township Zoning Hearing Board.

Zoning Officer - Longswamp Township Zoning Officer.

Zoning Ordinance - Longswamp Township Zoning Ordinance.

Zoning Permit - A permit stating the purpose for which a building or land to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the Zoning District in which it is located or to be located.

ARTICLE III
ZONING DISTRICTS

Section 300. TYPES OF ZONING DISTRICTS

In order to carry out the objectives of this Zoning Ordinance, the Township of Longswamp has been divided into the following Zoning Districts:

Base Districts

CONS	Conservation District
R	Rural District
MHP	Mobile Home Park District
AP	Agriculture Preservation District
HC	Highway Commercial District
CR	Commercial Recreation District
I	Industrial District

Overlay Districts

H	Historic Overlay District
MRC	Medical Residential Campus Overlay District
SM	Sewage Management Overlay District

Section 301. OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts shall be as shown on the Official Zoning Map of the Township, which is on file in the Township Office. Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The Official copy of the Zoning Map shall be so labeled and identified by the signature of the Board of Supervisors, attested by the Township Secretary, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the Township
of Longswamp adopted _____ 2015."

3. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Board of Supervisors, the Township Secretary, and bear the seal of the Township.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the zoning classification of land in the Township at the time of adoption of the replacement map. The new Official Zoning Map shall be identified by the

signature of the Board of Supervisors, attested by the Township Secretary, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the Township of Longswamp adopted _____ 2015."

Section 302. DISTRICT BOUNDARIES - RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Zoning Officer shall interpret the District boundaries. The following rules, in order of precedence, shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
5. Boundaries indicated as extensions of features indicated in Sections 1 through 4 above shall be so construed.
6. Appeals to the determination of the Zoning Officer shall be heard by the Zoning Hearing Board, who shall interpret the intent of the Zoning Ordinance and Map as to the exact location of district boundaries.

Section 303. APPLICATION OF DISTRICT REGULATIONS

1. No building, structure, or land shall be used and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Zoning Permit by the Zoning Officer. No building, structure, or land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer.
2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one (1) structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this

Ordinance or other Township Ordinance or regulations.

3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.
4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one (1) street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street but does not have to be provided along the street line of each street on which the lot fronts.
5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one (1) street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets, in the case of a corner lot, the minimum lot width must be provided along the building setback line established from one (1) street, but does not have to be provided along the building setback line established from each street on which the lot fronts.
6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

ARTICLE IV
CONSERVATION, RURAL, MOBILE HOME PARK, AND AGRICULTURE PRESERVATION
ZONING DISTRICTS

Section 400. CONS – CONSERVATION DISTRICT

Section 401. SPECIFIC INTENT

It is the purpose of this District to implement the provisions of Section 604.(1) of the Pennsylvania Municipalities Planning Code, as amended, which encourages the protection of the natural, scenic and historic values in the environment of the Township and the preservation of the forests, wetlands, aquifers and floodplains from fragmentation or the encroachment of development, which would degrade the unique rural character, the quality of natural wildlife habitats, or the unique scenic beauty of Longswamp Township. Because of this, intensive residential development will not be permitted. Limited nonresidential uses, with their accessory uses, that are compatible with the physical characteristics of the land within the District will also be permitted. Development activities in this District will be encouraged to utilize the Conservation Design (Growing Greener) options to further implement the protection and preservation goals of the District.

Section 402. USES PERMITTED BY RIGHT

Land and buildings in a Conservation District may be used for the following purposes and no others unless a Special Exception as provided for in Section 403 or a Conditional Use as provided for in Section 404 below is granted:

1. Conservation Subdivisions, involving four (4) or more lots, in accordance with Sections 430 through 439.
2. Single family detached dwellings, involving conventional lot development, whenever three (3) lots or fewer are created, subject to the provisions of Section 405. However, whenever four (4) or more lots are created, the provisions of Section 404 shall apply.
3. Agricultural Warehousing - Personal, subject to Section 606 of this Ordinance.
4. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
5. Community/Tenant Gardens, subject to Section 602 of this Ordinance.
6. Day Care - Family, subject to Section 737 of this Ordinance.
7. Farm Occupations, subject to Section 744 of this Ordinance.
8. Farm Produce Stands, subject to Section 606 of this Ordinance.
9. Farmers Markets, subject to Section 715 of this Ordinance.
10. Fire Observation Towers.

11. Fire Stations and Emergency Services Stations, subject to Section 770 of this Ordinance.
12. Forestry, subject to Section 630 of this Ordinance.
13. Methane Digester Systems - Accessory, subject to Section 769 of this Ordinance.
14. Municipal Uses, subject to Section 770 of this Ordinance.
15. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
16. Non-Commercial Keeping of Livestock, subject to Section 606 of this Ordinance.
17. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
18. Public Uses/Utilities, subject to Section 770 of this Ordinance.
19. Wind Energy Conversion System (WECS) designed to generate a maximum of ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
20. Woodland or Game Preserves, Wildlife Sanctuaries, or similar Conservation Uses.
21. Accessory Uses and Structures when on the same lot as the principal use or structure.

Section 403. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Accessory Farm Dwellings, subject to Section 706 of this Ordinance.
2. Agritainment/Agritourism Enterprises, subject to Section 709 of this Ordinance.
3. Airports, Personal Use Airports, subject to Section 710 of this Ordinance.
4. Animal Hospitals, subject to Section 713 of this Ordinance.
5. Animal Sanctuaries, subject to Section 714 of this Ordinance.
6. Antique and Flea Markets, subject to Section 715 of this Ordinance.
7. Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
8. Beekeeping, subject to Section 719 of this Ordinance.
9. Butcher Shops, subject to Section 722 of this Ordinance.
10. Campgrounds, subject to Section 723 of this Ordinance.
11. Cemeteries, Churches and Related Uses, subject to Section 724 of this Ordinance.

12. Clubs or Lodges for Fraternal or Social Purposes, subject to Section 725 of this Ordinance.
13. Commercial Conversions, subject to Section 727 of this Ordinance.
14. Contractor's Offices or Shops, subject to Section 731 of this Ordinance.
15. Farm Related Businesses, subject to Section 745 of this Ordinance.
16. Golf Courses and Country Clubs, subject to Section 749 of this Ordinance.
17. Greenhouses and Nurseries - Commercial, subject to Section 750 of this Ordinance.
18. Heliports and Helicopter Pads, subject to Section 755 of this Ordinance.
19. Home Occupations, subject to Section 757 of this Ordinance.
20. Horse Barns for Transportation, subject to Section 758 of this Ordinance.
21. Kennels, subject to Section 713 of this Ordinance.
22. Libraries - Public, subject to Section 771 of this Ordinance.
23. Museums - Public, subject to Section 771 of this Ordinance.
24. Nursing, Convalescent, and Retirement Homes, subject to Section 774 of this Ordinance.
25. Pet and Animal Grooming Shops, subject to Section 776 of this Ordinance.
26. Petting Zoos or Menageries, subject to Section 777 of this Ordinance.
27. Recreation Facilities - Commercial, subject to Section 781 of this Ordinance.
28. Recreational Vehicle Parks, subject to Section 782 of this Ordinance.
29. Resorts - Hunting, Fishing, Skiing or Boating, subject to Section 784 of this Ordinance.
30. Restaurants, Sit Down, Non-Drive Thru, subject to Section 785 of this Ordinance.
31. Retail Sales of Nursery and Garden Materials, subject to Section 750 of this Ordinance.
32. Riding Clubs, Riding Schools, and Riding Stables, subject to Section 788 of this Ordinance.
33. Sawmills, subject to Section 790 of this Ordinance.
34. Schools - Private, subject to Section 791 of this Ordinance.
35. Seasonal Residences, subject to Section 792 of this Ordinance.

36. Shooting Ranges, subject to Section 794 of this Ordinance.
37. Single Family Semi-Detached Dwellings.
38. Taverns, subject to Section 7101 of this Ordinance.
39. Temporary Farm Housing, subject to Section 7102 of this Ordinance.
40. Tiny Homes, subject to Section 7105 of this Ordinance.
41. Tiny Home Communities, subject to Section 782 of this Ordinance.
42. Two Family Detached Dwellings.

Section 404. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as Conditional Uses subject to the procedures of Section 1005 of this Ordinance:

1. Single family detached dwellings, involving conventional lot development, whenever four (4) or more lots are created, subject to Section 735 of this Ordinance.
2. Accessory Apartments and Accessory Building Apartments, subject to Section 705 of this Ordinance.
3. Active Adult Communities, subject to Section 707 of this Ordinance.
4. Aquaculture, Aquaponics and Hydroponics, subject to Section 716 of this Ordinance.
5. Brew Pubs, Breweries, Microbreweries, Distilleries or Microdistilleries, subject to Section 721 of this Ordinance.
6. Commercial Sightseeing Rides, subject to Section 729 of this Ordinance.
7. Communication Antennas, subject to Section 730 of this Ordinance.
8. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
9. Contractor's Storage Yards, subject to Section 732 of this Ordinance.
10. Conversion Apartments, subject to Section 736 of this Ordinance.
11. Elder Cottage Housing Units, subject to Section 741 of this Ordinance.
12. Excavation Contractors, subject to Section 742 of this Ordinance.
13. Group Homes, subject to Section 752 of this Ordinance.
14. Processing of Farm Products, subject to Section 778 of this Ordinance.

15. Property/Facility Management Facilities, subject to Section 779 of this Ordinance.
16. Short-Term Rentals, subject to Section 796 of this Ordinance.
17. Solar Farms, subject to Section 798 of this Ordinance.
18. Wind Energy Conversion Systems (WECS) designed to generate more than ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
19. Wind Farms, subject to Section 7113 of this Ordinance.
20. Wineries/Meaderies, subject to Section 721 of this Ordinance.

Section 405. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	35 Feet
Lot Coverage (All Structures)	10%
Total Impervious Coverage	20%
	<u>Minimum Requirements</u>
Lot Area	4 Acres
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	50 Feet
Rear Yard	30 Feet
Side Yard	
Total	60 Feet
One Side	30 Feet

Section 410. R – RURAL DISTRICT

Section 411. SPECIFIC INTENT

It is the purpose of this District to provide for the orderly expansion of residential, and related nonresidential, development in areas which can feasibly be supplied with public facilities; to provide development options to allow the continued existence of existing agricultural operations; to provide standards which will provide for the installation of public facilities and the preservation of permanent open space; to exclude activities of an intensive commercial or industrial nature and any activities not compatible with residential development and existing agricultural operations; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance. Development activities in this District will be encouraged to utilize the Conservation Design (Growing Greener) options to further implement the protection and preservation goals of the District.

Section 412. USES PERMITTED BY RIGHT

Land and buildings in a Rural District may be used for the following purposes and no others unless a Special Exception as provided for in Section 413 or a Conditional Use as provided for in Section 414 below is granted:

1. Conservation Subdivisions, involving four (4) or more lots, in accordance with Sections 430 through 439.
2. Single family detached dwellings, involving conventional lot development, whenever three (3) lots or fewer are created, subject to the provisions of Section 415. However, whenever four (4) or more lots are created, the provisions of Section 414 shall apply.
3. Agricultural Warehousing - Personal, subject to Section 606 of this Ordinance.
4. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
5. Community/Tenant Gardens, subject to Section 602 of this Ordinance.
6. Day Care - Family, subject to Section 737 of this Ordinance.
7. Farm Occupations, subject to Section 744 of this Ordinance.
8. Farm Produce Stands, subject to Section 606 of this Ordinance.
9. Farmers Markets, subject to Section 715 of this Ordinance.
10. Fire Observation Towers.
11. Fire Stations and Emergency Services Stations, subject to Section 770 of this Ordinance.
12. Forestry, subject to Section 630 of this Ordinance.
13. Methane Digester Systems - Accessory, subject to Section 769 of this Ordinance.

14. Municipal Uses, subject to Section 770 of this Ordinance.
15. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
16. Non-Commercial Keeping of Livestock, subject to Section 606 of this Ordinance.
17. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
18. Public Uses/Utilities, subject to Section 770 of this Ordinance.
19. Wind Energy Conversion Systems (WECS) designed to generate a maximum of ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
20. Woodland or Game Preserves, Wildlife Sanctuaries, or similar Conservation Uses.
21. Accessory Uses and Structures when on the same lot as the principal use or structure.

Section 413. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Accessory Farm Dwellings, subject to Section 706 of this Ordinance.
2. Agritainment/Agritourism Enterprises, subject to Section 709 of this Ordinance.
3. Airports, Personal Use Airports, subject to Section 710 of this Ordinance.
4. Animal Hospitals, subject to Section 713 of this Ordinance.
5. Animal Sanctuaries, subject to Section 714 of this Ordinance.
6. Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
7. Beekeeping, subject to Section 719 of this Ordinance.
8. Cemeteries, Churches and Related Uses, subject to Section 724 of this Ordinance.
9. Clubs or Lodges for Fraternal or Social Purposes, subject to Section 725 of this Ordinance.
10. Commercial Conversions, subject to Section 727 of this Ordinance.
11. Commercial Livestock Hauling, subject to Section 728 of this Ordinance.
12. Contractor's Offices or Shops, subject to Section 731 of this Ordinance.
13. Farm Related Businesses, subject to Section 745 of this Ordinance.
14. Golf Courses and Country Clubs, subject to Section 749 of this Ordinance.
15. Greenhouses and Nurseries - Commercial, subject to Section 750 of this Ordinance.

16. Heliports and Helicopter Pads, subject to Section 755 of this Ordinance.
17. Home Occupations, subject to Section 757 of this Ordinance.
18. Horse Barns for Transportation, subject to Section 758 of this Ordinance.
19. Kennels, subject to Section 713 of this Ordinance.
20. Libraries - Public, subject to Section 771 of this Ordinance.
21. Museums - Public, subject to Section 771 of this Ordinance.
22. Nursing, Convalescent, and Retirement Homes, subject to Section 774 of this Ordinance.
23. Pet and Animal Grooming Shops, subject to Section 776 of this Ordinance.
24. Petting Zoos or Menageries, subject to Section 777 of this Ordinance.
25. Recreation Facilities - Commercial, subject to Section 781 of this Ordinance.
26. Restaurants, Sit Down, Non-Drive Thru, subject to Section 785 of this Ordinance.
27. Retail Sales of Nursery and Garden Materials, subject to Section 750 of this Ordinance.
28. Riding Clubs, Riding Schools, and Riding Stables, subject to Section 788 of this Ordinance.
29. Schools - Private, Public and Charter, subject to Section 791 of this Ordinance.
30. Shooting Ranges, subject to Section 794 of this Ordinance.
31. Single Family Semi-Detached Dwellings.
32. Taverns, subject to Section 7101 of this Ordinance.
33. Temporary Farm Housing, subject to Section 7102 of this Ordinance.
34. Tennis and Athletic Clubs, subject to Section 7103 of this Ordinance.
35. Two Family Detached Dwellings.

Section 414. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as Conditional Uses subject to the procedures of Section 1005 of this Ordinance:

1. Single family detached dwellings, involving conventional lot development, whenever four (4) or more lots are created, subject to Section 735 of this Ordinance.
2. Accessory Apartments and Accessory Building Apartments, subject to Section 705 of this Ordinance.
3. Active Adult Communities, subject to Section 707 of this Ordinance.
4. Agriculture - Intensive, subject to Section 606 of this Ordinance.
5. Aquaculture, Aquaponics and Hydroponics, subject to Section 716 of this Ordinance.
6. Communication Antennas, subject to Section 730 of this Ordinance.
7. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
8. Contractor's Storage Yards, subject to Section 732 of this Ordinance.
9. Conversion Apartments, subject to Section 736 of this Ordinance.
10. Elder Cottage Housing Units, subject to Section 741 of this Ordinance.
11. Excavation Contractors, subject to Section 742 of this Ordinance.
12. Group Homes, subject to Section 752 of this Ordinance.
13. Outdoor Sales and Service, subject to Section 775 of this Ordinance.
14. Processing of Farm Products, subject to Section 778 of this Ordinance.
15. Property/Facility Management Facilities, subject to Section 779 of this Ordinance.
16. Short-Term Rentals, subject to Section 796 of this Ordinance.
17. Wind Energy Conversion Systems (WECS) designed to generate more than ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
18. Wind Farms, subject to Section 7113 of this Ordinance.

Section 415. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	35 Feet
Lot Coverage (All Structures)	10%
Total Impervious Coverage	20%

Minimum Requirements

Lot Area	4 Acres
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	50 Feet
Rear Yard	30 Feet
Side Yard	
Total	60 Feet
One Side	30 Feet

Section 420. MHP – MOBILE HOME PARK DISTRICT

Section 421. SPECIFIC INTENT

It is the purpose of this District to provide standards for the harmonious development of one, two, and multiple family housing unit mobile home parks, and other uses which are compatible with high-density housing.

Section 422. USES PERMITTED BY RIGHT

Land and buildings in a Mobile Home Park District may be used for the following purposes and no others unless a Special Exception as provided for in Section 423 or a Conditional Use as provided for in Section 424 below is granted:

1. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
2. Community/Tenant Gardens, subject to Section 602 of this Ordinance.
3. Day Care - Family, subject to Section 737 of this Ordinance.
4. Forestry, subject to Section 630 of this Ordinance.
5. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
6. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
7. Public Uses/Utilities, subject to Section 770 of this Ordinance.
8. Single Family Detached Dwellings.
9. Accessory Uses and Structures when on the same lot as the principal use or structure.

Section 423. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance.

1. Home Occupations, subject to Section 757 of this Ordinance.
2. Mobile Home Parks, in accordance with the standards of Article VI Longswamp Township Subdivision and Land Development Ordinance.
3. Tiny Homes, subject to Section 7105 of this Ordinance.
4. Tiny Home Communities, subject to Section 782 of this Ordinance.

Section 424. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as Conditional Uses subject to the procedures of Section 1005 of this Ordinance:

- 1. Group Homes, subject to Section 752 of this Ordinance.
- 2. Short-Term Rentals, subject to Section 796 of this Ordinance.

Section 425. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	35 Feet
Lot Coverage (All Structures)	10%
Total Impervious Coverage	20%
	<u>Minimum Requirements</u>
Lot Area	4 Acres
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	50 Feet
Rear Yard	30 Feet
Side Yard	
Total	60 Feet
One Side	30 Feet

Section 430. CONSERVATION DESIGN REGULATIONS

Section 431. PURPOSES

1. In conformance with the State enabling legislation, the purposes of this Section, among others, are as follows:
 - a. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
 - b. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
 - c. To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes;
 - d. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the Township's population diversity may be maintained;
 - e. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township Comprehensive Plan;
 - f. To implement adopted land use, transportation, and community policies, as identified in the Township Comprehensive Plan;
 - g. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
 - h. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
 - i. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents;
 - j. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);
 - k. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

- I. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
2. In order to achieve these purposes, this Ordinance provides for flexibility in designing new residential subdivisions by allowing three (3) forms of "by-right" development referred to as "options", as summarized below:
 - a. Option 1: Neutral Density and Basic Conservation, providing for residential uses at the density permitted for conventional lotting under Section 404.1. Greenway lands comprise approximately half the tract.
 - b. Option 2: Enhanced Density with Greater Conservation, providing for higher density residential uses and a larger percentage (55% or more) of greenway land in more flexibly designed layouts.
 - c. Option 3: Country Properties, providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.
3. In addition, this Section provides for two (2) additional options, available through the Conditional Use permitting process, as described below:
 - a. Option 4: Hamlets, allowing for higher density development designed according to special guidelines to ensure that the resulting form incorporates the design principles of traditional hamlets.
 - b. Option 5: Villages, allowing for higher density development designed according to special guidelines to ensure that the resulting form incorporates the design principles of traditional villages.
4. Section 434 sets forth the development densities and required greenway land percentages.

Section 432. GENERAL REGULATIONS

The design of all new subdivisions utilizing Conservation Design Options shall be governed by the following minimum standards:

1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
2. Site Suitability: As evidenced by the Existing Resources/Site Analysis Plan in the Preliminary Plan submission, and the detailed Final Plan submission, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
3. Combining the Design Options: The various layout and density options described in this Article may be combined at the discretion of, and by the motion of, the Board of Supervisors, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.

4. Intersections and Access: New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing more than 20 dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.
5. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Primary Conservation Areas Map. Lands within the 100-year floodplain, wetlands, slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.
6. Community Water and Wastewater Systems: Community water supply and wastewater systems are permitted in greenway lands, subject to arrangements for ownership, operation and maintenance that are acceptable to the Township.
7. Setbacks from Tract Boundaries:
 - a. No habitable building shall be located within 75 feet of a tract boundary line, or 100 feet of a tract boundary line adjacent to a preserved farm.
 - b. No accessory building or structure shall be located within 50 feet of a tract boundary line, or 75 feet of a tract boundary line adjacent to a preserved farm.

Section 433. USE REGULATIONS

The following uses are permitted by right in all five (5) Conservation Design Options, except Short Term Rentals which will be considered by the Board of Supervisors as a Conditional Use:

1. Single Family Detached Dwellings.
2. Greenway Land, comprising a portion of residential development as specified above and subject to Section 436 of this Ordinance.
3. Short Term Rentals, by Conditional Use subject to Section 796 and the procedures of Section 1005 of this Ordinance.
4. Non-Residential Uses

The following non-residential uses in accordance with the standards of Sections 434 and 435:

- a. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
- b. Day Care - Family, subject to Section 737 of this Ordinance.

- c. Forestry, subject to Section 630 of this Ordinance.
- d. Municipal Uses, subject to Section 770 of this Ordinance.
- e. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
- f. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
- g. Public Uses/Utilities, subject to Section 770 of this Ordinance.
- h. Woodland or Game Preserves, Wildlife Sanctuaries, or similar Conservation Uses.

5. Accessory Uses

Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

6. Additional Uses

Additional Uses in Options 4 and 5 Subdivisions: Hamlets and Villages

a. General

- (1) Residential Diversity: A primary objective of the Hamlet and Village Options is to provide for a diversity of household types, age groups, and income levels, in a manner consistent with the variety of existing homes in the Township and with traditional village building and site development patterns. Within the overall residential density figures for villages and hamlets, new construction must be predominantly single family detached residential in nature on compact village-scale lot sizes. This component should comprise between 60% and 75% of the residential development allowed in villages and may constitute 100% of the development in hamlets. However, in both villages and hamlets, the concept of large "Country Properties" of ten acres or more shall be encouraged, in which part of the required open space may be incorporated within lot boundaries, as "mini-farms", consistent with regulations pertaining to active and passive agriculture in other parts of this Ordinance.
- (2) Housing Types: Within hamlets, up to 25% of all new units may be designed as semi-detached or two family dwellings. Within villages up to 50% of all new units may be designed as semi-detached or two family dwellings, and up to 50% may be designed as multi-family (townhouse and/or apartment) dwellings. These percentages should be interpreted as guidelines. If an applicant elects to pursue the option for semi-detached, two-family and/or multi-family dwellings, such dwellings shall be designed to reflect the County's vernacular building tradition for such building types. When different housing types are proposed in either villages or hamlets, they shall be integrated architecturally and in scale so that they can be physically incorporated within the same streetscape as single-family detached dwellings and nonresidential buildings, and not isolated from each other in separate areas.

- (3) Locational Considerations for Hamlet and Village Uses: Residential lots in villages and hamlets shall generally not be located within 500 feet of any arterial highway having four or more lanes, nor within 250 feet of any existing two-lane state-numbered highway, unless effectively screened from the public viewshed by virtue of topography, dense vegetation, or other physical or visual barriers.
Commercial/Mixed-Use Areas in villages shall be located so they are easily accessible by pedestrians from as much of the residential areas as possible, preferably within 1,500 feet, i.e., a five minute walk. Non-residential uses that are intended to serve an area beyond the village itself shall be located to permit vehicular access from outside the village without passing through residential streets. This part of the village may be located close to state-numbered highways.
- (4) Hamlet Uses: Hamlets shall consist primarily of residential uses, but a limited number of non-residential uses may also be permitted. In hamlets, a greater housing variety is permitted, as described above. Non-residential uses shall not occupy more than 20% of the lots and/or buildings (whichever is less) in the hamlet development.
- (5) Village Uses: Villages are intended to provide for a range of complementary uses and may consist of two areas: Residential and Mixed Use/Commercial. These areas are intended to provide for the diversity necessary for traditional village life, maximizing the interactions among related uses while minimizing the adverse impacts of different uses upon each other. The Village Residential Area is intended to contain a variety of housing options and related uses. The Village Mixed Use/Commercial Area is intended primarily to provide uses that meet the retail and service needs of a traditional village center and its vicinity within one- and two-story buildings, and may contain other compatible uses such as civic and institutional uses of community-wide importance, specifically including second floor residential uses. The Village Mixed Use/Commercial Area may be located either at the approximate center of the village, or at the edge, near an existing Major or Minor Collector (including all State-numbered highways). If the Village Mixed Use/Commercial Area is located along such a thoroughfare, parking areas shall be screened from view, preferably in locating them behind those commercial buildings, as seen from the Collector.

b. Conditional Uses in Hamlets.

The following uses are classified as Conditional Uses in the Hamlet Option:

- (1) Single Family Semi-Detached Dwellings and Two Family Detached Dwellings.
- (2) Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
- (3) Small Neighborhood Retail Stores, Business Service Shops, and Personal Services Shops (not exceeding 1,000 square feet floor space if in a single-story building, and 1,500 square feet if located in a two-story building, in which the second story may be in residential use).
- (4) Church and Related Uses, subject to Section 724 of this Ordinance.

- (5) Day Care Centers - Commercial, subject to Section 737 of this Ordinance.
- (6) Group Homes, subject to Section 752 of this Ordinance.
- (7) Home Occupations, subject to Section 757 of this Ordinance.
- (8) Schools - Private, Public or Charter, subject to Section 791 of this Ordinance.
- (9) Short Term Rental, subject to Section 796 of this Ordinance.

c. Conditional Uses in Village Option Subdivisions.

The following uses are classified as Conditional Uses in the Village Option:

(1) Village Residential Area:

- (a) Single Family Semi-Detached Dwellings and Two Family Detached Dwellings.
- (b) Townhouses and Apartment Buildings designed to resemble traditional multi-family homes built in the Boroughs and Villages of the County prior to 1930, and sited so they front directly onto streets or "village greens", rather than parking areas.
- (c) Accessory Apartments in principal residences and Accessory Building Apartments in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses), provided that they are architecturally designed to harmonize with vernacular rural buildings in the Township's historic landscape, and subject to Section 705 of this Ordinance.
- (d) Active Adult Communities, subject to Section 707 of this Ordinance.
- (e) Elderly Congregate Housing.
- (f) Group Homes, subject to Section 752 of this Ordinance.
- (g) Home Occupations, subject to Section 757 of this Ordinance.
- (h) Nursing Convalescent or Retirement Homes, subject to Section 774 of this Ordinance.

(2) Village Mixed-Use/Commercial Area:

- (a) Banks and Financial Institutions; Business and Personal Service Shops; Professional, Service or Government Offices; and Retail Stores in buildings of 2,000 square feet or less, but up to 3,500 square feet if in buildings of two or more stories facing the street, except those uses specifically excluded as listed at the end of this Section.
- (b) Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
- (c) Churches and Related Uses, subject to Section 724 of this Ordinance.
- (d) Day Care Centers - Commercial, subject to Section 737 of this Ordinance.
- (e) Medical, Dental Clinics, Urgent Care or Therapeutic Massage Establishments.
- (f) Meeting Halls/Community Centers - Public.
- (g) Recreation Facilities - Non-commercial.

- (h) Public Utilities Facilities, including substations, pumping stations, and wastewater treatment facilities (outside the core area) and uses accessory to the above.
- (i) Restaurants - Sit Down/Non-Drive Thru, not to exceed 1,000 square feet of patron area, subject to Section 785 of this Ordinance.
- (j) Schools – Private, Public or Charter, subject to Section 791 of this Ordinance.
- (k) Short Term Rental, subject to Section 796 of this Ordinance.

Specifically excluded from the uses allowed in this subdistrict are uses such as antique and flea markets, indoor/outdoor amusement businesses, motor vehicle and boat sales, motor vehicle washes, motor vehicle filling and service stations, off-track betting establishments, home improvement and building supply centers, lumber yards, adult related establishments, and self-storage facilities.

Section 434. DIMENSIONAL STANDARDS AND DENSITY DETERMINATION FOR CONSERVATION DESIGN OPTIONS

1. Dimensional Standards for Option 1 - Neutral Density and Basic Conservation:
 - a. Density Factor. Density shall be based on the Adjusted Tract Area as defined in Section 434.3 herein. This option is "density-neutral" with the zoning provisions for conventional development in the Conservation and Rural Districts. The density factor shall be one (1) dwelling unit per four (4) acres in both the Conservation and Rural Districts. [Density Factor = 0.25]
 - b. Minimum Required Greenway Land:
 - (1) The subdivision must include at least 50% of the Adjusted Tract Area plus an area equal to all of the constrained land, as identified in Section 434.3, as greenway land. However, in no instance shall the required greenway land exceed 80% of the Total Tract Area. The Total Tract Area equals the gross tract area minus all land within the rights-of-way of existing public streets or highways. Greenway land shall not be used for residential lots, except as provided below.
 - (2) Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 434.4, and owned by individuals may occupy up to 80% of the greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the Township. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 436, herein.
 - c. Minimum Lot Area: One (1) acre where public or community sewer is not provided (subject to Pennsylvania Department of Environmental Protection approval); 20,000 square feet where public or community water and public or community sewer is provided.
 - d. Minimum Lot Width at Building Line: 80 feet.

- e. Minimum Street Frontage: 20 feet.
 - f. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
 - (1) Front: 20 feet.
 - (2) Rear: 40 feet.
 - (3) Side: 30 feet separation for principal buildings, with no side yard less than 5 feet.
 - g. Maximum Impervious Coverage in Developed (Non-Greenway) Areas: 25% where public or community water and sewer is not provided; 40% where public or community water and public or community sewer is provided.
 - h. Maximum Height Regulations: 35 feet.
2. Dimensional Standards for Option 2 - Enhanced Density with Greater Conservation:
- a. Density Factor. Density shall be based on the Adjusted Tract Area as defined in Section 434.3 herein. The density factor shall be one (1) dwelling unit per two (2) acres in both the Conservation and Rural Districts. [Density Factor = 0.50]
 - b. Minimum Required Greenway Land:
 - (1) The subdivision must include at least 55% of the Adjusted Tract Area plus an area equal to all of the constrained land, as identified in Section 434.3, as greenway land. However, in no instance shall the required greenway land exceed 80% of the Total Tract Area. The Total Tract Area equals the gross tract area minus all land within the rights-of-way of existing public streets or highways. Greenway land shall not be used for residential lots, except as provided below.
 - (2) Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 434.4, and owned by individuals may occupy up to 80% of the greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the Township. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 436, herein.
 - c. Minimum Lot Area: One (1) acre where public or community sewer is not provided (subject to Pennsylvania Department of Environmental approval); 12,000 square feet where public or community water and public or community sewer is provided.
 - d. Minimum Lot Width at Building Line: 80 feet.
 - e. Minimum Street Frontage: 20 feet.

- f. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
 - (1) Front: 20 feet minimum.
 - (2) Rear: 40 feet minimum.
 - (3) Side: 25 foot separation for principal buildings, with no side yard less than 5 feet.
 - g. Maximum Impervious Coverage in Developed (Non-Greenway) Areas: 30% where public or community water and sewer is not provided; 50% where public or community water and public or community sewer is provided.
 - h. Maximum Height Regulations: 35 feet.
3. Density Determinations for Conservation Subdivisions:
- a. Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land as described below.

Constrained land equals the sum of the following:

 - (1) All land within the rights-of-way of existing public or private streets or highways;
 - (2) Wetlands: multiply the acreage of designated wetlands by 0.95;
 - (3) Floodways: multiply the acreage within the floodway by 1.0;
 - (4) Floodplains: multiply the non-wetland portion of the 100-year floodplain by 0.50;
 - (5) Riparian Buffers: multiply the acreage with the Riparian Buffer by 0.50;
 - (6) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.50; and
 - (7) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.75.
 - b. If a portion of the tract is underlain by more than one (1) natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.
 - c. Since acreage that is contained within the public or private rights-of-way is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.
 - d. Permitted Dwelling Units: The maximum number of permitted dwelling units equals the Adjusted Tract Area multiplied by the density factor.

4. Dimensional Standards for Option 3 Subdivisions - Country Properties:
- a. Maximum Density: One (1) dwelling unit per ten (10) acres of Adjusted Tract Area, as defined in Section 434.3 herein. [Density Factor = 0.10]
 - b. Minimum Lot Area: 10 acres. The lot shapes shall not be irregular, except as allowed for "flag lots", and shall not have a lot depth-width ratio exceeding 5:1 unless such lots are deed restricted from the development of more than one (1) dwelling.
 - c. Minimum Lot Width at Building Line: 200 feet.
 - d. Yard Regulations:
 - (1) Front: 150 feet from the right-of-way of existing Township roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways, where applicable.
 - (2) Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings, except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures.
 - (3) Side: 25 feet.
 - e. Maximum Impervious Coverage: 4% limit on entire subdivision tract.
 - f. Maximum Height Regulations: 35 feet.
5. Scale Criteria for Option 4 - Hamlets:
- Hamlets shall include at least four (4) dwelling units but less than 20 dwelling units.
6. Dimensional Standards for Residential Uses in Option 4 - Hamlets:
- a. Density Factor. One (1) dwelling unit per acre as based on the Adjusted Tract Area, as defined in Section 434.3 herein. [Density Factor = 1.00]
 - b. Minimum Required Greenway Land:
 - (1) The subdivision must include at least 50% of the Adjusted Tract Area plus an area equal to all of the constrained land, as identified in Section 434.3, as greenway land. However, in no instance shall the required greenway land exceed 80% of the Total Tract Area. The Total Tract Area equals the gross tract area minus all land within the rights-of-way of existing public streets or highways. Greenway land shall not be used for residential lots, except as provided below.
 - (2) Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 434.4, and owned by individuals may occupy up to 50% of the greenway land, with the remainder deeded to a homeowners' association, land trust,

or the Township. However, the greenway land within each conservancy lot remains subject the standards for greenway land in Section 436, herein.

- (3) The required greenway land shall be located and designed to add to the visual amenities of hamlets and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along the outside edges of street curves), and by maximizing the visibility of external open space as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- (4) Traditional hamlets shall include multiple greens or commons measuring a total of at least 1,000 square feet for each dwelling unit.

c. Minimum Lot Area:

- (1) Single Family Detached Dwelling - 12,000 square feet.
- (2) Single Family Semi-Detached Dwelling - 6,000 square feet per dwelling unit.
- (3) Non-Residential Uses - 12,000 square feet.

d. Minimum Lot Width at Building Line: 40 feet.

e. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

(1) Front Yard:

- (a) Principal Buildings: 12 feet minimum, 6 feet to front porches or steps.
- (b) Attached Garages, Front-Loaded: minimum 10 feet behind plane of house.
- (c) Attached Garages, Side-Loaded: minimum 10 feet from street right-of-way.
- (d) Detached Garages, Front-Loaded: minimum 40 feet from street right-of-way.

(2) Rear Yard:

- (a) 30 feet minimum for principal buildings and 5 feet for accessory buildings, excluding garages.
- (b) Detached Garages, Rear-Loaded: minimum 10 feet from alley or lane.

(3) Side Yard: 20-foot separation for principal buildings, no side yard less than 5 feet in width.

f. Maximum Impervious Coverage: 50% limit on each developed (non-greenway) lot.

g. Minimum Street Frontage: Lots must have frontage either on a street or on a back lane or shared driveway. Houses served by rear lanes may front directly

onto parks or greens, which shall be designed with perimeter sidewalks.

- h. Maximum Height Regulations: 35 feet.
- i. Public or community water supply and sewage disposal is required for developments utilizing the Hamlet Design Option.

7. Scale Criteria for Option 5 - Villages:

Villages shall contain 20 or more dwelling units.

8. Dimensional Standards for Residential Uses in Option 5: Villages

- a. Density Factor: Four (4) dwelling units per acre as based on the Adjusted Tract Area, as defined in Section 434.3 herein. [Density Factor = 4.00]
- b. Minimum Required Greenway Land:
 - (1) The subdivision must include at least 60% of the Adjusted Tract Area plus an area equal to all of the constrained land, as identified in Section 434.3, as greenway land. However, in no instance shall the required greenway land exceed 80% of the Total Tract Area. The Total Tract Area equals the gross tract area minus all land within the rights-of-way of existing public streets or highways. Not less than one-sixth (1/6) of this greenway land shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than 50% of the minimum required greenway land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. Greenway land shall not be used for residential lots, except as provided below.
 - (2) Large "conservancy lots" of at least 10 acres, conforming to the standards for Option 3 subdivisions found in Section 434.4, and owned by individuals may occupy up to 50% of the greenway land, with the remainder deeded to a homeowners' association, land trust, or the Township. However, the greenway land within each conservancy lot remains subject the standards for greenway land in Section 436, herein.
 - (3) The required greenway land shall be located and designed to add to the visual amenities of villages and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along the outside edges of street curves), and by maximizing the visibility of external open space as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
 - (4) Traditional villages and hamlets shall include multiple greens or commons measuring a total of at least 1,000 square feet for each dwelling unit.
- c. Minimum Lot Area:

For fee-simple lots, the minimum required lot area shall be determined by adding the proposed building footprint(s) and the required minimum yard areas.

- d. Minimum Lot Width at Building Line: None.
- e. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
 - (1) Front Yard:
 - (a) Principal Buildings: 12 feet minimum, 6 feet to front porches or steps.
 - (b) Attached Garages, Front-Loaded: minimum 10 feet behind plane of house.
 - (c) Attached Garage, Side-Loaded: minimum 10 feet from street right-of-way.
 - (d) Detached Garages, Front-Loaded: minimum 40 feet from street right-of-way.
 - (2) Rear Yard:
 - (a) 30 feet minimum for principal buildings and 5 feet for accessory buildings, excluding garages.
 - (b) Detached Garages, Rear-Loaded: minimum 10 feet from alley or lane.
 - (3) Side Yard: 20-foot separation for principal buildings, no side yard less than 5 feet in width.
- f. Maximum Impervious Coverage: 80% limit on each developed (non-greenway) residential or non-residential lot.
- g. Minimum Street Frontage: Lots must have frontage either on a street or on a back lane or shared driveway. Houses served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.
- h. Maximum Height Regulations: 35 feet.
- i. Public or community water supply and sewage disposal is required for developments utilizing the Village Design Option.

9. Dimensional, Intensity, and Design Standards for Option 5: Village Mixed Use/Commercial Areas:

- a. Use Intensity Standards:
 - (1) New commercial buildings in the Mixed Use/Commercial Area and their associated parking spaces shall not occupy more than 5% of the net developable land area of the entire Village. However, they may occupy up to 10% if they include second-story office uses, and up to 15% if they include second-story residential units. In order to qualify for the 15% figure, at least one-half (1/2) of the new commercial

building coverage (foundation footprint) shall be of two-story construction, and at least 25% of the second-story space shall be designed for residential uses.

- (2) Floor area ratios shall be reduced by the Board of Supervisors on a case-by-case basis because village shop buildings and their parking areas should typically be allowed to occupy up to 80% of their building sites, with relatively little land between structures or between structures and the sidewalk. Parking areas shall generally be located behind shops (and occasionally to one (1) side, if adequately screened from the street), and should be the primary focus of landscaping and buffering efforts, particularly where they abut adjoining residential lots.

b. Minimum Lot Size:

- (1) The minimum lot size for non-residential uses in Village Mixed Use/Commercial Subdistrict shall be determined by adding 20% to the land area needed for the structure, on-lot parking, ingress/egress, and any on-site infrastructure that is required, such as septic disposal areas or stormwater management areas. The additional 20% shall be constituted by setbacks and landscaped buffers.

c. Minimum Street Frontage: 30 feet.

d. Setback Regulations:

- (1) Front: no minimum required; maximum setback 15 feet.
- (2) Rear: 20 feet minimum.
- (3) Side: 5 feet.

e. Maximum Height Regulations: 35 feet

f. Additional Design Standards:

- (1) New buildings in this subdistrict shall be subject to a maximum front setback (the "build-to" line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called "build-up line", as shown in the illustrated design guidelines in the Subdivision and Land Development Ordinance) and shall be designed in accordance with the design standards set forth below. Maximum building height and coverage are controlled by other provisions in this ordinance governing maximum height and minimum parking standards.
- (2) Ground floor space shall generally be reserved for pedestrian-oriented retailing and services, with offices and housing above.
- (3) Each Village Mixed Use/Commercial Area shall have a primary common or green of at least 10,000 square feet, which should ideally be surrounded by two-story development that may include commercial, residential, civic and institutional uses. This primary common shall border on the principal street running through the Mixed Use/Commercial Area or be located so as to constitute the "terminal vista" of that street. This central green shall be located within 1500 feet of 80% of all dwelling units in the village.

Alternatively, two greens of at least 6,000 sq. ft. may be substituted for the central green, in order to meet the distance/proximity standard. The type of trees and shrubs used shall be such that vistas through the open space are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, fountains, park benches and pedestrian-scale lamp posts. They shall be designed as attractive gathering places for all village residents in both day and evening. No Green shall contain more than 10% coverage by impervious surfaces.

g. Parking:

- (1) Non-residential off-street parking shall be to the side or rear or located within internal parking areas not visible from the street.
- (2) On-street parking spaces along the street frontage of a lot, except where there are driveway curb-cuts, shall be counted toward the minimum number of parking spaces required for the use on that lot.
- (3) On-street parking spaces shall be designed to be parallel to the curb.
- (4) Off-street parking may be located within 600 feet, measured along a publicly accessible route, from the lot containing the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory shall continue and it is owned by an entity capable of assuring its maintenance as accessory parking.

Section 435. DESIGN STANDARDS FOR OPTION 1, 2, 4, AND 5 SUBDIVISIONS

1. Housetlots shall not encroach upon Constrained Lands (Primary Conservation Areas) as defined in Section 434.3.a, herein, and their layout shall respect Secondary Conservation Areas, as described in both this Ordinance and in the Subdivision and Land Development Ordinance.
2. All new dwellings shall meet the following setback requirements:
 - a. From all external road ultimate right-of-way - 100 feet.
 - b. From all other tract boundaries - 50 feet.
 - c. From cropland or pastureland - 100 feet.
 - d. From buildings or barnyards housing livestock - 300 feet.
 - e. From active recreation areas such as courts or playing fields, not including tot-lots - 150 feet.
3. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.

4. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.
5. At least three-quarters (3/4) of the lots shall directly abut or face greenway land across a street, except that in Option 4 - Hamlets and Option 5 - Villages this fraction shall be one-half (1/2).
6. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 436 through 438 of this Ordinance.

Section 436. GREENWAY LAND USE AND DESIGN STANDARDS

Protected greenway land in all subdivisions shall meet the following standards:

1. Uses Permitted on Greenway Lands:

The following uses are permitted in greenway land areas:

- a. Conservation of Open Land in its natural state, such as woodland, fallow field, or managed meadow.
- b. Agricultural and Horticultural Uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors. (See Section 433.4.a)
- c. Pastureland, for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
- d. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
- e. Neighborhood Open Space Uses, such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, but specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
- f. Active Non-Commercial Recreation Areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than one-half (1/2) of the minimum required greenway land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten (10) parking spaces.

- g. Golf Courses, including their parking areas and associated structures, may comprise up to one-half (1/2) of the minimum required greenway land, but shall not include driving ranges or miniature golf.
- h. Public or Community water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.
- i. Easements for drainage, access, sewer or water lines, or other public purposes.
- j. Underground Utility Rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

2. Greenway Design Standards:

- a. Greenway lands shall be laid out in general accordance with the Township's Map of Primary Conservation Areas to ensure that an interconnected network of open space will be provided. The required greenway land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). PCAs comprise floodplains, wetlands, slopes over 25% and areas greater than 1,000 square feet in size containing rock outcrops, boulder-fields and/or soils with bedrock at the surface. SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in the Greenway Design Review Standards of the Subdivision and Land Development Ordinance.
- b. In Design Option 1 and 2 Subdivisions, the greenway land comprises a minimum of 50% and 55% of the Adjusted Tract Area plus an area equal to all of the constrained land, respectively. However, in no instance shall the required greenway land exceed 80% of the Total Tract Area. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual (typically as part of the original farmhouse). However, in no case shall less than 30% of the land comprising the Total Tract Area be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.
- c. Greenway lands in Option 3 Subdivisions may be contained within the Country Property Lots, or up to 80% may be set aside as undivided land with common rights of usage among the subdivision residents.
- d. Up to 5% of the total tract acreage in any of the Design Options may be subject to the Township's public land dedication requirement, typically to provide potential connections with a Township long-range trail network and other Township recreational land.

- e. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction. Where this buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

3. Other Requirements:

- a. No portion of any building lot may be used for meeting the minimum required greenway land, except as permitted within Country Properties or within "conservancy lots" of at least 10 acres, designed as an integral part of Option 1 - Neutral Density, Option 2 - Enhanced Density, Option 4 - Hamlets, and Option 5 - Villages. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
- b. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with Section 433 herein, shall be provided to greenway land in accordance with the following requirements:
 - (1) Each neighborhood shall provide one (1) centrally located access point per 15 lots, a minimum of 35 feet in width.
 - (2) Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- c. All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.

Section 437. PERMANENT GREENWAY PROTECTION THROUGH CONSERVATION EASEMENTS

1. In Option 1, 2, 4, and 5 Subdivisions

In Option 1, 2, 4, and 5 subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Board of Supervisors. A list of Permitted and Conditional Uses of greenway lands is contained in Sections 433 and 436, herein.

2. In Option 3 Subdivisions (Country Properties)

In Option 3 subdivisions (Country Properties) where applicants voluntarily opt to

develop their properties at densities conforming with Option 3 standards (minimum 10 acres per principal dwelling), and offer to place a restrictive conservation easement preventing future subdivision of the newly created parcels, the Board of Supervisors shall review the proposed easements and shall accept them, provided their wording accomplishes the purposes of this Ordinance and is consistent with the Township Comprehensive Plan.

Section 438. OWNERSHIP AND MAINTENANCE OF GREENWAY LAND AND COMMON FACILITIES

1. Development Restrictions

All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 436, herein.

2. Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

- a. Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept any portion of the common facilities, provided that:
 - (1) There is no cost of acquisition to the Township; and
 - (2) The Township agrees to and has access to maintain such facilities.
- b. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant State law. All open land and common facilities shall be held as "common element" or "controlled element", depending upon access and documentation approved by the Township Solicitor.
- c. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - (1) The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - (2) The proposed association shall be established by the owner or applicant and shall be operating, with financial subsidization by the owner or applicant, if necessary, before the sale of any dwelling units in the development.
 - (3) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
 - (4) The association shall be responsible for maintenance and insurance of common facilities.

- (5) The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
 - (6) Written notice of any proposed transfer of common facilities by the association, or the assumption of maintenance for common facilities, must be given to all members of the association and to the Township no less than 30 days prior to such event.
 - (7) The association shall have adequate staff to administer, maintain, and operate such common facilities.
 - (8) All Homeowners' Association agreements, provisions, and documents shall be approved by the Township Solicitor.
- d. Private Conservation Organization or the County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
- (1) The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely.
 - (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions.
 - (3) The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
 - (4) A maintenance agreement acceptable to the Township is established between the owner and the organization or the County.
- e. Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
- (1) There shall be no cost of acquisition to the Township.
 - (2) Any such easements for public use shall be accessible to the residents of the Township.
 - (3) A satisfactory maintenance agreement shall be reached between the owner and the Township.
- f. Non-Common Private Ownership. Up to 80% of the required greenway land may be included within one (1) or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in Section 106, and that the Township is given the ability to enforce these restrictions.

3. Maintenance

- a. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be

borne by the property owner, condominium association, homeowners' association, or conservation organization.

- b. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.
 - (1) The Plan shall define ownership.
 - (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
 - (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 - (4) At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.
 - (5) Any changes to the maintenance plan shall be approved by the Board.
- c. In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- d. The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of the County.

Section 439. DISCRETIONARY DENSITY BONUSES

Additional density may be allowed by the Board of Supervisors when one (1) of the following public benefits is proposed:

1. Public Usage of Greenway Land

The Board of Supervisors may encourage the dedication of land for public use (including active and passive recreation areas, Municipal buildings, etc.) according to the following standards: a density bonus for greater public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of one (1) dwelling unit per five (5) acres of greenway land or per 2,500 feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate greenway land to public usage within a proposed subdivision shall be at the

discretion of the Board of Supervisors, which shall be guided by the recommendations contained in the Township's Comprehensive Plan, particularly those sections dealing with active recreational facilities and passive trail networks.

2. Endowment for Greenway Maintenance

- a. When greenway land is to be donated to a land trust or to the Township, the Board of Supervisors may allow up to a 10% density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the greenway land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund shall be at least 20 times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board, and with experience in managing conservation land and recreational facilities.
- b. Because additional dwellings, beyond the maximum that would ordinarily be permitted, may reasonably be considered to be net of development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Greenway Maintenance Endowment Fund for the greenway lands within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.
- c. When estimating the projected maintenance costs of the greenway land, greenway land that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan for Conservancy Lots or as land reserved for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

3. Implementation

For each of the above categories of public purposes, density bonuses may be implemented by reducing the amount of required greenway land by up to 10%, reducing the minimum lot area requirements by up to 10%, or by a combination of these approaches, at the discretion of the Board of Supervisors. The cumulative reductions may total up to 20%, if the Board of Supervisors is satisfied that the public purposes are being served.

Section 440. AP - AGRICULTURE PRESERVATION DISTRICT

Section 441. SPECIFIC INTENT

The agriculture in the Township is a unique non-replaceable natural resource, which needs to be recognized by the community and preserved for the benefit of the residents of the Township. This proposition of preservation of agricultural farmlands and open space is founded upon the following policy considerations:

1. The agricultural farmlands and open space within the Township is a valuable natural resource, which is valuable for the health, safety and welfare of the Township residents;
2. The soils, topography and historical experience of the Township have established the Township as a producer of agricultural goods and products;
3. The aesthetic value of the agriculture within the Township is of special significance to the residents of the Township and the surrounding municipalities;
4. The present character of the agriculture of the Township mandates that it be recognized as an economic resource, necessary of preservation;
5. In the interest of public health, safety and welfare, the Agriculture Preservation Zoning District is further designed and intended to accomplish the following:
 - a. To protect and preserve the agricultural base in the areas of productive soils.
 - b. To permit only those land uses and activities, which are agriculture related and advance agricultural purposes.
 - c. To encourage the preservation of the prime productive farmland within the Township.
 - d. To prevent adverse effects which may result from the encroachment and commingling of residential and other incompatible development and land uses with agricultural uses.

Section 442. USES PERMITTED BY RIGHT

Land and buildings in the Agriculture Preservation Zoning District may be used for the following purposes and no others unless a Special Exception as provided for in Section 443 or a Conditional Use as provided for in Section 444 below is granted:

1. Single Family Detached Dwellings, involving conventional lot development for the first subdivision of the parent tract in existence and as determined as of the effective date of this Ordinance, subject to the provisions of Section 446. Conservation Design Options are not available in this Zoning District.
2. Accessory Farm Dwelling, subject to Section 706 of this Ordinance.
3. Agricultural Warehousing - Personal, subject to Section 606 of this Ordinance.

4. Agriculture, subject to Section 606 of this Ordinance.
5. Beekeeping, subject to Section 719 of this Ordinance
6. Community/Tenant Gardens, subject to Section 602 of this Ordinance.
7. Farm Occupations, subject to Section 744 of this Ordinance.
8. Farm Produce Stands, subject to Section 606 of this Ordinance.
9. Farmers Markets, subject to Section 715 of this Ordinance.
10. Fire Observation Towers.
11. Forestry, subject to section 630 of this Ordinance.
12. Methane Digester Systems - Accessory, subject to Section 769 of this Ordinance.
13. Municipal Uses, subject to Section 770 of this Ordinance.
14. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
15. Non-Commercial Keeping of Livestock, subject to Section 606 of this Ordinance.
16. Public Uses/Utilities, subject to Section 770 of this Ordinance.
17. Temporary Farm Housing subject to Section 7102 of this Ordinance.
18. Wind Energy Conversion System (WECS) designed to generate a maximum of ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
19. Woodland or Game Preserves, Wildlife Sanctuaries, or similar Conservation Uses.
20. Accessory Uses and Structures customarily carried on in conjunction with farming and rural life, when on the same lot as the principal use or structure.

Section 443. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Agritainment/Agritourism Enterprises, subject to Section 709 of this Ordinance.
2. Animal Sanctuaries, subject to Section 714 of this Ordinance.
3. Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
4. Butcher Shops, subject to Section 722 of this Ordinance.
5. Cemeteries, Churches and Related Uses, subject to Section 724 of this Ordinance.

6. Commercial composting and/or Commercial Mushroom Operation, subject to Section 726 of this Ordinance.
7. Commercial Conversions, subject to Section 727 of this Ordinance.
8. Farm Equipment Sales and Service, subject to Section 743 of this Ordinance.
9. Farm Related Businesses, subject to Section 745 of this Ordinance.
10. Horse Barns for Transportation, subject to Section 758 of this Ordinance.
11. Kennels, subject to Section 713 of this Ordinance.
12. Libraries – Public, subject to Section 771 of this Ordinance.
13. Museums - Public, subject to Section 771 of this Ordinance.
14. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
15. Petting Zoos or Menageries, subject to Section 777 of this Ordinance.
16. Riding Clubs/Riding Schools/Riding Stables, subject to Section 788 of this Ordinance.

Section 444. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as Conditional Uses subject to the procedures of Section 1005 of this Ordinance:

1. Single Family Detached Dwellings, involving conventional lot development for any subsequent subdivision of the parent tract after the first subdivision of the tract after the effective date of this Ordinance.
2. Accessory Apartments, subject to Section 705 of this Ordinance.
3. Accessory Building Apartments, subject to Section 705 of this Ordinance.
4. Aquaculture, Aquaponics and Hydroponics, subject to Section 716 of this Ordinance.
5. Commercial Sightseeing Rides, subject to Section 729 of this Ordinance.
6. Communication Antennas, subject to Section 730 of this Ordinance.
7. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
8. Excavation Contractors, subject to Section 742 of this Ordinance.
9. Medical Marijuana Grower/Processor Facilities, subject to Section 766 of this Ordinance.

10. Methane Digester Systems - Regional, subject to Section 769 of this Ordinance.
11. Outdoor Sales and Service, subject to Section 775 of this Ordinance.
12. Processing of Farm Products, subject to Section 778 of this Ordinance.
13. Property/Facility Management Facilities, subject to Section 779 of this Ordinance.
14. Short-Term Rentals, subject to Section 796 of this Ordinance.
15. Solar Farms, subject to Section 798 of this Ordinance.
16. Welding and Machine Shops, subject to Section 765 of this Ordinance.
17. Wind Energy Conservation Systems (WECS) designed to generate more than ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
18. Wind Farms, subject to Section 7113 of this Ordinance.

Section 445. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	
Non-Agricultural Buildings or Structures	35 Feet
Agricultural Buildings or Structures	None
Lot Coverage (All Structures)	10%
Total Impervious Coverage	20%
	<u>Minimum Requirements</u>
Lot Area	
Farm	10 Acres
Single Family Dwelling	1 Acre
Other Uses	4 Acres
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	50 Feet
Rear Yard	30 Feet
Side Yard	
Total	60 Feet
One Side	30 Feet

Section 446. REQUIREMENTS FOR SUBDIVISION OF A TRACT

1. Subdivision of land shall be permitted only:
 - a. When necessary to permit the location of a lot for use pursuant to this Ordinance.
 - b. Except as permitted for single family dwelling purposes, pursuant to this Section of the Ordinance, or for Permitted Uses, Special Exception Uses and Conditional Uses as established in Section 442, 443 and 444 of this Ordinance, subdivision of land within the Agriculture Preservation Zoning District shall be limited to the division of land for agricultural purposes of parcels of ten (10) or more acres or to the creation of a parcel less than ten (10) acres for the purpose of transferring the parcel to an adjacent farm, provided, however, that at least ten (10) acres shall be maintained in the original tract.
 - c. To permit a tract of land leased in the Agriculture Preservation Zoning District as of January 1, 1998 to be subdivided from the remaining tract not leased as of that date and conveyed to the lessee.
2. All plans submitted to subdivide land in the Agriculture Preservation Zoning District shall contain the following language in conspicuous form:

"Agricultural Nuisance Disclaimer" - All lands within the Agricultural Preservation Zoning District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept these conditions (such inconveniences, discomfort and possibility of injury from normal agricultural operations), and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operation.

Section 447. REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENT

In the Agriculture Preservation Zoning District, single family development shall be subject to the following limitations:

1. The provisions of this Section shall apply to all tracts of land in existence and as determined as of the effective date of this Ordinance or as stated in 446.1.c for a tract of land being leased. Subsequent changes in ownership of any tract shall not otherwise extend or modify the limitations on single family development as herein provided:
 - a. There shall be permitted the following number of single family dwellings as designated upon the size of the subject tract of land:

- (1) Existing tracts less than 10 acres in size, shall be permitted a maximum of one (1) additional subdivided lot; provided all area and dimensional requirements are satisfied, as well as all other regulatory provisions of this Ordinance.
 - (2) Existing tracts in excess of 10 acres shall permit subdivision, provided that for each residential lot to be subdivided, there shall be set aside a minimum of 10 contiguous acres for non-developmental purposes by means of a conservation easement in perpetuity. All area, dimensional and other subdivision and zoning regulatory provisions must be satisfied.
 - (3) Regardless of lot size, once a new lot has been created, re-subdivision of the newly created lot is not allowed.
- b. Soil Classification. New single family detached dwellings shall only be located on soils other than soils identified as Soil Capability Units I and II by the Soil Conservation Service in the Soil Survey of Berks County, or on land which cannot feasibly be used for agricultural purposes due to the land characteristics, slope, or size and/or shape of property. Where, in the opinion of the Board of Supervisors, location on soils other than Soil Capability Units I and II is not feasible, the Supervisors shall permit the location of dwellings on such soils. However, the location shall be on the least agriculturally productive land feasible or such other area that would minimize interference with agricultural production.
 - c. Any person who shall claim that the classification of soils on his land is incorrect because the Soil Survey is inaccurate in regard to his property, may appeal the classification to the Board of Supervisors. The burden of proof shall be on the appellant to the Board of Supervisors. The appellant must submit, as part of his appeal before the Supervisors, an analysis prepared by a Professional Engineer or Geologist or Certified Soil Scientist indicating soil types based on field investigation and tests. The Supervisors may, upon review of the submitted report, reclassify the property in question in accordance with the findings submitted for the purpose of this Ordinance.
 - d. The lot size for all new single family detached dwellings, as permitted under this Section, shall be no greater than one and one-half (1½) acres. Larger lots may be permitted if the owner can substantiate that increases in the size of the property will not adversely affect the objectives of this Section, or that the physical or soil characteristics require larger lot sizes in order to locate the dwelling, accessory structures, driveway, well and/or onlot sewage disposal system.

Section 448. REQUIREMENTS FOR NON-AGRICULTURAL USES OTHER THAN RESIDENTIAL USES

1. Such uses must be located on the lowest quality agricultural feasible soil, including Soils Group III through VIII, so as to minimize the loss of farmland and so as to minimize interference with agricultural production.
2. Prior to issuing a permit to allow such use, the Zoning Officer must certify that the requirements of subparagraph (1) hereof have been complied with.

Section 449. ADDITIONAL REQUIREMENTS

1. Buffer Yard and Screening pursuant to Section 604 of this Ordinance.
2. Agricultural Use Regulations pursuant to Section 606 of this Ordinance.

ARTICLE V

HIGHWAY COMMERCIAL, COMMERCIAL RECREATION AND INDUSTRIAL ZONING DISTRICTS AND MEDICAL RESIDENTIAL CAMPUS OVERLAY DISTRICT

Section 500. HC - HIGHWAY COMMERCIAL DISTRICT

Section 501. SPECIFIC INTENT

It is the purpose of this District to provide for the orderly expansion of general retail commercial uses in areas where a nucleus of such uses already exists.

Section 502. USES PERMITTED BY RIGHT

Land and buildings in a Highway Commercial District may be used for the following purposes and no others unless a Special Exception as provided for in Section 503 or a Conditional Use as provided for in Section 504 below is granted:

1. Accessory Apartments and Accessory Building Apartments, subject to Section 705 of this Ordinance.
2. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
3. Animal Hospitals, subject to Section 713 of this Ordinance.
4. Antique and Flea Markets, subject to Section 715 of this Ordinance.
5. Auction Houses, subject to Section 717 of this Ordinance.
6. Banks, Savings and Loan Associations, Financial Institutions, and similar types of businesses, subject to Section 739 of this Ordinance, as applicable.
7. Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
8. Business Service Shops.
9. Butcher Shops, subject to Section 722 of this Ordinance.
10. Churches and Related Uses, but excluding Cemeteries, subject to Section 724 of this Ordinance.
11. Clubs or Lodges for Fraternal or Social Purposes, subject to Section 725 of this Ordinance.
12. Commercial Conversions, subject to Section 727 of this Ordinance.
13. Contractor's Office or Shop, subject to Section 731 of this Ordinance.
14. Day Care Center - Commercial, subject to Section 737 of this Ordinance.

15. Day Care - Family, subject to Section 737 of this Ordinance.
16. Dry Cleaners, Laundries and Laundromats, subject to Section 740 of this Ordinance.
17. Farm Equipment Sales and Service, subject to Section 743 of this Ordinance.
18. Farm Produce Stands, subject to Section 606 of this Ordinance.
19. Farmers Markets, subject to Section 715 of this Ordinance.
20. Forestry, subject to Section 630 of this Ordinance.
21. Funeral Homes and Mortuaries, subject to Section 747 of this Ordinance.
22. Furniture and Upholstery Refinishing Shops.
23. Greenhouses and Nurseries - Commercial, subject to Section 750 of this Ordinance.
24. Grocery Stores/Supermarkets, subject to Section 787 of this Ordinance, subject to Section 739 of this Ordinance, as applicable.
25. Health and Recreation Clubs, subject to Section 753 of this Ordinance.
26. Home Improvement, Building Supplies and Hardware Sales (Indoor and Outdoor), subject to Section 756 of this Ordinance.
27. Home Occupations, subject to Section 757 of this Ordinance.
28. Hotels and Motels, including Extended Stay Hotels, subject to Section 760 of this Ordinance.
29. Laboratories - Medical, subject to Section 763 of this Ordinance.
30. Lawn and Garden Sales and Service, subject to Section 764 of this Ordinance.
31. Libraries - Public, subject to Section 771 of this Ordinance.
32. Medical Clinics, Dental Clinics, Urgent Care or Therapeutic Massage Establishments.
33. Medical Residential Campuses, subject to Section 767 of this Ordinance.
34. Meeting Halls/Community Centers - Public.
35. Municipal Uses, subject to Section 770 of this Ordinance.
36. Museums - Public, subject to Section 771 of this Ordinance.
37. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance.
38. Offices: Business, Professional, Service or Governmental.
39. Outdoor Sales and Service, subject to Section 775 of this Ordinance.

40. Parking Compounds.
41. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
42. Personal Service Shops.
43. Pet and Animal Grooming Shops, subject to Section 776 of this Ordinance.
44. Petting Zoos or Menageries, subject to Section 777 of this Ordinance.
45. Photography or Dance Studios.
46. Property/Facility Management Facilities, subject to Section 779 of this Ordinance.
47. Public Uses/Utilities, subject to Section 770 of this Ordinance.
48. Repair Service Shops.
49. Restaurants, Drive Thru and/or Fast Food, subject to Section 785 of this Ordinance, subject to Section 739 of this Ordinance, as applicable.
50. Restaurants, Sit Down/Non-Drive Thru, subject to Section 785 of this Ordinance.
51. Retail Sales of Manufactured Products Produced on Site, subject to Section 786 of this Ordinance.
52. Retail Sales of Nursery and Garden Materials, subject to Section 750 of this Ordinance.
53. Retail Stores and Retail Sales, subject to Section 739 and 787 of this Ordinance, as applicable.
54. Sign Makers.
55. Taverns, subject to Section 7101 of this Ordinance.
56. Tennis and Athletic Clubs, subject to Section 7103 of this Ordinance.
57. Theaters and Auditoriums, subject to Section 7104 of this Ordinance.
58. Vehicle and Boat Sales, subject to Section 7109 of this Ordinance.
59. Vehicle Parts Stores.
60. Vehicle Service and Repair, subject to Section 7109 of this Ordinance.
61. Wind Energy Conversion Systems (WECS) designated to generate a maximum of ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
62. Accessory Uses and Structures when on the same lot as the principal use or structure.

Section 503. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Boarding and Rooming Houses, subject to Section 720 of this Ordinance.
2. Bookbinding Establishments, subject to Section 765 of this Ordinance.
3. Brew Pubs, Breweries, Microbreweries, Distilleries or Microdistilleries, subject to Section 721 of this Ordinance.
4. Commercial Sightseeing Rides, subject to Section 729 of this Ordinance.
5. Convenience Stores, subject to Section 733 of this Ordinance.
6. Fuel Distribution and Storage Facilities - Fixed or Mobile, subject to Section 746 of this Ordinance.
7. Heavy Equipment Sales, Service and Repair Facilities, subject to Section 754 of this Ordinance.
8. Hospitals and Related Uses, subject to Section 759 of this Ordinance.
9. Nursing, Convalescent and Retirement Homes, subject to Section 774 of this Ordinance.
10. Printing and Publishing Establishments, subject to Section 765 of this Ordinance.
11. Schools - Commercial, Private, Public and Charter, subject to Section 791 of this Ordinance.
12. Self Storage Facilities (Mini-Warehouses), subject to Section 793 of this Ordinance.
13. Shooting Ranges, subject to Section 794 of this Ordinance.
14. Small Engine Repair Shops.
15. Transit Terminal, subject to Section 7106 of this Ordinance.
16. Vehicle Body Shops, subject to Section 7109 of this Ordinance.
17. Vehicle Fueling and Convenience Stores, subject to Section 7109 of this Ordinance.
18. Vehicle Impoundment Facilities or Yards, subject to Section 7108 of this Ordinance.
19. Vehicle Storage Facilities – Dealer, subject to Section 7110 of this Ordinance.
20. Vehicle Washing Center/Car Wash, subject to Section 7109 of this Ordinance.
21. Wholesale Trade Facilities, subject to Section 7111 of this Ordinance.
22. Wineries/Meaderies, subject to Section 721 of this Ordinance.

Section 504. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of Section 1005 of this Ordinance:

1. Adult Related Facilities, subject to Section 708 of this Ordinance.
2. Amusement Arcades, subject to Section 711 of this Ordinance.
3. Communication Antennas, subject to Section 730 of this Ordinance.
4. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
5. Contractor's Storage Yards, subject to Section 732 of this Ordinance.
6. Convention Centers, subject to Section 734 of this Ordinance.
7. Conversion Apartments, subject to Section 736 of this Ordinance.
8. Excavation Contractors, subject to Section 742 of this Ordinance.
9. Gaming Facilities, subject to Section 748 of this Ordinance.
10. Group Facilities, subject to Section 751 of this Ordinance.
11. Medical Marijuana Dispensary Facilities, subject to Section 766 of this Ordinance.
12. Methadone Treatment Facilities, subject to Section 768 of this Ordinance.
13. Miniature Golf Courses and Golf Driving Ranges, subject to Section 749 of this Ordinance.
14. Night Clubs, subject to Section 772 of this Ordinance.
15. Recreation Facilities - Commercial, subject to Section 781 of this Ordinance.
16. Shopping Centers and Shopping Malls, subject to Section 795 of this Ordinance.
17. Warehousing/Logistics Centers or Distribution Centers, subject to Section 7111 of this Ordinance.
18. Wind Energy Conversion Systems (WECS) designated to generate more than ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.

Section 505. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>On-Site Sewage Disposal</u>	<u>Public or Community Sewage Disposal</u>
<u>Maximum Regulations</u>		
Building Height	35 Feet	35 Feet
Lot Coverage	25%	35%
Paved Area	65%	65%
<u>Minimum Regulations</u>		
Lot Area	1 Acre	20,000 Sq. Ft.
Lot Width		
At Street Line	120 Feet	80 Feet
At Building Setback Line	120 Feet	80 Feet
Building Setbacks		
Front Yard	40 Feet	40 Feet
Rear Yard	20 Feet	20 Feet
Side Yard		
Total	40 Feet	30 Feet
One Side	20 Feet	15 Feet
Open Area	15%	10%

Section 506. ADDITIONAL REQUIREMENTS

All Commercial and Industrial uses must comply with the requirements of Section 608 (Design Standards for Commercial and Industrial Uses) and Section 609 (Environmental Performance Standards for Commercial and Industrial Districts and Non-Residential and Non-Agricultural Uses).

Section 510. CR - COMMERCIAL RECREATION DISTRICT

Section 511. SPECIFIC INTENT

It is the purpose of this District to provide a location in the Township for Commercial Recreational uses, with their accessory uses, that are compatible with the physical characteristics of the land within the District.

Section 512. USES PERMITTED BY RIGHT

Land and buildings in a Commercial Recreation District may be used for the following purposes and no others unless a Special Exception as provided for in Section 513 or a Conditional Use as provided for in Section 514 below is granted:

1. Conservation Subdivisions, involving four (4) or more lots, in accordance with Sections 430 through 439.
2. Single family detached dwellings, involving conventional lot development, whenever three (3) lots or fewer are created, subject to the provisions of Section 405.
3. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
4. Community/Tenant Gardens, subject to Section 602 of this Ordinance.
5. Day Care - Family, subject to Section 737 of this Ordinance.
6. Forestry, subject to Section 630 of this Ordinance.
7. Municipal Uses, subject to Section 770 of this Ordinance.
8. No Impact Home-Based Businesses, subject to Section 773 of this Ordinance
9. Non-Commercial Keeping of Livestock, subject to Section 606 of this Ordinance.
10. Parking Compounds.
11. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
12. Public Uses/Utilities, subject to Section 770 of this Ordinance.
13. Wind Energy Conversion Systems (WECS) designed to generate a maximum of ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.
14. Woodland or Game Preserves, Wildlife Sanctuaries, or similar Conservation Uses.
15. Accessory Uses and Structures when on the same lot as the principal use or structure.

Section 513. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Airports, Personal Use Airports, subject to Section 710 of this Ordinance.
2. Amusement Arcades, subject to Section 711 of this Ordinance.
3. Amusement and Theme Parks, subject to Section 712 of this Ordinance.
4. Bed and Breakfasts and Country Inns, subject to Section 718 of this Ordinance.
5. Campgrounds, subject to Section 723 of this Ordinance.
6. Day Care Centers - Commercial, subject to Section 737 of this Ordinance.
7. Dormitories, subject to Section 738 of this Ordinance.
8. Golf Courses and Country Clubs, subject to Section 749 of this Ordinance.
9. Heliports or Helicopter Pads, subject to Section 755 of this Ordinance.
10. Home Occupations, subject to Section 757 of this Ordinance.
11. Hotels and Motels, including Extended Stay Hotels, subject to Section 760 of this Ordinance.
12. Miniature Golf Courses and Golf Driving Ranges, subject to Section 749 of this Ordinance.
13. Personal Service Shops.
14. Race Tracks or Go-Kart Tracks, subject to Section 780 of this Ordinance.
15. Recreation Facilities - Commercial, subject to Section 781 of this Ordinance.
16. Recreational Vehicle Parks, subject to Section 782 of this Ordinance.
17. Resorts - Hunting, Fishing, Skiing or Boating, subject to Section 784 of this Ordinance.
18. Restaurants, Drive Thru and/or Fast Food, subject to Section 785 of this Ordinance, subject to Section 739 of this Ordinance, as applicable.
19. Restaurants, Sit Down/Non-Drive Thru, subject to Section 785 of this Ordinance.
20. Riding Clubs/Riding Schools/Riding Stables, subject to Section 788 of this Ordinance.
21. Seasonal Residences, subject to Section 792 of this Ordinance.
22. Shooting Ranges, subject to Section 794 of this Ordinance.

23. Tennis and Athletic Clubs, subject to Section 7103 of this Ordinance.
24. Tiny Homes, subject to Section 7105 of this Ordinance.
25. Tiny Home Communities, subject to Section 782 of this Ordinance.

Section 514. USES PERMITTED BY CONDITIONAL USE

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of Section 1005 of this Ordinance:

1. Single family detached dwellings, involving conventional lot development, whenever four (4) or more lots are created, subject to Section 735 of this Ordinance.
2. Communication Antennas, subject to Section 730 of this Ordinance.
3. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
4. Convention Centers, subject to Section 734 of this Ordinance.
5. Gaming Facilities, subject to Section 748 of this Ordinance.
6. Group Homes, subject to Section 752 of this Ordinance.
7. Health and Recreation Clubs, subject to Section 753 of this Ordinance.
8. Night Clubs, subject to Section 772 of this Ordinance.
9. Short-Term Rentals, subject to Section 796 of this Ordinance.
10. Taverns, subject to Section 7101 of this Ordinance.
11. Theaters and Auditoriums, subject to Section 7104 of this Ordinance.
12. Wind Energy Conversion Systems (WECS) designed to generate more than ten (10) kilowatts of electricity, subject to Section 7112 of this Ordinance.

Section 515. AREA, YARD AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	35 Feet
Lot Coverage	10%
Total Impervious Coverage	10%
	<u>Minimum Requirements</u>
Lot Area	4 Acres
Lot Width	
At Street Line	100 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	40 Feet
Rear Yard	25 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet
Open Area	80%

Section 516. ADDITIONAL REQUIREMENTS

All Commercial and Industrial uses must comply with the requirements of Section 608 (Design Standards for Commercial and Industrial Uses) and Section 609 (Environmental Performance Standards for Commercial and Industrial Districts and Non-Residential and Non-Agricultural Uses).

Section 520. I - INDUSTRIAL DISTRICT

Section 521. SPECIFIC INTENT

It is the purpose of this District to permit industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, to encourage the construction of high quality industrial facilities and continued use of the land for such facilities, to prohibit any use which would substantially interfere or be inconsistent with the development, continuation or expansion of industrial uses in the Districts, and to establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provisions of facilities and operation of industries to minimize air pollution, noise, glare, heat vibration, and fire and safety hazards.

Section 522. USES PERMITTED BY RIGHT

Land and buildings in an I District may be used for the following purposes and no others unless a Special Exception as provided for in Section 523 below or a Conditional Use as provided for in Section 524 below is granted:

1. Agriculture, subject to Section 606 of this Ordinance, provided that intensive agriculture shall be prohibited.
2. Aquaculture, Aquaponics and Hydroponics, subject to Section 716 of this Ordinance.
3. Banks, Savings and Loan Associations, Financial Institutions, and similar types of businesses, subject to Section 739 of this Ordinance, as applicable.
4. Bookbinding Establishments, subject to Section 765 of this Ordinance.
5. Brew Pubs, Breweries, Microbreweries, Distilleries or Microdistilleries, subject to Section 721 of this Ordinance.
6. Business Service Shops.
7. Contractor's Office or Shop, subject to Section 731 of this Ordinance.
8. Farm Equipment Sales and Service, subject to Section 743 of this Ordinance.
9. Forestry, subject to Section 630 of this Ordinance.
10. Furniture and Upholstery Refinishing Shops.
11. Heavy Equipment Sales, Service and Repair Facilities, subject to Section 754 of this Ordinance.
12. Home Improvement, Building Supplies and Hardware Sales (Indoor and Outdoor), subject to Section 756 of this Ordinance.
13. Laboratory, Medical, subject to Section 763 of this Ordinance.

14. Laboratory, Scientific or Industrial Research, subject to Section 763 of this Ordinance.
15. Lawn and Garden Sales and Service, subject to Section 764 of this Ordinance.
16. Light Manufacturing Activities, subject to Section 765 of this Ordinance.
17. Medical Clinics, Dental Clinics, Urgent Care or Therapeutic Massage Establishments.
18. Municipal Uses, subject to Section 770 of this Ordinance.
19. Offices: Business, Professional, Service or Governmental.
20. Parking Compounds.
21. Parks and/or Playgrounds - Public, subject to Section 781 of this Ordinance.
22. Printing and Publishing Establishments, subject to Section 765 of this Ordinance.
23. Processing of Farm Products, subject to Section 778 of this Ordinance.
24. Property/Facility Management Facilities, subject to Section 779 of this Ordinance.
25. Public Uses/Utilities, subject to Section 770 of this Ordinance.
26. Recycling Center/Recycling Collection Facility, subject to Section 783 of this Ordinance.
27. Self Storage Facilities (Mini-Warehouses), subject to Section 793 of this Ordinance.
28. Sign Makers.
29. Small Engine Repair Shops.
30. Welding and Machine Shops, subject to Section 765 of this Ordinance.
31. Wholesale Trade Facilities, subject to Section 7111 of this Ordinance.
32. Wind Energy Conversion Systems (WECS), subject to Section 7112 of this Ordinance.
33. Wineries/Meaderies, subject to Section 721 of this Ordinance.
34. Accessory uses and structures when on the same lot as the principal use or structure.

Section 523. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. Contractor's Storage Yards, subject to Section 732 of this Ordinance.
2. Day Care Centers - Commercial, subject to Section 737 of this Ordinance.

3. Excavation Contractors, subject to Section 742 of this Ordinance.
4. Fuel Distribution and Storage Facilities - Fixed or Mobile, subject to Section 746 of this Ordinance.
5. Junk Yards, subject to Section 762 of this Ordinance.
6. Manufacturing - General, subject to Section 765 of this Ordinance.
7. Motor Freight Companies, subject to Section 7107 of this Ordinance.
8. Retail Sales of Manufactured Products Produced on Site, subject to Section 786 of this Ordinance.
9. Slaughter Houses, Rendering and Food Packing Facilities, subject to Section 797 of this Ordinance.
10. Transit Terminal, subject to Section 7106 of this Ordinance.
11. Truck, Motor and Rail Freight Terminals, subject to Section 7107 of this Ordinance.
12. Vehicle Auctions/Salvage Yards, subject to Section 7109 of this Ordinance.
13. Vehicle Body Shops, subject to Section 7109 of this Ordinance.
14. Vehicle Impoundment Facilities or Yards, subject to Section 7108 of this Ordinance.
15. Vehicle Storage Facilities – Dealer, subject to Section 7110 of this Ordinance.

Section 524. USES PERMITTED BY CONDITIONAL USE

The following uses are permitted when a Conditional Use is granted by the Township Supervisors in accordance with Section 1005 of this Ordinance:

1. Billboards, subject to Section 616 of this Ordinance.
2. Commercial Composting and Commercial Mushroom Operations, subject to Section 726 of this Ordinance.
3. Communication Antennas, subject to Section 730 of this Ordinance.
4. Communication Towers and Equipment Buildings, subject to Section 730 of this Ordinance.
5. Hazardous Waste Facilities, subject to Section 765 of this Ordinance.
6. Jails or Detention Centers, subject to Section 761 of this Ordinance.
7. Manufacturing - Heavy/High Impact, subject to Section 765 of this Ordinance.
8. Medical Marijuana Dispensary Facilities, subject to Section 766 of this Ordinance.

9. Medical Marijuana Grower/Processor Facilities, subject to Section 766 of this Ordinance.
10. Methane Digester Systems - Regional, subject to Section 769 of this Ordinance.
11. Sanitary Landfills and other Solid Waste Disposal and Processing Facilities, subject to Section 789 of this Ordinance.
12. Sawmills, subject to Section 790 of this Ordinance.
13. Solar Farms, subject to Section 798 of this Ordinance.
14. Surface Mining Activities, subject to Section 7100 of this Ordinance.
15. Warehousing/Logistics Centers or Distribution Centers, subject to Section 7111 of this Ordinance.

Section 525. AREA, YARD, AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

	<u>Maximum Permitted</u>
Building Height	35 Feet
Lot Coverage (All Structures)	35%
Paved Area	50%
	<u>Minimum Requirements</u>
Lot Area	1 Acre
Lot Width	
At Street Line	120 Feet
At Building Setback Line	200 Feet
Building Setbacks	
Front Yard	50 Feet
Rear Yard	50 Feet
Side Yard	
Total	100 Feet
One Side	50 Feet
Open Area	20%

Section 526. ADDITIONAL REQUIREMENTS

All Commercial and Industrial uses must comply with the requirements of Section 608 (Design Standards for Commercial and Industrial Uses) and Section 609 (Environmental Performance Standards for Commercial and Industrial Districts and Non-Residential and Non-Agricultural Uses).

Section 530. MRC – MEDICAL RESIDENTIAL CAMPUS OVERLAY DISTRICT

Section 531. SPECIAL INTENT

It is the purpose of this Overlay District to permit large campus-scale facilities and associated uses and related services that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township and to encourage the construction of quality housing and continuing care and related services for people over the age of fifty-five (55).

Section 532. OVERLAY CONCEPT

The Medical Residential Campus Overlay District described above shall be an overlay on any Zoning District now or hereafter applicable to any lot, as shown on the Official Longswamp Township Zoning Map and, as such, the provisions of this Section shall serve as a supplement to the underlying district provisions.

1. To the extent the provisions of this Section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Longswamp Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other Ordinances of Longswamp Township shall remain in full force.
2. In the event any provision concerning the Medical Residential Campus Overlay District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

Section 533. DELINEATION OF DISTRICT

The Medical Residential Campus Overlay District shall include those portions of Longswamp Township delineated on the Zoning Map as Medical Residential Campus Areas.

Section 534. DISTRICT PROVISIONS

No building, structure or land occurring within the Medical Residential Campus Overlay District shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this Section, applicable provisions located elsewhere in this Ordinance and all other applicable State and Federal requirements.

Section 535. USES PERMITTED BY RIGHT

Land and buildings in a Medical Residential Campus Overlay District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 536 below or a Conditional Use as provided for in Section 537 below is granted:

1. All uses permitted by right in the underlying Zoning District.

2. Accessory uses and structures when on the same lot as the principal use or structure.

Section 536. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance:

1. All uses permitted by Special Exception in the underlying Zoning District.

Section 537. USES PERMITTED BY CONDITIONAL USE

The following uses are permitted when a Conditional Use is granted by the Township Supervisors in accordance with Section 1005 of this Ordinance:

1. All uses permitted by Conditional Use in the underlying Zoning District.
2. Medical Residential Campus Uses, subject to Section 767 of this Ordinance.

ARTICLE VI

GENERAL REGULATIONS

Section 600. ACCESS TO STRUCTURES

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right of access to a public street or approved private street exists. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors.

When the Township permits a subdivision to contain a flag lot under the Township Subdivision and Land Development Ordinance, the access strip portion of such flag lot shall have a width sufficient to permit the construction of a street with a right-of-way meeting the requirements of the Subdivision and Land Development Ordinance, the Area, Yard and Height Regulations of the applicable zoning district notwithstanding. For any such flag lot the minimum lot width at the street line requirements of the applicable zoning district will not have to be met but the minimum lot width at the building setback line requirement will have to be met. In the case of a flag lot, the building setback line shall be established in the wider portion of the lot intended for the construction of a building and shall be established from the lot line toward which a building will front.

Section 601. ERECTION OF MORE THAN ONE PRINCIPAL BUILDING OR STRUCTURE OR MORE THAN ONE PRINCIPAL USE ON A LOT

In any district, more than one building or structure housing a permitted or permissible principal use may be erected on a single lot, or more than one principal use may occur on a lot, provided that the area, yard, and other requirements of this Ordinance applicable to the District in which the lot is located shall be met for each building, structure, or use subject to a land development plan being approved by the Township in accord with applicable Township regulations.

Section 602. RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. General

- a. Any accessory building larger than 1,000 square feet shall comply with principal structure setbacks. No other accessory building or structure shall be permitted within any required front yard or within 10 feet of the side or rear lot line.
- b. The maximum height of any accessory building or structure shall be 20 feet.
- c. The minimum distance between any accessory buildings or structures shall be 5 feet. The minimum distance between any accessory building or structure and a principal building shall be 10 feet.
- d. No accessory building or structure shall be constructed on any lot prior to the issuance of a building permit for the principal building to which it is accessory,

unless the Board of Supervisors approves construction of the accessory building or structure and the applicant or property owner executes an agreement with the Township and provides a financial guarantee, in a term, form and amount determined by the Board of Supervisors to guarantee the removal of the accessory building or structure if the principal building fails to be constructed within the period as required in the agreement. If, after issuance of a building permit for the principal building, the applicant or property owner fails to commence construction of the principal building within one (1) year, the applicant or property owner shall remove the accessory building or structure from the lot, unless the Board of Supervisors approves an extension of the permit for the principal building and approves the continued use of the accessory building or structure.

2. Use Regulations

- a. Detached Accessory Structures. The maximum length of any side of an accessory structure serving a dwelling shall be 60 feet. No such structure shall be located within 10 feet of a dwelling. No temporary structures shall be permitted.
- b. Apartment and Townhouse Accessory Uses. Shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- c. Tennis and Other Such Courts. Shall have permanent fences at least 10 feet in height behind each baseline.
- d. Patios, Paved Terraces, and Open Porches. Shall not be located closer than 5 feet to any property line, except a property line which is an extension of a common wall, and shall not project into any required front yard.
- e. Keeping of Domestic Farm Animals. The keeping of domestic farm animals shall be considered an agricultural use, subject to Section 606 of this Ordinance.
- f. Keeping of Small Domestic Animals/Pets.
 - (1) Customary household pets shall be permitted in any district; however, the keeping of domestic farm animals and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations.
 - (2) Keeping of small domestic animals/pets is a permitted by right accessory use in all districts unless otherwise stated.
 - (3) Pet numbers that meet the definition of a kennel shall be subject to the kennel regulations of this Ordinance.
 - (4) Novelty pets are permitted within any zoning district, provided that they are kept inside a dwelling and do not constitute a health or safety hazard.
 - (5) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a nuisance (including noise or odor), a health hazard, or a public safety hazard. The owner of the

animals shall be responsible for collecting and properly disposing of all fecal matter from pets.

- (6) Animal shelters for small domestic animals/pets owned by the occupant may be maintained by the occupant for non-commercial purposes, provided the area on which a shelter and/or exercise yard is maintained is the greater of ten (10) feet from property lines or fifty (50) feet from the nearest dwelling (other than the dwelling of the occupant).

g. Keeping of Wild or Exotic Animals. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Federal or State Game and Wildlife Code, the PA Game Commission, or other applicable agency.

h. Earth Station Satellite Receiving Dishes. All free standing earth station satellite receiving dishes, mounted at ground level, shall be considered accessory structures and the same shall be subject to the provisions of Section 602.1 of this Ordinance.

i. Swimming Pools.

- (1) No permanent structure shall be permitted without an operable, maintained filtering system utilizing an approved method of treated water.
- (2) All swimming pools which have the capability to contain more than twenty-four (24) inches of water shall be enclosed by a permanent fence which is at least four (4) feet in height. No fence will be required for aboveground permanent pools which have sides which are at least four (4) feet above grade and access to the pools can be secured, unless the Zoning Officer determines that conditions warrant greater safety measures. However, all aboveground permanent pools shall be screened by a landscape screen, which shall be composed of shrubs that have a minimum height of at least four (4) feet, measured from ground level, at the time of planting.
- (3) No structure shall be permitted within any required front yard or within 10 feet of the side or rear lot line. The minimum distance between the structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or 10 feet, whichever is less.
- (4) No structure shall be permitted between the building setback line and the street line.
- (5) An approved temporary construction fence shall be erected around the excavation site during the construction of the pool and shall remain in place until the permanent fence is erected.
- (6) Water shall not be placed into a swimming pool until a permanent, approved fence has been erected and a certificate of use and occupancy has been issued.

j. Community/Tenant Gardens.

- (1) Community/Tenant Gardens may include the following uses:

- (a) The cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
 - (b) Greenhouses, hoop houses, cold frames, and similar structures for the growing of plants.
 - (c) Open space for active and passive recreation including children's play areas. However, playground equipment is prohibited.
 - (d) Sheds, gazebos, and pavilions, and similar structures as accessory uses.
 - (e) Compost bins as an accessory use.
- (2) Community/Tenant Gardens are subject to the following regulations:
- (a) Community/tenant gardens shall comply with the minimum lot size and width in the district in which it is located.
 - (b) All structures must comply with the setbacks for accessory structures in the district in which it is located unless a more restrictive setback is required by this section.
 - (c) Lots used as community/tenant gardens must comply with the coverage requirements of the zoning district in which it is located.
 - (d) The height of structures shall be in conformance with accessory building height of the zoning district.
 - (e) The applicant shall demonstrate that sufficient parking spaces and loading spaces will be available or provided for all uses proposed.
 - (f) Signage for a community/tenant garden shall be in accordance with Section 616 of this Ordinance.
 - (g) Setback regulations for composting containers and materials shall comply with underlying zoning regulations for accessory structures.
 - (h) Compost materials shall be stored in a manner that is not visible from adjacent residential properties and zoning districts.
 - (i) Composting areas and structures must be maintained in a way that protects adjacent properties from nuisance odors, the attraction of rodents or other pests, and runoff onto adjacent properties.
 - (j) Composting materials shall only be generated onsite.
 - (k) The hours of operation shall be from dawn until dusk and protect neighbors from light, noise, disturbance or interruption.
 - (l) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
 - (m) All seed and fertilizer shall be stored in sealed, rodent-proof containers.
 - (n) Processing or storage of plants or plant products is prohibited on site.
 - (o) A community/tenant garden shall be conducted in such a way that no traffic congestion, noise, glare, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.

Section 603. NON-RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES AND USES

1. General

- a. No building, use, facility, or structure shall be located within any required yard.
- b. The minimum distance between any accessory buildings or structures shall be 10 feet. The minimum distance between any accessory building or structure and a principal building shall be 10 feet.

2. Use Regulations

- a. Storage Facilities. All such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets.
- b. Living Quarters. Living quarters shall be permitted only for proprietors, watchmen, caretakers, or similar employees, unless otherwise provided in this Ordinance. The living quarters shall be within a principal structure unless otherwise approved by Supervisors.
- c. Cafeterias. Shall be limited to use by employees and conducted within a building.

Section 604. LANDSCAPING

- 1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting unless approval responsibility is otherwise specified in this Ordinance. The type and density of planting shall adequately provide the screening effect required year-round. Complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.
- 2. Plant materials used in screen planting shall be at least 5 feet in height when planted.
- 3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced within six (6) months.
- 4. The screen planting shall be so placed that at maturity it will not be closer than 3 feet from any street or property line.
- 5. A clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
- 6. The screen planting shall be broken only at points of vehicular or pedestrian access.
- 7. For non-residential and non-agriculture uses, any part of a site which is not used for

building or paved area shall be planted with an overall plan in keeping with the natural surroundings. Any single parking area with 50 or more spaces shall utilize at least 5% of its area in landscaping, which shall be in addition to the open area requirements of the applicable zoning district.

Section 605. LIGHTING

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets and they preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.

No direct beams of light shall be directed toward adjacent properties or roads. The illumination projected from any use onto a residential use shall at no time exceed 0.1 foot- candle, measured line-of-sight from any point on the receiving residential property. The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 foot-candle, measured line-of-sight from any point onto the receiving property.

Section 606. AGRICULTURAL USE REGULATIONS

1. The following definitions shall apply:
 - a. Agriculture - (a) the cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming, and dairy farming, excluding kennels.
 - b. Agriculture (Intensive) - Specialized agricultural activities, including but not limited to mushroom, pig, poultry, and dry lot livestock production, which due to the intensity of production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. (See Section 201 for additional definitions for Intensive Animal Husbandry and Intensive Produce Operation).
2. Minimum lot size for keeping large grazing animals shall be four (4) acres. On lots of four (4) acres, two large grazing animals may be kept. For each large grazing animal beyond the two permitted on four (4) acres, an additional one (1) acre per animal will be required.
3. The keeping of smaller domestic farm animals on lots one (1) acre or more is permitted in accordance with Section 606.15 of this Ordinance.
4. An Erosion and Sediment Control Plan shall be approved by the County Conservation District.
5. All areas used for grazing shall be fenced.
6. No new slaughter area, manure storage area, area for the storage of sludge from a sewage treatment plant, or area for the storage of spent mushroom compost shall be established closer than 100 feet to any property line and/or public street line, unless the Pennsylvania Nutrient Management Act requires stricter setbacks due to use, slope, or other site conditions.

7. When a separate lot intended for the placement of a single family detached dwelling will be created from a tract of land on which a barn or other shelter for animals, fowl, or poultry, a feed yard, a building in which mushrooms are grown, a manure storage area, or a slaughter area exists, the lot shall be so located so that no portion of the lot is closer than 100 feet to any such barn or other shelter for animals, fowl, or poultry, feed yard, building in which mushrooms are grown, manure storage area, or slaughter area, unless the Pennsylvania Nutrient Management Act requires stricter setbacks due to use, slope, or other site conditions.
8. Except as noted elsewhere in this Section, all new agricultural buildings, which will not be an expansion of an existing building, intended for the housing of animals or fowl shall not be less than 100 feet from any lot line, unless the Pennsylvania Nutrient Management Act requires stricter setbacks due to use, slope, or other site conditions. All other new agricultural buildings, which will not be an expansion of an existing building, shall meet the yard regulations of the applicable zoning district. All lawful agricultural buildings which existed at the effective date of this Ordinance may be expanded subject to the yard requirements of the applicable zoning district, provided that and notwithstanding any other provision of this Ordinance, in the case of a lawful agricultural building which prior to the effective date of this Ordinance was constructed closer to a lot line than is permitted by this Ordinance, the agricultural building may be expanded into the required yard provided that the expanded portion of the building is located no closer to the lot line than the existing portion of the building.
9. No new slaughter area, area for the storage of manure, or spent mushroom compost, structure for the cultivation of mushrooms or the raising of animals or fowl, or building housing animals or fowl shall be permitted within 200 feet of any existing residential structure (other than residential structures occupied by individual families actively engaged in management of, employment of, or retirement from the use of referred to above in this paragraph which is being created), unless the Pennsylvania Nutrient Management Act requires stricter setbacks due to use, slope, or other site conditions. This Section shall be applicable to additions to already existing structures.
10. If lagoons are utilized for animal waste disposal, such systems shall be approved by the Pennsylvania Department of Environmental Protection (PA DEP). Applications for such approval shall include specifications for construction and operation.
11. Intensive Agricultural activities are subject to the following additional requirements:
 - a. An Intensive Animal Husbandry use shall be located on a property with a minimum of fifty (50) contiguous acres.
 - b. An Intensive Produce use shall be located on a property with a minimum of ten (10) contiguous acres.
 - c. Expansion of existing Intensive Animal Husbandry uses by 50% or more animal units requires a Special Exception by the Zoning hearing Board and with a Nutrient Management Plan prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
 - d. Animal Husbandry uses that exceed the standards and provisions of Non-Intensive Animal Husbandry shall be construed as Intensive.

- e. New Intensive Animal Husbandry uses shall comply with the following standards:
- (1) A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code, for all proposed Intensive Animal Husbandry Uses. The approved Nutrient Management Plan shall be submitted to the Township with the Zoning Permit Application.
 - (2) The property owners shall establish and maintain an access road to the operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left side of the public highway.
 - (3) Any disposal of dead animals on the property must be in strict compliance with the applicable standards of the State of Pennsylvania. When disposal does not occur on the property, any small dead animals must be kept in containers, and larger animals are to be kept in a manner so as to minimize the spread of odors, disease, and access by scavengers. Dead animals must be kept out of public view prior to pick up or disposal and must be removed promptly.
 - (4) The owners of property on which a building to house animals in an Intensive Animal Husbandry use is located shall remove such building within two years following the time such building ceases to be used to provide housing for livestock, unless, prior thereto, such owners obtain a Use or Occupancy Certificate by Special Exception from the Township Zoning Hearing Board to utilize such building for another purpose. Alternate uses shall be agriculturally related. Likewise, alternate uses for unused manure pits and lagoons may be proposed. If no acceptable use is approved, the unused pits and lagoons must be emptied and filled in accordance with State, County, and Township regulations. Upon approval and prior to issuance of Permit by the Zoning Officers, financial security, acceptable to the Township, shall be provided for removal of such facilities should they become obsolete or abandoned and no acceptable alternate use is established.
 - (5) Intensive Animal Husbandry uses shall comply with setbacks to public roads, residences, well, and property lines as defined in the Pennsylvania Nutrient Management Act. In addition, buildings housing animals shall be setback at least 300 feet from all property lines and residential uses not on the same property as the intensive animal husbandry use. Setbacks of a least 100 feet shall be observed from existing residence wells (exclusive of wells of owners/operators). Setbacks of at least 1,000 feet shall be observed from public facilities such as parks, schools, and churches.
 - (6) Any Intensive Animal Husbandry use using a daily average of 2,500 gallons or more of water must submit a study which demonstrates that the water used by the facility will not have any adverse impact on the water rights of neighboring properties, and that the water source will provide an adequate year round water supply.
- f. A Land Development Plan containing Stormwater Management Design shall be prepared pursuant to the Longswamp Township Subdivision and Land Development Ordinance (SALDO) and the applicable Storm Water Management Ordinance and approved by the Township for all proposed

intensive agricultural uses.

- g. A Conservation Plan shall be prepared and approved by the Conservation District for all proposed intensive agricultural uses. The approved Conservation Plan shall be submitted to the Township with the Zoning Permit application.
 - h. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect and rodent problems or public nuisance in accordance with current rules and regulations including Nutrient Management Act.
 - i. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream, or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the local, state and/or federal regulatory agencies.
 - j. Any and all intensive agricultural uses and activities shall be reviewed by the County Conservation District for Erosion and Sedimentation Control Management and any other required agency. The Applicant must submit a review letter at the time a Zoning Permit Application is submitted.
 - k. The Applicant shall show that although odors exist, they will design to reduce and minimize odors by taking into consideration prevailing winds, location of neighbors and other approved site features.
 - l. The Applicant shall also show that the use of pesticides will be within standards as may be set by the Federal or State regulatory agencies.
 - m. No Intensive Agricultural building shall be built within the 100-year floodplain.
12. A drive-in stand not exceeding 600 square feet of gross floor area for the sale of farm, nursery, or greenhouse products produced on the premises, and/or foods or beverages prepared from crops produced on the premises is allowed, provided:
- a. the stand shall not be nearer than 50 feet to the intersection of street lines;
 - b. the stand may be located within a front yard, but not within a street right-of-way;
 - c. the stand must be located at least 10 feet from the right-of-way line and shall not create any obstructions to vision or hazards to vehicle traffic on adjacent roads;
 - d. sufficient off-street parking spaces to accommodate the maximum number of stopped vehicles at any one time shall be provided, but in no case fewer than three (3) such spaces;
 - e. the stand shall have a maximum height of 15 feet; and
 - f. up to 50% of the produce sold can be grown at a location other than the site of the roadside stand.

13. Licensed commercial kitchens where foods are prepared for resale are allowed, provided:
 - a. The kitchen may be located in the dwelling, in a separate accessory building, or in a freestanding trailer.
 - b. Any freestanding trailer used for such a purpose shall comply with all applicable building setbacks.
 - c. The kitchen use shall not exceed 1,000 square feet of floor area.
 - d. The kitchen use shall comply with all applicable local, State and Federal licensing and/or registration requirements.
14. Agricultural Warehousing - Personal. Warehouse structures for the purpose of storage of products grown on the farm or acquired to support the personal farming practices of the farm on which they are located are permitted accessory uses. However, products shall not be sold at retail from such warehouse facilities.
15. Keeping of Small Domestic Farm Animals, including chickens, geese, ducks, poultry and rabbits, and only for the personal use of the resident(s) of the lot on which the animals are kept, is allowed in all zoning districts, provided:
 - a. The minimum lot size shall be one (1) acre.
 - b. A maximum of eight (8) small domestic farm animals are permitted per acre, up to a maximum of forty (40) animals.
 - c. No small domestic farm animals shall be kept or raised if the subject property is:
 - (1) being rented, unless written permission from the record owner is presented
 - (2) part of a mobile home park
 - (3) any type of multifamily structure such as a duplex, apartment complex, etc.
 - d. All animals shall be properly protected from the weather and predators in a shelter or coop with a solid roof and have access to the outdoors in an enclosed or fenced area.
 - e. All shelters or coops that exceed 100 square feet or run areas that exceed 400 square feet shall require a Zoning Permit.
 - f. Shelters and coops/run areas shall not be located in a front yard area.
 - g. Shelters and coops/run areas, including those that do not require a zoning permit, shall be set back a minimum of 25 feet from the principal residence and a minimum 40 feet from the side and rear property lines.
 - h. Shelters and coops/run areas shall be screened from view from adjacent properties with a fence or shrubbery having a minimum height of 4 feet.
 - i. Coops must be provided for free-range and non free-range chickens, and shall contain at least 2 square feet of area per chicken.

- j. For non free-range chickens, a run area must be provided that is fenced on all sides and contain at least 10 square feet per chicken.
- k. All animals shall be kept on the subject property at all times.
- l. No roosters are permitted, unless the underlying lot area exceeds 10 acres.
- m. All feed used for the animals shall be kept in rodent and insect proof containers.
- n. All shelters, coops, fence run areas, etc. shall be maintained in a clean and sanitary condition at all times.
- o. An insect-proof container shall be provided for the storage of manure. The container shall be maintained and emptied sufficiently often and in such a manner as to prevent a nuisance. No manure shall be allowed to accumulate except in such container.

Section 607. DWELLING UNIT DETERMINATION

In determining the maximum number of dwelling units permitted in a townhouse or apartment development or a mobile home park and the maximum number of travel trailer or tent sites permitted in a campground, the permitted maximum gross density shall be multiplied by the net acreage of the apartment or townhouse development, mobile home park, or campground. The net acreage is the total acreage of the development, park, or campground minus the acreage of the development, park, or campground contained within slopes 25% or greater, 100-year floodplains, existing utility rights-of-way, and road rights-of-way.

Section 608. DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

1. Screening

A complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use.

2. Storage

All storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.

3. Landscaping

Any part or portion of a site which is not used for building area or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with 50 or more spaces shall utilize at least five (5%) percent of its area in landscaping, which shall be in addition to open area requirements of the applicable Zoning District.

4. Access and Traffic Control

No driveway or street to service a use shall be located within 100 feet from the intersection of any street lines. When any driveway or street shall provide access for more than 100 parking spaces the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.

5. Interior Circulation

The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 10 feet in width. Areas for loading shall be separate from customer parking areas.

6. Lighting

All parking areas, driveways and/or streets shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas. Section 605 of this Ordinance shall also be complied with.

7. Shopping Cart Storage

If any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations outside buildings.

8. Building Design

Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entrance-way shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, streets, and driveways.

Section 609. ENVIRONMENTAL PERFORMANCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS AND NON-RESIDENTIAL AND NON-AGRICULTURAL USES

Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of Longswamp Township.

1. Air Management

- a. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such

gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.

- b. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
- c. The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants, and Ambient Air Quality Sources.
- d. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than 20%, except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- e. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

2. Waste Water Management

- a. Effluent must meet any standards established by the Township or Township Authority.
- b. In no case shall untreated potentially dangerous or contaminating effluent or waste from plant operations be discharged.

3. Solids Waste Management

No storage of waste material on the lot shall be permitted in excess of 30 days. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets and kept in enclosed containers.

4. Noise and Vibration

- a. The noise limit in dBA at lot lines shall be 65, unless a more restrictive standard is applied elsewhere in this ordinance.
- b. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

5. Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

6. Ground Water Supplies

No activity shall endanger ground-water levels and quality in the area of the use, nor adversely affect ground water supplies of nearby properties. When required by the Township, a hydrologic study which shall indicate the impact of the use on ground

water supplies and quality in the area of the use shall be submitted to the Township.

7. Electromagnetic and Radioactive Radiation

All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

8. Outdoor Storage

- a. All outdoor storage of materials or products shall be screened from view from all adjacent properties and streets.
- b. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connected with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
- c. All outdoor storage facilities for fuel, raw materials, and products; and all fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate for the protection of the public.
- d. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- e. All materials or wastes capable of causing fumes or dust or which constitute a fire hazard or which are edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

9. Carcinogenic Substances.

No carcinogenic substances shall be released into the air, ground, or water.

10. PADEP Requirements

All regulations of the Pennsylvania Department of Environmental Protection (PADEP) shall be complied with.

11. Explosives

No production or storage of any material designed for use as an explosive shall be permitted.

12. Buffer Yard

When the side and/or rear yard of a lot with an area of five (5) acres or more adjoins

land zoned other than commercial or industrial, or land used for residential purposes, a 50-foot wide raised berm buffer yard strip suitably landscaped to provide a screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned commercial or industrial, or land used for residential purposes.

- a. The raised berm buffer yard shall be six feet in height.
- b. This buffer yard shall be measured from the lot line of the proposed use adjacent to the feature listed in the Subsection above.
- c. The buffer yard shall be landscaped with vegetative ground cover and evergreen and deciduous trees and flowering trees.
- d. The buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for approved access driveways or pathways and/or sidewalks or drainage and/or utility facilities as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.
- e. Minimum tree requirements.
 - (1) The trees shall be planted in the following minimum amounts per 100 linear feet of buffer, as measured parallel to the buffer yard:
 - (a) Seven evergreen trees.
 - (b) Four deciduous trees.
 - (c) Three flowering trees.
 - (2) This landscaping shall be provided in addition to any landscaping required by other Township regulations, except those required specifically as a buffer screen.
- f. The plants shall be arranged on berms to provide a visual barrier of any nonresidential use. A minimum of 1/2 of the flowering trees shall be planted on the residential side of the berm.
- g. The height of evergreen trees shall be a minimum of eight feet at the time of planting, measured from finished grade. The average size of deciduous trees shall be a minimum two-inch caliper measured three feet above finished grade, and deciduous trees shall also have a minimum height of 12 feet at the time of planting. Flowering trees shall be a minimum seven feet high at the time of planting.
- h. Berms within the buffer yards shall have a maximum slope of 3:1.
- i. The toe of the slope of the berm shall begin at a minimum of 10 feet from the lot line.
- j. The berm shall have a minimum width of four feet at the top.

Section 610. PROHIBITED USES

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

Section 611. LOADING AREAS

1. Hard-surface, all weather off-street loading and unloading spaces with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within 10 feet of any side or rear lot line.
2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use. Provisions for loading areas are subject to approval as part of the land development plan review process.

Section 612. OFF-STREET PARKING

1. Off-street parking facilities shall be provided whenever:
 - a. A building is constructed or a new use established.
 - b. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - c. An existing building or use is altered so as to increase the amount of parking spaces required.
2. Each parking space shall have a minimum area of 200 square feet and minimum dimensions of 10 feet by 20 feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Safe and convenient access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be 10 feet by 22 feet.
3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 200 feet of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be

provided within the lot boundaries.

4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.
6. All common parking areas and access drives shall be hard-surface, all-weather. They shall be paved when required by this Ordinance. They shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed 6%, and the maximum grade of access drives shall not exceed 10%. Surface water shall not be concentrated onto public sidewalks or other premises.
7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
8. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
9. The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angle of Parking</u>	<u>Aisle Width (feet)</u>	
	<u>One-Way</u>	<u>Two-Way</u>
90°	20	24
60°	18	
45°	15	
30°	12	

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full parking space.
11. Parking areas for non-residential uses shall be designed such that vehicles will not back out onto public streets.
12. The design of parking areas shall be such to prevent to the greatest extent possible the back up of vehicles on a public street at entrance to parking areas.
13. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
14. Parking areas shall be arranged so that no portion of any vehicle parked within a

designated parking space can extend over any property line of the lot on which it is parked.

15. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned AP, CONS, R, MHP, CR, or MRC, which is adjacent to the land on which the non-residential parking area is located.
16. Parking areas for non-residential uses shall be located a minimum of 10 feet from a lot line and street right-of-way line, and the area between the parking area and the lot line or street right-of-way line shall be landscaped.
17. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. Unless specified elsewhere in this Ordinance, minimum off-street parking requirements shall be as follows:

- | | |
|---|--|
| a. Residential Uses | Two (2) parking spaces per dwelling unit. In case of apartment buildings which will contain only dwelling units of the elderly, one (1) parking space per dwelling unit is required. |
| b. Industrial, Wholesaling or Warehousing Establishment | One (1) space per employee on the shift of greatest employment. |
| c. Restaurant, Tavern or Similar Use | One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment |
| d. Retail and Service Establishments | One (1) space for each 200 square feet of gross floor area. |
| e. Office Buildings | One (1) space for each 200 square feet of gross floor area. |
| f. Motel, Hotel, Tourist Home or Similar Establishment | One (1) space for each rental unit plus one (1) space for each employee on the shift of greatest employment. |
| g. Medical, Dental and Paramedical Offices and Clinics | One (1) space per employee plus four (4) spaces for each person engaged in practice. |
| h. Agricultural Uses | One (1) space per employee on the shift of greatest employment. |

i.	Nursing Home or Convalescent Home	One (1) space per employee on the largest shift plus one (1) space for each four (4) beds.
j.	Hospital	One and one-half (1 1/2) spaces per bed.
k.	Bowling Alley	Five (5) spaces per alley.
l.	Funeral Home	One (1) space for each four (4) seats.
m.	Auditorium, Theatre, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One (1) space for each four (4) seats, plus one (1) space for each employee on the shift of greatest employment.
n.	Library or Museum	One (1) space per 300 square feet of gross floor area.
o.	Nursery School and Day Care Centers	One (1) space per employee plus one (1) space for loading and unloading of children for each five (5) children accommodated in the school.
p.	Elementary and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms or offices.
q.	High Schools	One (1) space per employee plus two (2) spaces per classroom.
r.	Commercial School	One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
s.	Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment	One (1) space per 50 square feet devoted to patron use.
t.	Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service bay, plus one (1) per employee on the shift of greatest employment.
u.	Outdoor Recreational Facility	One (1) space per employee on the largest shift plus one (1) space per five (5) people of total capacity.
v.	Shopping Center	Five (5) spaces per 1,000 square feet of gross leasable area.

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

Section 613. DRIVEWAYS

1. No driveway serving a single-family dwelling shall be located within 2 feet of any side lot line, except in the case of driveways which adjoin one (1) another or shared driveways.
2. No driveway serving a non-residential use shall be located within 10 feet of any rear or side lot line.
3. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street.
4. Driveways shall meet the standards established in the Longswamp Township Driveway Ordinance.

Section 614. STORAGE OF VEHICLES

No tractor trailer truck or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored or parked for more than 12 hours within an AP, CONS, R, MHP, or MRC District unless it is stored within a completely enclosed building.

Section 615. HIGHWAY FRONTAGE DEVELOPMENT FOR NON-RESIDENTIAL AND NON-AGRICULTURAL USES

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage areas.

Along Arterial Highways and Collectors, as classified in the Township's Comprehensive Plan, each use with less than 100 feet of frontage on a public street shall have not more than one (1) accessway to each such street.

2. In no case shall a use with less than 100 feet of frontage on a public street have more than two (2) accessways to each such street. No use with 100 feet or more frontage shall have more than two (2) accessways to any one (1) street for each 500 feet of frontage.

The minimum distance between centerlines of driveways on the same lot shall be 100 feet.

3. The width, excluding radii, of entrances to and exits from parking areas, measured at

the street line, shall conform to the following schedule:

	<u>Minimum Width (feet)</u>	<u>Maximum Width (feet)</u>
One Way	12	24
Two Way	24	36

Each lane provided shall be a minimum of 12 feet in width.

The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet.

Provided that along State Highways, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Ordinance, while conforming to the requirements of the Pennsylvania Department of Transportation.

4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Access driveways shall not be located in such a manner that they will cause a hazard to the movement of normal highway traffic or cause areas of undue traffic congestion on the highway. The center line of an access driveway to any public street shall be located at least 100 feet from the intersection of any street cartway lines, except in the case of a street intersecting the road which the driveway intersects directly opposite from the driveway.

Section 616. SIGNS

1. Definitions

- a. On-Premises Sign - An "on-premises sign" is a sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot. A "for sale" or "for rent" sign relating to the lot on which it is displayed shall be deemed as "on-premises sign".
- b. Off Premises Sign - An "off-premises sign" is a sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.
- c. Free Standing Sign - An independently supported sign, not attached to any building.

2. Area

- a. 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 enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

- b. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.
 - c. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- 3. Signs Permitted in Agricultural Preservation, Conservation, Rural, Mobile Home Park, and Medical Residential Campus Districts
 - a. On-Premises Signs
 - (1) Official traffic signs and other official federal, state, county, or township government signs.
 - (2) Signs displaying the name and address of the occupant of a dwelling, provided that the area of any such sign shall not exceed 3 square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
 - (3) Signs advertising the name of farm products, nursery products or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed 20 square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street, in which case one (1) such sign may be erected on each street frontage.
 - (4) Signs denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, hogs, etc., or in particular hybrids or strains of plants.
 - (5) Bulletin or announcement board or identification signs for schools, churches, hospitals, recreation areas, and other principal uses and buildings other than dwellings, provided that the area of any such sign shall not exceed 12 square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
 - (6) Signs advertising the sale or rental of property, provided that the area of any such sign shall not exceed 6 square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement or renting a property.
 - (7) Temporary contractors, developers, architects, or builders signs provided that the area of any such sign shall not exceed 12 square feet. Such signs shall be removed immediately upon completion of the work or 18 months after erection of the signs, whichever shall occur first.
 - (8) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the

premises provided that the area of any such sign shall not exceed 2 square feet.

- (9) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational or religious organization. Such signs shall not exceed 12 square feet in area and shall be removed within 24 hours after completion of the campaign, drive, or event.
- (10) Memorial signs or tablets.

b. Off-Premises Signs

- (1) Off premises signs which are used for directing patrons, members or audience to service clubs, churches or other non-profit organizations may be erected subject to the following requirements:
 - (a) A sign shall indicate only the name of the organization and the direction to the facility.
 - (b) Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.
 - (c) No more than four (4) such signs shall be erected in the township for each facility.
 - (d) Signs shall not exceed 6 square feet in area.
- (2) Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election subject to the following requirements:
 - (a) No such sign shall exceed 12 square feet in area.
 - (b) Signs shall be removed within 2 weeks after the date of the exhibit, show, event, or election.
 - (c) No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by the Board of Supervisors to guarantee removal within the time prescribed. Failure to comply shall result in forfeiture of the deposit.
 - (d) No such sign shall be posted earlier than two weeks before the occurrence of the event to which it relates with the exception of political signs which shall be posted not earlier than one (1) month prior to an election.
- (3) Official traffic signs and other official federal, state, county or township government signs.
- (4) Signs offering the sale of farm products, nursery products, or livestock produced or raised off the premises, provided that, not more than two (2) such directional signs shall be erected for each permitted off-premises use, and further providing that the area of each directional sign shall not exceed 3 square feet. All off-premises directional signs shall not be within the existing street right-of-way line. Written approval by the owner of the property on which the directional sign(s) is located also shall be provided.

4. Signs Permitted in Commercial Recreation, Highway Commercial and Industrial Districts

- a. All signs permitted in AP, CONS, R, MHP, and MRC Zoning Districts subject to any standards established in Section 616.3.
- b. Signs relating to a use conducted on the same lot as the sign, subject to:
 - (1) The total area on one side of all signs, excluding signs consisting of open lettering attached to a building, placed on or facing any one street frontage of any one premises shall not exceed 100 square feet, except in the case of a building housing more than one commercial or industrial use. A sign consisting of open lettering attached to a building shall not have a height exceeding 10 feet nor an area exceeding 20% of the building facade to which it is attached. In the case of a building housing more than one commercial or industrial use, one permanent identifying sign for the building, the area on one side of which shall not exceed 100 square feet, may be erected on each street frontage. In addition, for each commercial or industrial use located within that building, one sign, the area of which shall not exceed 10% of the total area of the wall to which it is attached, may be attached to that portion of the building housing the use.
 - (2) No more than two (2) free standing signs shall be allowed on any one street frontage of any one property.
 - (3) No more than three (3) separate signs shall face any one street frontage of any one property, except in the case of a building housing more than one commercial or industrial use.
 - (4) No sign attached to a dwelling facade shall have an area exceeding 20% of the area of the building wall to which it is attached.
 - (5) No portion of a free standing sign shall be located closer than 10 feet to a front or side lot line.

5. General Sign Regulations

- a. Except in the case of school warning signs, traffic control signs, signs giving time and temperature, and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.
- b. 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.
- c. 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.
- d. Every sign shall be kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.
- e. No sign shall be utilized in a manner which produces a noxious glare or light

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.

- f. The distance from the ground to the highest part of any free standing sign shall not exceed 15 feet in AP, CONS, R, MHP, and MRC Zoning Districts. The distance from the ground to the highest part of any free standing sign in a CR, HC, or I District shall not exceed 35 feet. No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.
- h. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- i. No portion of any sign shall project over any lot line.
- j. Red, green or amber lights, except those contained within a school warning sign, traffic control sign, or similar sign, shall not be so located that they could create a danger by being construed as traffic lights.
- k. 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.
- l. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.
- m. No sign shall project more than 12 inches from the building facade to which it is attached, except that signs may project from the front of a building perpendicularly to the front of the building a distance of not more than 4 feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than 12 square feet in area on any one (1) side, and the lowest portion of all sign facings are at least 8 feet above the ground.
- n. A sign shall be removed when the use to which it refers is terminated.

6. Billboards

Billboards are subject to the following additional criteria:

- a. No billboard shall be located within 1,000 feet of another billboard.
- b. All billboards shall be a minimum of 50 feet from all side and rear property lines.
- c. All billboards shall be set back at least 35 feet from any right-of-way lines.

- d. All billboards shall be set back at least 100 feet from any land within a AP, CONS, R, MHP, or MRC Zoning District.
- e. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- f. No display area of any billboard shall exceed twenty (20) square feet for each 10 feet of lot frontage nor an overall size of 250 square feet, nor exceed 25 feet in height.

Section 617. FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the Ordinance and the improvements are located within 100 feet of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one (1) on which a principal building is erected.

Section 618. FENCES, WALLS AND HEDGES

- 1. Except as noted elsewhere in this Ordinance, fences, walls, and hedges may be located within required yards. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
- 2. Fences, walls and hedges shall comply with the requirements of Section 619.2 of this Ordinance.
- 3. No fence or wall, except a retaining wall, shall be greater than 6 feet in height, unless otherwise required by this Ordinance.
- 4. Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, and be constructed in a workmanlike manner.
- 5. No fence, wall or hedge may be constructed, located or planted in such a way as to obstruct the view of oncoming traffic for motorists entering a public thoroughfare.

Section 619. CORNER LOT RESTRICTIONS

- 1. On every corner lot, a yard equal in depth to the front yard requirement of the Zoning District in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.

2. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mailboxes, which impedes vision between a height of 2 1/2 feet and 10 feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow. Such triangles shall be established from a distance of 75 feet from the point of intersection of the center lines of the intersecting streets, except that a clear sight triangle of 150 feet shall be provided for all intersections with arterial highways.

Section 620. PROJECTIONS INTO YARDS

1. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:
 - a. Terraces, patios, or open porches, provided that such terraces, patios, or open porches are not enclosed, are not closer than 5 feet to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.
 - b. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys, and window sills, provided that all such features shall project no more than 5 feet into any required yard, and shall not be located closer than 6 feet to any lot line (except lot lines which are the projection of party walls).
 - c. Uncovered stairs and landings, provided such stairs or landings do not exceed 3 1/2 feet in height, do not project more than 5 feet into any required yard, and are not located closer than 6 feet to any lot line (except lot lines which are the projection of party walls).

Section 621. ACCESSORY BUILDING SETBACK EXCEPTIONS

On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building which is constructed after the effective date of this ordinance does not have to be set back further from any street right-of-way than that principal building.

Section 622. HEIGHT EXCEPTIONS

The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy and provided that any such projection which exceeds the height limitations of the applicable zoning district shall not be greater in height above its base than the shortest distance from such base to any lot line.

Section 623. CONDUCT OF AGRICULTURAL ACTIVITIES

Agricultural activities permitted to be conducted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the Agricultural activities are conducted in accordance with any and all regulations of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

Section 624. SLOPE CONTROLS

The following controls shall apply in all areas where the slope of the land at the site of earth moving exceeds 25%.

1. Prior to the establishment of any building, structure, or use, and before the issuance of a Zoning Permit, an Erosion and Sediment Control Plan shall be approved by the Township.
2. Prior to any alteration of the existing grade, and before the issuance of a Zoning Permit, a Grading Plan shall be approved by the Township. The Grading Plan shall indicate existing and proposed contours at intervals of no more than 5 feet in elevation.
3. The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be approved by the Township Supervisors prior to the issuance of a Zoning Permit.
4. No more than 15% of wooded areas on the lot existing at the time a Zoning Permit is applied for shall be subsequently clear cut.

Section 625. REMOVAL OF NATURAL RESOURCES

1. Except where listed as a permitted use, the stripping and removal of topsoil from lots shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation, and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. Upon completion of the earthmoving activities, the topsoil shall be redistributed on the lot.
2. The removal of other natural resources shall be permitted only when specifically permitted in a Zoning District, except as follows:
 - a. As part of construction activities.
 - b. In connection with normal lawn preparation and maintenance.
 - c. In farming operations, provided sound soil conservation practices are observed. Sod farming shall not be permitted when the surface soil layer is less than 8 inches deep.

Section 626. FLOODPLAIN CONTROLS (Also see the Longswamp Township Floodplain Management Ordinance)

1. Designation of Area

- a. Areas subject to Floodplain Controls shall be those areas indicated within 100-year flood plain boundaries and approximate 100-year floodplain boundaries on Flood Boundary and Floodway Maps prepared for Longswamp Township by the Federal Emergency Management Agency (FEMA).
- b. Floodplain Controls shall also apply to areas containing alluvial soils, as shown on maps prepared by the Conservation Service, United States Department of Agriculture, included within the Soil Survey Berks County, Pennsylvania, along watercourses for which 100- year floodplain and approximate 100-year floodplains have not been mapped.

2. Controls

- a. Principal buildings shall not be located within areas subject to Floodplain Controls.
- b. Accessory buildings may be located within areas subject to Floodplain Controls, provided:
 - (1) No building shall be located within a floodway shown on FEMA maps.
 - (2) No basement or cellar shall be permitted.
 - (3) All buildings shall be subject to the requirements of the National Flood Insurance Program, the Pennsylvania Flood Plain Management Act, and all applicable ordinances of Longswamp Township.
- c. Not more than 10% of the area subject to Floodplain Controls within a lot shall be covered with impervious surfaces.
- d. No encroachment shall be made on a floodplain or watercourse which will increase flood levels during the occurrence of the 100-year flood discharge. With any proposal for an encroachment, calculations which will indicate compliance with this requirement shall be submitted to and approved by the Township.
- e. No watercourse shall be altered or relocated unless the person proposing the alteration or relocation submits calculations approved by the Township assuring that the flood carrying capacity within the altered or relocated portion of the watercourse shall be designed to be not less than the flood carrying capacity of the watercourse prior to the proposed alteration or relocation.

The cross-sectional profile of watercourses and floodplain areas shall not be altered unless approved by the appropriate State agencies when such approval is required.
- f. No outside storage of materials is permitted within floodplain areas.
- g. Fills are subject to:
 - (1) Fills shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
 - (2) Adequate provisions shall be made to prevent surface water from

- damaging the sloping surfaces of fills.
- (3) Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.
- (4) Fills shall not encroach on natural watercourses.
- (5) Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units.

h. All structures shall be designed and anchored to prevent flotation, collapse and lateral movement, be constructed of materials and utility equipment resistant to flood damage, and be constructed by methods that will minimize flood damage.

i. No junk yards, sanitary landfills, or on-site sewage disposal systems shall be permitted.

3. Boundary Disputes and Appeals Procedures

a. Should a dispute concerning the boundaries of those areas subject to Floodplain Controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criteria listed in Section 626.1 of this Ordinance.

b. Any person aggrieved by this decision, claiming that the criteria listed in Section 626.1 are incorrect, may appeal to the Zoning Hearing Board.

c. The burden of proof shall be on the person appealing the decision of the Zoning Officer.

d. If it is determined that the Soils Maps or Flood Boundary and Floodway Maps are inaccurate regarding the land in question, the area subject to Floodplain Controls shall be determined on the basis of a 100-year storm and all calculations shall be subject to the approval of the Township, and the Federal Emergency Management Agency as applicable.

4. In the event any provision of this Section conflicts with the Township Floodplain Ordinance, the Township Floodplain Ordinance shall supersede the provisions of this Section. However, all other provisions and all other Articles of this Zoning Ordinance shall remain in full force.

Section 627. STANDARDS FOR PUBLIC UTILITY USES

1. All areas for parking and loading shall be located between the building and the rear lot line.
2. If adjoining land is zoned AP, CONS, R, MHP, or MRC, all facilities, storage and activities outside a building shall be screened from view from public streets and adjoining lots.

Section 628. OUTDOOR STORAGE

Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing Zoning District, and screened in accordance with Section 604 of this Ordinance.

Section 629. MOBILE HOME FOUNDATION REQUIREMENTS

1. Each mobile home shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift as specified for buildings and structures in the applicable building code in effect in the Township.
2. The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

Section 630. FORESTRY AND WOODED AREA CONTROLS

1. Forestry Permitted in all Zoning Districts

In accordance with the requirements of Section 603(f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Subsection will be of no further force or effect.

2. Wooded Area Controls

Timber Stand Improvement is permitted in all existing wooded area; however, no timber may be cut that is less than 14 inches in diameter (measured breast high) without approval from the Township, except under the following conditions:

- a. All dead trees may be removed regardless of diameter.
- b. No more than 20% of the existing tree cover (regardless of diameter) may be removed from the tract for the construction of a home and driveway.
- c. The planting and harvesting of Christmas trees is permitted.

Section 631. HAZARDOUS AREAS

1. Identification

- a. The Township Planning Commission or Board of Supervisors may identify areas of the Township, such as mine holes, areas of naturally occurring minerals or chemicals, waste disposal areas, and waste storage areas, which could endanger the public health, safety, or welfare by potentially presenting hazards to life, health, or property if development occurs in the vicinity of such hazardous areas.
- b. The hazardous areas shall continue to be considered as such until, after recommendation by the appropriate State, Federal, or County Agency, the Township determines that the hazards have been eliminated or adequate safeguards against such hazards have been provided.

2. Regulations

- a. No occupied building or well shall be located within 500 feet of a hazardous area, except as noted in subsection b. below.
- b. An occupied building or well may be located within 300 feet of a hazardous area provided a sufficient number of excavations and borings or wells shall be provided to determine the valid and conclusive soil, geology and groundwater conditions, and an absence of hazards is indicated.
- c. Test results from any well closer than 500 feet to a hazardous area or any well serving an occupied building closer than 500 feet to a hazardous area shall be submitted to the Township prior to issuance of a Certificate of Occupancy.

Section 632. AVAILABILITY OF RELIABLE, SAFE AND ADEQUATE WATER SUPPLIES

All land developments shall be sited, designed and of such density to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources. The adequacy of water supplies shall be demonstrated by the developer to the satisfaction of the Township.

ARTICLE VII

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

Section 700. GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses that may be Permitted by Right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special Exceptions and Conditional Uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a Special Exception provided that the applicant complies with the standards for Special Exceptions set forth in this Article and demonstrates that the proposed Special Exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a Conditional Use under applicable regulations. The burden of proof shall rest with the applicant. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

Section 701. PROCEDURE

The procedure for consideration of a Special Exception or Conditional Use shall follow the procedure for review and hearings as stated in Article X of this Ordinance.

Section 702. PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, a Special Exception or Conditional Use application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

1. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
2. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
3. Ground floor plans and building elevations of proposed structures.
4. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

Section 703. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND
CONDITIONAL USE APPLICATIONS

In order to receive a Special Exception or Conditional Use approval, the applicant shall establish by credible evidence that:

1. The proposed use is consistent with the purpose and intent of this Ordinance.
2. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
3. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.
4. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
5. The front, side, and rear yard requirements, open space area requirements, and height limitations for the applicable zoning district have been met.
6. The off-street parking provisions are in conformance with those specified in Article VI of this Ordinance.
7. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
8. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
9. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
10. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
11. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
12. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
13. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
14. Operations in connection with a Special Exception or Conditional Use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

15. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.
16. For development within a designated floodplain, that the application complies with the requirements listed in Article VI, as well as the Longswamp Township Floodplain Management Ordinance.

Section 704. CRITERIA FOR SPECIFIC LAND USES

In addition to those items required by Sections 702 and 703 (if applicable), each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Board of Supervisors, when permitted by Conditional Use.

Section 705. ACCESSORY APARTMENTS/ACCESSORY BUILDING APARTMENTS

Accessory Apartments/Accessory Building Apartments are subject to the following criteria:

1. Only one (1) accessory apartment/accessory building apartment may be permitted within a single family detached dwelling or on a single family detached lot.
2. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
3. Except for an exterior stairway, the exterior architectural character of the principal dwelling shall not be altered in a manner that departs from the primary feature of the building as a single family detached dwelling unit.
4. Additional off-street parking space(s) shall not be required. No vehicle(s) associated with the accessory apartment/accessory building apartment shall be parked within the street right-of-way.
5. The applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the district in which the lot is located and architectural compatibility.
6. The accessory apartment/accessory building apartment shall be occupied by a maximum of two (2) people.
7. For sewage disposal and water supply and all other utilities, the accessory apartment shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
8. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Board of Supervisors or Zoning Hearing Board, as applicable, showing that the total number of occupants in both the principal dwelling and the accessory apartment/accessory building apartment will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or

addition to an existing on-site sewer system shall be subject to the review and approval of the Township Sewage Enforcement Officer.

Section 706. ACCESSORY FARM DWELLINGS

Accessory farm dwellings are subject to the following criteria:

1. No more than one (1) accessory farm dwelling shall be permitted on a farm.
2. The minimum lot area and building setback requirements of the respective zoning district shall apply to the principal and accessory farm dwellings individually.
3. The off-street parking requirements of this Ordinance shall apply to both the principal and the accessory farm dwelling.
4. All water supply and sewage disposal facilities shall be approved by the appropriate agencies prior to the issuance of a building permit for the accessory farm dwelling.
5. The location of the accessory farm dwelling must also conform to the requirements of the Subdivision and Land Development Ordinance.

Section 707. ACTIVE ADULT COMMUNITIES

1. Uses. An Active Adult Community may include some or all of the following uses:
 - a. Residential dwelling units which are restricted to occupancy by households where the resident(s) is/are 55 years or older, including:
 - (1) Single family detached dwellings.
 - (2) Two family dwellings, including single family semi-detached dwellings and two family detached dwellings.
 - (3) Single family attached dwellings (townhouses).
 - (4) Multiple family dwellings, including apartments.
 - b. Congregate facilities where the applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the Active Adult Community, including:
 - (1) Dining facilities.
 - (2) Recreational facilities.
 - (3) Worship facilities.
 - (4) Maintenance shop, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the Active Adult Community.
 - c. Accessory uses customarily incidental to an Active Adult Community.

2. Design Requirements. All Active Adult Communities shall meet the following minimum requirements.
 - a. The minimum tract size for development as an Active Adult Community shall be 10 acres.
 - b. Lot Design/Greenway Land Requirements. Active Adult Communities shall be developed only through the use of the Conservation Design Regulations detailed in Sections 430 through 439 of this Ordinance.

Section 708. ADULT RELATED FACILITIES

Adult related facilities are subject to the following criteria:

1. An adult related facility shall not be permitted to be located within 1000 feet of any other adult-related facility.
2. No adult related facility shall be located within 200 feet of any residentially zoned land.
3. No establishment shall be located within 600 feet of any parcel of land which contains any one (1) or more of the following specified land uses:
 - a. Amusement Park.
 - b. Camp (For Minors' Activity).
 - c. Child Care Facility.
 - d. Church or other similar religious facility.
 - e. Community Center.
 - f. Museum.
 - g. Park.
 - h. Playground.
 - i. School.
 - j. Other Lands where Minors Congregate.
4. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
5. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.

6. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
7. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
8. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
9. No adult related facility may change to another adult-related facility, except upon approval of an additional Conditional Use.
10. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
11. No unlawful sexual activity or conduct shall be permitted.
12. No more than one adult-related facility may be located within one building or shopping center.

Section 709. AGRITAINMENT/AGRITOURISM ENTERPRISES

Agritainment/Agritourism Enterprises are subject to the following criteria:

1. Purpose - Successful tourism depends upon the quality of the natural and built environments. Berks County's distinct character and quality resource provides the foundation for developing appropriate types of authentic tourism products that would ensure that the county remains a unique and competitive destination in the future. Therefore, any tourism venture or experience that would be permitted in the agricultural areas of the Township must be directly related to supporting the primary use of the farm by interpreting the agricultural heritage of the county and providing a distinctly Berks County experience.

Therefore, certain types of uses are more appropriate than others in certain zoning districts because of the direct nexus to experiencing Berks County's agricultural heritage. Other uses that are determined by the Zoning Hearing Board that do not meet this basic threshold and are not incidental to the primary agricultural use are not permitted.

2. Uses Permitted by Right
 - a. Roadside stands.
 - b. Farm markets.
 - c. U-pick operations.

- d. Christmas tree farm/cut your own.
 - e. Local farm products retail operations (including crafts made on the farm; food products, garden and nursery products grown on the farm; and clothing products made from the wool of animals raised on the farm, etc.).
 - f. Corn mazes.
 - g. Hay rides.
 - h. Farm-related interpretive facilities and exhibits.
 - i. Agriculturally related educational and learning experiences.
 - j. On-farm tours with demonstrations of agricultural practices, techniques and methods.
 - k. Walking and bicycling tours and trails.
 - l. Farm stays.
 - m. Recreation related operations (outfitters, cross country skiing, fishing and hunting facilities, bird watching).
 - n. Horseback/pony rides.
 - o. Weddings, concerts, and agriculturally related special events / fairs / festivals, subject to the special event requirements in the Public Gathering and Special Event Ordinance.
 - p. Other similar agricultural entertainment-oriented gatherings, events, fairs, festivals and related activities that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.
3. Uses Permitted by Special Exception
- a. Retail sale of food products not produced on the farm.
 - b. Dairy, ice cream and bakery retail facilities.
 - c. Banquets, subject to the special event requirements in the Public Gathering and Special Event Ordinance.
 - d. Other similar non-agricultural related activities, that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.
4. Agritainment/agritourism enterprises are only permitted on farms. Farms must be existing and in operation.

5. Agritainment/agritourism use(s) shall be owned or operated by the landowner, landowner's immediate family member, the operator or employee of the active agricultural operation or agri-business, or a resident of the lot upon which the active agricultural operation or agri-business occurs.
6. The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the agritainment/agritourism use(s) and directly related thereto.
7. Applicants must submit a layout plan identifying the location of the agritainment/agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required), and screening and landscaping.
8. Parking must be in compliance with Section 612. Parking is not permitted in the street right-of-way.
9. All driveway locations must be permitted under applicable state or local regulations.
10. Sanitary facilities shall be provided in accordance with PADEP requirements.
11. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.
12. All buildings within which the agritainment/agritourism use(s) are conducted shall be designed and constructed in compliance with the most recent version of the IBC as referenced in the PA UCC adopted by the Township.
13. To the maximum extent feasible, the agritainment/agritourism use(s) shall be conducted within an existing agriculture building or other accessory building. All portable structures and signs used as part of the agritainment/agritourism use(s) shall be removed or shall be stored in an enclosed structure at the end of the harvesting season.
 - a. However, any new building constructed for use by the agritainment/agritourism use(s) shall be located no less than 50 feet from any lot line.
 - b. Any new building constructed for use by the agritainment/agritourism use(s) shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the agritainment/agritourism use(s) is discontinued.
14. The maximum permitted size for signs used for the agritainment/agritourism enterprise shall be in compliance with Section 616.
15. The Applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final Certificate of Zoning Compliance. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritainment/agritourism enterprise.
16. The Applicant shall submit proof of adequate liability insurance.

17. No part of an agritainment/agritourism use shall be located within fifty (50) feet of any lot line.
18. It shall be the responsibility of the Applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.

Section 710. AIRPORT /PERSONAL USE AIRPORT

1. Prior to use of the airport, notification shall be made to the Federal Aviation Administration (FAA) of the intention to establish an airport and the FAA shall indicate it has no objection.
2. Prior to use of the airport, the site shall be inspected and approved for licensing by the Bureau of Aviation, Pennsylvania Department of Transportation.
3. No night landings or take-offs shall be permitted.
4. Runways shall be a minimum of 500 feet from property lines and public roads.
5. Only the owner of the airport shall use the airport.
6. Minimum runway length shall be 1,200 feet; however, if greater minimum is required by the Bureau of Aviation, such greater minimum shall be provided.
7. Minimum runway primary surface width and runway landing surface width shall be in accordance with Bureau of Aviation requirements.
8. Each runway shall have an obstruction free approach surface in accordance with Bureau of Aviation requirements.
9. The airport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation, and the National Fire Protection Association.
10. A site plan for the airport shall be recommended for approval by the Township Planning Commission and approved by the Township Supervisors.

An aerial photograph or drawing of a scale no less than one inch equals two hundred feet (1" = 200') indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half (1/2) mile of the proposed airport site shall be submitted to the Township.

11. The permit to operate the airport shall be revoked if:
 - a. The Bureau of Aviation revokes its license.
 - b. The FAA withdraws its approval.
 - c. The site becomes or is operated in violation of this Ordinance or the rules and regulations of the Federal Aviation Administration or the Pennsylvania Bureau of Aviation.

Section 711. AMUSEMENT ARCADES

Amusement arcades are subject to the following criteria:

1. All activities shall take place within a wholly-enclosed building.
2. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.
3. A minimum of one (1) parking space for each 80 square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 612 of this Ordinance.
4. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

Section 712. AMUSEMENT AND THEME PARKS

Amusement and theme parks are subject to the following criteria:

1. Amusement and theme parks may include any of the following uses, provided that each use (1) is sized, designed and located to only serve employees and guests of the park; (2) relies upon the circulation and parking facilities of the park; (3) has signage that is oriented to those employees and guests of the park, except as permitted in Article VI of this Ordinance; and (4) is owned, operated and maintained by the park:
 - a. Museums, including tours of historic properties.
 - b. Public parks, playgrounds and recreational facilities.
 - c. Public or private conservation areas for uses for the conservation of open space, water, soil, and wildlife resources, including State or County-sponsored agricultural and/or conservation districts.
 - d. Zoos.
 - e. Lodging for guests and employees.
 - f. Riding stables and related facilities (but not including horse racing).
 - g. Arboretums.
 - h. Commercial tennis, racquetball, and similar facilities, whether indoors or outdoors.
 - i. Agricultural, horticultural, and forestry-related uses, as regulated by Sections 606 and 630 of this Ordinance.
 - j. Hotels and motels.

- k. Bed and breakfasts and country inns.
- l. Fast-food restaurants and snack bars.
- m. Amusement arcades.
- n. Public or private utility service structures.
- o. Public or nonprofit fire services or public or nonprofit emergency services.
- p. Indoor or outdoor theaters and auditoriums.
- q. Information centers.
- r. Campgrounds in accordance with the requirements listed in Section 723 of this Ordinance.
- s. Taverns, restaurants, and nightclubs.
- t. Amusement exhibits and rides.
- u. Miniature golf courses.
- v. Sports and/or amusement arenas.
- w. Retail sales and/or rental of goods and services provided that such sales or rentals are related to or accessory to any of the commercial recreation uses listed above.
- x. Health and fitness clubs.
- y. Accessory uses customarily incidental to the above permitted uses.

2. Special Review Process. Prior to the issuance of a building permit for any of those uses permitted under Section 712.1, the applicant must comply with the following two-stage review process:

Stage 1 - Concept Master Plan. Prior to, or coincidental with, the approval of a land development for any use or development, the applicant shall submit a Concept Master Plan for Special Exception approval by the Zoning Hearing Board in accordance with Section 1002 of this Ordinance. The requirements of this Section 712 shall be used as the specific criteria for evaluating the Special Exception application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

- a. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
- b. The types and mixture of uses proposed for the land to be included within the proposed use. A schematic drawing of proposed use types shall be provided.

- c. The road network contained upon the land to be included within the proposed use including major points of access, intersections, and any traffic improvements proposed to accommodate the proposed use.
 - d. The name, location, centerline, and present right-of-way width of all abutting streets.
 - e. Physical characteristics of the site, including:
 - (1) Areas with slopes exceeding 15%.
 - (2) 100-year floodplains.
 - (3) Alluvial soils, wetlands, ponds, and streams.
 - (4) Sinkholes, caves, vistas, or other significant geologic features.
 - (5) Endangered or threatened species habitats.
 - (6) Archeological resources.
 - (7) Historic sites.
 - (8) Significant stands of mature trees.
 - f. Any regional facilities that are proposed and will serve more than one (1) lot/use within the proposed development. Examples of such facilities could include stormwater management devices, open space areas, pedestrian pathways, and wastewater facilities.
 - g. Other information illustrating that the basic concept of the proposed uses is well-integrated, functional, efficient and attractive.
3. Stage 2 - Site Development Plan. As part of the granting of a zoning permit for a use proposed and contained in the Concept Master Plan, the Zoning Officer shall review a site plan submitted by the applicant to determine that it complies with the approved Concept Master Plan, and any applicable regulations. Upon determining non-compliance, the Zoning Officer may reject the permit for cause and/or may require additional review by other Township Officials or their agents. Such site plan shall include, but not be limited to, the following:
- a. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance.
 - b. A textual and graphic description of how the proposed use(s) complies with the Concept Master Plan approved for the proposed development, plus any conditions of approval attached to the grant of the Concept Master Plan.
4. Minimum Lot Area Requirement. Unless otherwise specified, the permitted uses shall have a minimum lot size of 25 acres. For the purposes of this section, a "use" can include several businesses that are developed in a coordinated fashion (e.g. joint parking lots, access drives, loading areas, landscaping, signage, etc.) that function as one (1) development site and satisfies all of those requirements imposed upon this Zone.
5. Minimum Lot Width - 500 feet.
6. Minimum Lot Depth - 1,000 feet.
7. Off-street parking spaces shall be provided at the rate equal to that required by

Article VI of this Ordinance. For parks that require more than 300 off-street parking spaces, up to 50% of the total number of spaces can be provided in a dust-free, non-paved surface if:

- a. The applicant can adequately demonstrate that a maintenance plan will be employed that prevents excessive dust and erosion; and
- b. Adequate measures will be employed to prevent the spreading of mud onto adjoining roads.

No direct access between a non-paved parking lot and an adjoining road shall be permitted. The applicant shall be required to demonstrate those measures that will be employed to prevent vehicles from crossing and/or parking on adjoining properties that are not part of the park.

8. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads, during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion.
9. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
10. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distances equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy, unless there is qualified evidence that there are sufficient emergency rescue capabilities available for the desired height from the "first-due" fire company.
11. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, litter, dust, and pollution. All lighting shall comply with Sections 605 and 609 of this Ordinance.
12. Any outside pedestrian waiting lines shall be provided with a means of shade.
13. Any use involving the keeping of wild and/or dangerous animals shall require the submission of qualified expert testimony that demonstrates sufficient care for, and containment of, such animals.

Section 713. ANIMAL HOSPITALS, KENNELS AND VETERINARY FACILITIES

Animal hospitals, kennels and veterinary facilities are subject to the following criteria:

1. No structure housing animals shall be closer than 400 feet to any street or lot line.

2. Minimum lot size shall be five (5) acres.
3. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
4. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals.
5. All animal wastes shall be regularly cleaned-up and properly disposed of. The applicant shall submit to the Township evidence that wastes can be properly handled and that adequate sewage facilities exist or will be provided for the use.
6. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.
7. Outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure.
8. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

Section 714. ANIMAL SANCTUARIES

Animal Sanctuaries are subject to the following criteria:

1. The use shall be conducted on a lot at least 4 acres in size.
2. No animal which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.
3. Every barn, animal shelter, stable, cage, feed yard, or manure storage area shall be at least 150 feet from all lot lines.
4. The provisions of Sections 606.2 and 606.15 also apply.

Section 715. ANTIQUE, FLEA AND/OR FARMERS MARKETS

Antiques, flea- and/or farmers markets are subject to the following criteria:

1. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above.
2. The retail sales area shall be set back at least 50 feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
3. Off-street parking shall be provided at the rate of one (1) space per each 200 square feet of retail sales area.

4. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Article VI of this Ordinance.
5. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
6. Any exterior lighting shall be arranged and designed so as to comply with Sections 605 and 609 of this Ordinance.
7. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the clean-up of litter.

Section 716. AQUACULTURE, AQUAPONICS AND HYDROPONICS

Aquaculture, aquaponics and hydroponics are subject to the following criteria:

1. Minimum lot size - 20 acres.
2. The applicant shall provide evidence of sufficient water supply and wastewater disposal so as not to adversely impact ground water supply and quality or surface discharge water supply.
3. A hydrologic study shall be provided to the satisfaction of the Township and to evidence no adverse impact to adjoining property water sources.
4. The subject site shall have access to a collector or arterial road.
5. All wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
6. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.
7. Where wastewater pretreatment is required by the EPA, PADEP or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.
8. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.
9. The use shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.
10. A 50-foot buffer zone shall be provided along all property lines and shall be enclosed by a fence of a type, construction, and size as shall be adequate to protect the public health, safety, and welfare.

11. In the Agriculture Preservation, Conservation and Rural Zoning Districts, aquaculture shall occur predominantly in open-air facilities (ponds, etc.).
12. Aquaculture and Aquaponics.

In addition to the criteria above, Aquaponics facilities are subject to the following:

 - a. Aquaponics Facilities Up To 750 Square Feet.
 - (1) Aquaponics facilities up to 750 square feet are permitted by right in Agriculture Preservation, Conservation, Rural, and Industrial Zoning Districts.
 - b. Aquaculture and Aquaponics Facilities Greater Than 750 Square Feet.
 - (1) Aquaculture and Aquaponics facilities greater than 750 square feet are permitted by right in Industrial Districts.
13. Hydroponics.
 - a. Hydroponics Facilities as a Primary Use.
 - (1) Hydroponics facilities as a primary use are permitted by right in the Industrial Districts.
 - (2) Hydroponics facilities as a primary use are permitted only by Conditional Use in Agriculture Preservation, Conservation and Rural Districts.
 - b. Facilities as an Accessory Use.
 - (1) Hydroponics facilities as an accessory use are permitted by right in Agriculture Preservation, Conservation, Rural, and Industrial Zoning Districts.
14. Applicability with Federal and State Regulations. Applicant must comply with applicable federal and State regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

Section 717. AUCTION HOUSES

Auction Houses for household and other goods are subject to the following criteria:

1. Parking Requirements
 - a. One (1) parking space per 100 square feet of gross floor area shall be required.
 - b. One (1) off-street loading berth shall be required.
2. Supplemental Regulations
 - a. No parking area shall be located within the required front, side or rear yards.

- b. The auction house site shall be easily accessible from a collector or arterial street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
- c. 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.
- d. A sign identifying the auction house use shall be permitted in accordance with the provisions of Section 616.
- e. Temporary signs advertising a particular sale event shall be permitted in accordance with the provisions of Section 616. Such temporary sign shall be erected not more than 15 days prior to, and removed within one (1) day after the scheduled sale event.
- f. Outdoor storage of items for sale shall be regulated by the requirements of Section 609.
- g. Except as provided above, all other pertinent provisions of this Ordinance shall apply.

Section 718. BED AND BREAKFASTS AND COUNTRY INNS

Bed and Breakfasts and Country Inns are subject to the following criteria:

1. Minimum Requirements

- a. Lot Area. Lot area shall not be less than two (2) acres.
- b. Capacity. A maximum of five (5) units shall be permitted on a lot less than five (5) acres. A maximum of ten (10) units shall be permitted on a lot greater than five (5) acres. All building requirements as regulated by the Pennsylvania Department of Labor & Industry shall be satisfied and appropriate permits provided.
- c. Buffer Strip. A 10-foot buffer strip shall parallel all property lines not fronting a public street, with appropriate planting/screening.
- d. Owner Occupied. The owner and operator of Bed and Breakfast or Country Inn establishments shall be a full time resident of the dwelling.
- e. Prohibition of Retail Sales. No retail sales are permitted.
- f. Prohibition of Alcoholic Sales. No alcoholic beverages are permitted to be sold.
- g. Sleeping Units. Sleeping units shall contain no kitchen facilities and shall be limited to no more than two (2) adults and two (2) children.
- h. Limited Food Service. Food served to Bed and Breakfast guests on the

premises shall be limited to breakfast only. Food served to Country Inn guests on the premises may include all meals. Food shall not be served to the general public. No restaurant facilities shall be permitted in a Country Inn unless a restaurant use is also approved at the same location.

- i. Guests. Guests shall be limited to transients and a Bed and Breakfast or Country Inn shall not serve as weekly or monthly homes for persons without other accommodations.
- j. Parking. All Bed and Breakfasts or Country Inns shall have 1 1/2 off-street paved parking spaces for each bedroom within the building plus 2 spaces for the resident hosts. Parking is not permitted in the required buffer strip. No more than two off-street parking spaces shall be located within the required front yard.
- k. Signage. There shall be no outside advertising other than one (1) sign of no more than 12 square feet in area on any one (1) side.
- l. Sewage System. Any applicant for a Bed and Breakfast or Country Inn shall be required to produce either a Sewage Permit for an on-site system showing adequate capacity is available or approval from the applicable Sewer Authority if the facility is to be connected to a public sewer. All PA DEP approvals/permits should be specified and supplied.
- m. Exterior. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements and any necessary safety or removal of architectural barriers.
- n. Bathrooms. At least one (1) bathroom shall be provided for every three (3) units, plus one (1) bathroom for resident owner-operator.
- o. Appearance. The use shall maintain an appearance and character consistent with a residence or a farm.
- p. Other conditions may be imposed by the Zoning Hearing Board as deemed necessary and appropriate under the circumstances of the specific application.

2. Other Regulations

- a. Events. Wedding, wedding receptions, and similar special events may be permitted according to the Public Gathering and Special Event Ordinance.
- b. Ancillary Activities. In evaluating the above established standards set forth in this Section other related ancillary activities normally and customarily associated with Bed and Breakfast or Country Inn establishments, may be approved by the Zoning Hearing Board as deemed appropriate to the proposed facilities in the particular Zoning District. The approval of ancillary activities shall be solely at the discretion of the Zoning Hearing Board, and the Zoning Hearing Board need not approve any ancillary activity with the granting of a Special Exception.

Section 719. BEEKEEPING

Beekeeping is subject to the following criteria:

1. A minimum lot area of 5 acres is required.
2. It shall be the duty of the Applicant to maintain each colony so as to not create a public nuisance.
3. Colonies shall be maintained in movable frame hives.
4. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
5. Hives shall be located no closer than 100 feet from any property line unless a six-foot-high fence or hedge is located along any adjoining property lines for a distance at least 100 feet from the hive(s). In no case shall hives be located within 50 feet of any property line.
6. All hives shall have access to an on-site water supply of at least 3 gallons per hive per day. Unless a natural water supply exists on the subject property, the Applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
7. Hives shall not be oriented to children's play areas, or neighboring properties.
8. Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.

Section 720. BOARDING AND ROOMING HOUSES

Boarding and rooming houses are subject to the following criteria:

1. All boarding and rooming houses shall be conducted in single family detached dwellings legally existing as of the effective date of this Ordinance.
2. Not less than 5,000 gross square feet of lot area shall be provided for each rental unit.
3. The residential character of the front facade of the dwelling shall be maintained.
4. All sewage and water facilities shall be inspected by the Township Sewage Enforcement Officer and shall comply with all applicable PADEP regulations.
5. Lot areas shall not be less than one (1) acre.
6. All parking areas shall be set back 25 feet from all lot lines.
7. One (1) off-street parking space shall be provided for each rental unit. No additional front yard areas shall be provided for parking.
8. All units shall have not less than two (2) means of egress.

9. There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than 2 square feet on each side. If illuminated, lights shall not glare towards other properties.
10. All floors above ground level shall have a direct means of emergency escape to ground level.
11. Meals shall be offered only to registered tenants.

Section 721. BREW PUBS, BREWERIES, MICROBREWERIES, DISTILLERIES, MICRODISTILLERIES, WINERIES AND MEADERIES.

Brew Pubs, Breweries, Microbreweries, Distilleries, Microdistilleries, Wineries and Meaderies are subject to the following criteria:

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - a. The nature of the on-site operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with state and federal regulations;
 - b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 - c. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels are regulated by applicable laws and ordinances, including, but not limited to, those listed in Section 609 of this Ordinance; and
 - d. A traffic impact report prepared by a professional engineer.
2. All necessary permits and or licenses from the Pennsylvania Liquor Control Board or any successor agency must be obtained.
3. Off-street parking shall be provided in accordance with Section 612.
4. The use may provide for the interior display or sale of the products produced and related retail merchandise, wine tasting, and instruction related to the production process. No exterior display or sale of retail merchandise shall be permitted outside of the building, unless the display or retail area is situated on a porch, patio, deck or other similar structure, which must be attached to the main structure of the use.
5. Tours of the facility may be provided to the public.
6. A maximum of 30% of the floor area can be dedicated to public seating/eating or tasting.

7. No outside storage is permitted, other than commercial refuse containers, but not for byproducts.
8. Special events held in the brewery facility are subject to the issuance of a public special event use accessory to a brewery, brew pub, distillery, microbrewery, microdistillery, winery or meadery special exception use permit, as set forth in the Public Gathering and Special Event Ordinance.
9. Land development/subdivision approval is required, in accordance with the Longswamp Township Subdivision and Land Development Ordinance.

Section 722. BUTCHER SHOPS

Butcher Shops are subject to the following criteria:

1. A butcher shop shall be treated as a retail use and shall not engage in slaughtering of livestock or fowl on the premises.
2. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers.
3. The Applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.

Section 723. CAMPGROUNDS

Campgrounds are subject to the following criteria:

1. All Rules and Regulations of the PADEP shall be complied with.
2. The minimum area of a campground shall be 10 acres.
3. All buildings and structures shall be clearly incidental to the use of the site as a campground and shall be for the use of the occupants of the campground only.
4. Every campground shall be separated from a public street and from adjoining properties by a buffer strip no less than 200 feet in width, which shall contain an evergreen planting screen no less than 5 feet in height when planted. Section 604 of this Ordinance shall be complied with regarding screening.
5. No portions of the campground shall be used for year-round occupancy.
6. All Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 802 for issuance of the original Certificate of Use and Occupancy.

Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall submit to and receive approval by the Township Supervisors of a set of Regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a site by an individual tenant; temporary

or seasonal storage of travel trailers; policing to control noises and activities that might endanger life, safety or general welfare of other occupants and the owners and/or occupants of adjacent properties.

Upon due notice, the Township Supervisors may revoke a Certificate of Use and Occupancy for failure by the owner of a Campground to enforce such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

7. The overall density of the tract shall not exceed eight (8) travel trailer or tent sites per acre. Each site shall be a minimum of 2,000 square feet in area, with a minimum width of 25 feet. Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent.
8. Sites shall be so dimensioned and arranged that when any space is occupied no portion of any travel trailer or tent, including accessory attachments, shall be within 20 feet of any portion of any other travel trailer, tent or building. Each site shall contain at least one (1) parking space which is clear, generally level, and well-drained and no less than 10 feet by 20 feet in area.
9. Each site shall abut and have direct access to an internal roadway which shall be a minimum of 20 feet in width and improved to a mud free condition suitable for use in all weather conditions. Suitable materials shall be applied to the roads to control dust. Parking shall not be permitted on the roads. In all other respects, the roads shall meet the standards of the Township Subdivision and Land Development Ordinance, unless waivers are granted by the Township pursuant to said Ordinance.
10. A tenant shall not occupy a space in the travel trailer park for more than nine (9) consecutive weeks. Occupancy of any space in the park for four (4) or more nights in any one (1) week shall be considered occupancy for one (1) week.

After occupancy in the travel trailer park for nine (9) consecutive weeks, a tenant shall not occupy a space in the park for more than three (3) nights in any one (1) week for a period of four (4) consecutive weeks.

The owner of the travel trailer park shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to the Township upon request of the Township Supervisors or person authorized by the Supervisors. The owner shall retain each registration list for a period of one (1) year.

Section 724. CHURCHES AND RELATED USES

Churches and related uses are subject to the following criteria:

1. House of Worship:
 - a. Minimum lot area - Two (2) acres.
 - b. Minimum lot width - 200 feet.

- c. Maximum permitted lot coverage - 50%, unless a greater percentage is permitted elsewhere within this Ordinance.
 - d. All houses of worship shall have direct vehicular access to an arterial or collector road.
 - e. Side yard setback - 50 feet on each side.
 - f. All off-street parking areas shall be set back at least 25 feet from the street right-of-way line.
 - g. Maximum height restrictions shall not apply to places of worship.
 - h. All buildings shall be at least 100 feet from any street or lot line.
 - i. Minimum distance between buildings shall be 20 feet.
2. Church Related Residences (Parsonages, Convents, etc.):
- a. All residential uses shall be accessory and located upon the same lot or directly adjacent to a lot containing a house of worship.
 - b. All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences within the underlying zone.
3. Church Related Educational or Day Care Facilities:
- a. All educational or day care uses shall be accessory and located upon the same lot as a house of worship.
 - b. If education or day care is offered below the intermediate level, an outdoor play area shall be provided, at a rate of 100 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas, unless the applicant can demonstrate that such parking lots are not in use during play periods. Outdoor play areas shall not be located within the front yard and must be set back 10 feet from all property lines. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
 - c. Enrollment shall be defined as the largest number of persons under day care supervision at any one (1) time during a seven-day period.
 - d. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
 - e. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone.
 - (1) Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) persons enrolled, plus one (1) parking space for each employee.

4. Cemeteries:

- a. A minimum lot area of one (1) acre shall be provided for a cemetery.
- b. All burial plots and facilities shall be in accordance with the appropriate setbacks of the governing zoning district.
- c. In no case shall any use relating to a cemetery be located within the 100-year flood plain of an adjacent watercourse.
- d. With the exception of service to a church located on the same lot, no public water or sewer facilities shall be permitted in the tract.
- e. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

Section 725. CLUBS OR LODGES FOR FRATERNAL OR SOCIAL PURPOSES

Clubs or lodges for fraternal or social purposes are subject to the following criteria:

1. All private clubs shall front, and have access to, an arterial or collector road, as identified in the Township Comprehensive Plan.
2. All off-street parking shall be provided between the front face of the building and a point 25 feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back 30 feet from any adjoining residential lot lines.
3. All outdoor recreation/activity areas shall be set back at least 50 feet from any property line.
4. Screening shall be provided along any adjoining residentially zoned property.

Section 726. COMMERCIAL COMPOSTING AND COMMERCIAL MUSHROOM OPERATIONS

Commercial Composting and/or commercial mushroom operations are subject to the following criteria:

1. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak-proof and vector-proof.
2. The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.
3. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back-up onto public roads.
4. All driveways onto the site must be paved for a distance of at least 100 feet from the street right-of-way line. In addition, a 150-foot long gravel section of driveway shall

be placed just beyond the preceding 100 feet paved section, to help collect any mud that may have attached to a vehicle's wheels.

5. The unloading, processing, and transfer of septage and spent mushroom compost shall be continuously supervised by a qualified facility operator, and such area shall be screened from all roads and adjoining properties.
6. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations.
7. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quality of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township Engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

- a. Calculations of the projected water needs.
- b. A geologic map of the area, with a radius of at least one (1) mile from the site.
- c. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
- d. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.
- e. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
- f. A determination of the long-term safe yield based on the geologic formation(s) underlying the site.
- g. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

- h. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 8. A minimum 100-foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip.
- 9. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site, and safe through-movement on the existing road.
- 10. Any structure used for the storage, building, loading, processing, and/or packaging of spent mushroom compost shall be set back at least 300 feet from all property lines, and 500 feet from any adjoining residentially zoned properties. In addition, any ventilation outlets must be oriented away from any land within said Zones.

Section 727. COMMERCIAL CONVERSIONS

Commercial conversions are subject to the following criteria:

- 1. Only single family detached dwellings that existed on the effective date of this Ordinance may be converted to include a commercial shop, salon, or office. Such commercial uses shall be limited to that area of the building, as it existed on the effective date of this Ordinance.
- 2. The applicant shall furnish evidence that any alterations, improvements, or other modifications proposed to the building will be accomplished in a manner that complements its residential character.
- 3. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- 4. All commercial off-street parking and/or loading areas shall be screened from adjoining residences and roads.
- 5. One (1) sign shall be permitted which is no larger than 6 square feet and is affixed to the building.

Section 728. COMMERCIAL LIVESTOCK HAULING

Commercial livestock hauling is subject to the following criteria:

- 1. The use must have been in existence on the effective date of this Ordinance.
- 2. Except for livestock raised on the property, no livestock shall be stored or transported to or from the site.

3. All service and/or repair activities shall be conducted within a completely enclosed building.
4. All exterior storage of vehicles used in the hauling operation shall be set back at least 50 feet from adjoining street lines and property lines, and shall be covered in an all-weather and dust-free surface.
5. The storage of junked vehicles and/or equipment is prohibited.

Section 729. COMMERCIAL SIGHTSEEING RIDES

Commercial Sightseeing Rides are subject to the following criteria:

1. Applicant shall submit a plan for proposed tour routes for approval by the Board of Supervisors.
2. In the case of carriage/wagon rides pulled by live animals, the Applicant shall also submit a manure control/management plan for approval by the Board of Supervisors.
3. All vehicles proposed to be operated on public roads shall conform to PennDOT's Vehicle Equipment and Inspection Regulations.
4. The maximum number of passengers per vehicle shall be 16.
5. All vehicles shall be equipped with rubber tires or rubber coated wheels.
6. Only 4 vehicles shall be allowed on public roads at any one (1) time for such purpose. As part of the plan required under Subsection 1. above, the Applicant shall provide information on the proposed spacing/timing of vehicles – so as not to create a traffic hazard on public roads.
7. Tours shall be operated only between sunrise and sunset, unless extended hours of operation are approved by the Board of Supervisors.
8. Excessive noise, such as through amplified speaker systems, from such vehicles beyond the immediate vicinity of the vehicle is prohibited.
9. Operators of tours shall furnish proof of liability insurance to the Township. Proof shall be furnished to obtain the annual permit required by Subsection 11. below.
10. The area of land used for the base of operations shall not exceed 2 acres, including parking areas as required in Section 612.
11. Annual permits shall be required and may be revoked for cause. Each application for an annual permit shall be accompanied by the applicable fees, which shall be established by the Township Board of Supervisors from time to time by resolution.
12. The Board of Supervisors may attach conditions for the use of aircraft, provided the conditions don't conflict with FAA Regulations.
13. The Board of Supervisors may attach other conditions, as it feels necessary for the safety of patrons and public, and for adherence to the above conditions.

COMMUNICATION TOWERS AND CELL SITE ANTENNAS

1. The following standards shall be applicable to the siting, installation, and construction of communication towers and antennas. Improvements and additions shall require permit renewals but additional approvals shall not be required if cell base location and ground appurtenances are not altered. Any changes to the height or base of the structure or appurtenances such as fences, equipment cabinets or similar structures shall require additional approval and inspection.
 - a. Antenna Permit Fee. The applicant shall pay to the Township an annual Permit Fee as set by resolution of the Board of Supervisors.
 - b. Location. The applicant shall be required to demonstrate, using technological evidence, that the communication tower must be located where it is proposed.
 - c. Height. The applicant must demonstrate that the communication tower is the minimum height required to function satisfactorily. Maximum height of the tower shall not exceed 200 feet, including antenna. Accessory facilities shall meet the height requirements of the zoning district in which it is located.
 - d. Structure Design. The applicant shall demonstrate that the proposed communication tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference. An Engineer's certification shall be provided as to structural capacity in accordance with the provisions of this Ordinance.
 - e. Fence. A fence shall be required around the communication tower and other equipment. The fence shall be 8 feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
 - f. Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building):
 - (1) An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity.
 - (2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - g. Parking Spaces. If the communication tower is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
 - h. Other Permitted Uses. All other uses associated with the communicating tower such as a business office, transmission studio, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.

- i. Accommodating Use. In order to reduce the number of communication towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services. Prior to proposing the construction of a new tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing tower or structure within close proximity of the chosen site. Space for township communication systems shall be made available at no cost.
- j. Building Permit. The applicant shall obtain a building permit in accordance with the Township requirement prior to commencement of construction or any modification of any communication tower.
- k. Federal Communication Commission. If the use of the communication tower requires licensing by any State or Federal agency, including but not limited to the Federal Communication Commission, the applicant shall present evidence that it has obtained such a license.

The applicant shall demonstrate that the proposed communication tower, and communication antennas proposed to be mounted thereon, comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communication tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communication tower and communication antennas.

- l. Painting/Lighting. Communication towers shall be painted with silver or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees to lessen visual impact. All support structures shall meet all applicable Federal Aviation Administration regulations. No communication tower may be artificially lighted except when required by the Federal Aviation Administration or by State regulations.
- m. Annual Certification. In January of each year an inspection shall be performed by an independent Engineer acceptable to the Township and paid by the applicant. Verification shall be provided to the Township Zoning Officer that there have been no changes in the operating characteristics of the commercial communication tower or antenna as approved at the time of Conditional Use application, including at a minimum:
 - (1) Direction of the signal.
 - (2) Frequency, modulation and class of service.
 - (3) Transmission and maximum effective radiated power.
 - (4) Manufacturer, type and model of equipment.

- (5) Height of the antenna.
 - (6) Name, address and emergency telephone number of the operator.
 - (7) Copy of current FCC license.
 - (8) Review of all reasonable requests of shared use of the tower.
- n. Removal. The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. Any antenna or tower that is not operated, and for which there is no intent or attempt to operate, for a continuous period of time of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days after receipt of notice from Longswamp Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna, at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users have abandoned the tower or antenna.
 - o. Lot Size. The minimum lot area shall be one (1) acre.
 - p. Setback. The setback of the tower from all property lines and existing street right-of-way lines shall be no less than the height of the tower. All guy wire anchors shall be set back a minimum of 40 feet from property lines and existing street rights-of-way. No more than one (1) tower shall be permitted on a site. The setback may be reduced to one-half (1/2) the height of the tower plus antenna if all property owners within the fall zone of the total height of the tower and antenna provide a recordable release indemnifying the Township.
 - q. Separation Distance. All communication towers shall be located at least one-half (1/2) mile from any other communication towers.
 - r. Signs. No portion of any communication tower or antenna shall be used for a sign or other advertising purpose. No routine lighting of a tower, antenna, or accessory facilities shall be permitted.
 - s. Occupancy Permit. Prior to a Certificate of Use and Occupancy being issued, the applicant shall provide an Engineer's Certification that the tower is constructed as designed and shall submit the same to the Zoning Officer.
2. ANTENNA. An antenna that is attached to an existing communication tower, smoke tack, water tower, farm silo, or other tall structure, shall conform to the following regulations:
- a. The height of the antenna shall not exceed the height of the existing structure by more than 15 feet.
 - b. All other uses associated with the cell site antenna, such as a business office, maintenance depot, or vehicle storage, shall not be located on the cell site unless the use is otherwise permitted in the zoning district in which the cell site is located.

Section 731. CONTRACTOR'S OFFICE OR SHOP

Contractor's office or shop are subject to the following criteria:

1. Construction vehicles and equipment shall be stored within enclosed structures.
2. A 10-foot buffer yard shall be provided along side and rear lot lines unless a larger buffer yard is required under other provisions of this Ordinance.
3. Off-street parking shall be provided in accordance with the requirements of Article VI.
4. Hours of operation on site shall be limited to minimize impacts on adjacent residential uses.
5. No outdoor storage of supplies, inventory, or materials used in the contractor's operation shall be permitted.
6. Any activities that produce noxious dust, odor, light, or noise, perceptible at the property line are prohibited.

Section 732. CONTRACTOR'S STORAGE YARD

Contractor's Storage is subject to the following criteria:

1. Commercial or industrial uses utilizing outdoor storage space of more than 1,000 square feet, shall be located on a tract of land not less than two (2) acres. Supplies stored outdoors shall be neatly arranged and no required yard setback areas shall be used for storage. There shall be a roadway fourteen (14) feet in width provided for every forty linear (40) feet of stored materials. The roadway shall be kept passable for fire-fighting equipment. Where such use abuts an existing residential use, the following requirements shall apply to the side and rear yard property boundaries:
 - a. Outdoor storage of materials shall be set back at least fifty (50) feet from common property lines.
 - b. Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the storage areas from adjoining properties.
 - c. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
 - d. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

Section 733. CONVENIENCE STORES

Convenience stores are subject to the following criteria:

1. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the store.
2. A minimum of one (1) parking space for each 75 square feet of gross floor area shall be provided. In addition, any accessory uses shall also require those spaces required by Article VI of the Ordinance.
3. Exterior trash and recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and continuously implement a working plan for the clean-up of litter and debris.
4. The subject property shall have a minimum width of 125 feet.
5. The subject property shall front on an arterial or collector road as defined in the Township Comprehensive Plan.
6. The subject property shall be set back at least 300 feet from any lot containing a school, day care facility, playground, library, hospital, or nursing, convalescent or retirement home.
7. All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least 50 feet from any street right-of-way line.
8. Access driveways shall be a minimum of 28 feet wide and separated by 100 feet from one another, if located along the same frontage as measured from edge to edge.
9. All ventilation equipment associated with fuel storage tanks shall be set back 100 feet, and oriented away from any adjoining properties within Agriculture Preservation, Conservation, or Rural Zoning Districts.
10. All automated teller machines shall be located, or contain convenient parking spaces, so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
11. Any external lighting shall be arranged and/or screened to comply with those regulations contained within Sections 605 and 609 of this Ordinance.
12. The applicant is required to demonstrate compliance with all applicable State requirements imposed upon the proposed use.
13. If the convenience store also has gasoline sales or vehicle wash as part of the proposed use, the applicant must also satisfy the criteria in Section 7109.3 and Section 7109.4, respectively.

Section 734. CONVENTION CENTERS

Convention centers are subject to the following criteria:

1. Convention centers may include any of the following uses, provided such uses are primarily sized, located and designed as one (1) integrated development (e.g. shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention center, and not the general public:
 - a. Offices.
 - b. Hotels and motels.
 - c. Meeting rooms and auditoriums.
 - d. Banquet and social halls.
 - e. Restaurants (excluding fast food restaurants).
 - f. Taverns and nightclubs.
 - g. Indoor theaters and arenas.
 - h. Sports stadiums.
 - i. Retail shops and concessionaires.
 - j. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses).
 - k. Commercial day care facilities.
 - l. Information centers and booths.
 - m. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts, and other similar events.
2. Minimum Required Lot Area - Ten (10) acres.
3. All uses shall be served by both public sewer and public water utilities.
4. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road.
5. Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Article VI of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from

the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation, and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, the Board of Supervisors can require the applicant to revise and/or provide additional on-site parking space.

6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion.
7. Any outside pedestrian waiting lines shall be provided with a means of shade.
8. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. Any light generated on the site must comply with Sections 605 and 609 of this Ordinance.
9. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted.
10. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
11. The convention center is eligible to utilize signage applicable to shopping centers, as listed in Article VI of this Ordinance.
12. All uses within the convention center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

Section 735. CONVENTIONAL LOT DEVELOPMENT BY CONDITIONAL USE

Single family detached dwellings, involving conventional lot development is permitted subject to the following criteria:

1. The applicant shall demonstrate that a conventional layout of non-clustered lots will have less of an environmental impact than a single family conservation subdivision, in terms of less wetland impact, less floodplain impact, less tree removal impact, less steep slope impact, less wildlife habitat impact, less farmland displacement impact, less scenic resource impact, or less historic resource impact. If the applicant cannot demonstrate that the conventional lot development will have less impact, then a conservation development plan in accordance with Sections 430 through 439 of this Ordinance shall be prepared to better conserve or preserve critical environmental and cultural resources.

2. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less density than conventional lot development would permit, the Board of Supervisors may require the applicant to file a development plan for the entire parcel or may require the applicant to further restrict subdivision or development on the remainder of the tract by recorded covenant or restriction.

Section 736. CONVERSION APARTMENTS

Conversion apartments are subject to the following criteria:

1. Each conversion apartment must be an independent dwelling unit.
2. Conversion apartments may be established within an existing single family dwelling or may be authorized only for large buildings that have little economic usefulness as single family dwellings or other conforming uses (i.e., schools, industrial buildings, barns) erected prior to the adoption of this Ordinance.
3. The conversion apartment shall contain a minimum of 350 and a maximum of 875 square feet of habitable floor area; however, no conversion apartment shall occupy more than 40% of the area of the single family dwelling unit nor reduce said unit to less than 700 square feet of habitable floor area.
4. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.
5. In the case of a conversion apartment established within an existing single family dwelling, there shall be no exterior evidence of the conversion apartment except for the existence of an entrance that is separate and private from that of the single family dwelling.
6. If the facility is not connected to public sewer, documentation of Township Sewage Enforcement Officer approval of the on-lot sewage disposal system is required.

Section 737. DAY CARE CENTERS – COMMERCIAL AND FAMILY DAY CARE

1. Commercial day care centers are subject to the following criteria:
 - a. An outdoor play area shall be provided, at a rate of 100 square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a 6-foot high fence, and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as shade trees or pavilion.
 - b. Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one (1) time during a seven-day period.

- c. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so the passengers do not have to cross traffic lanes or adjacent to the site.
 - d. One (1) off-street parking space shall be provided for each six (6) students enrolled, plus one (1) parking space for each employee.
2. Family day care is subject to the following criteria:
- a. All family day care facilities shall be conducted within a single family detached dwelling.
 - b. A family day care facility shall offer care and supervision to no more than four (4) different minors during any calendar day.
 - c. All family day care facilities with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use issued by the Pennsylvania Department of Public Welfare.
 - d. An outdoor play area no less than 400 square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. Outdoor play areas shall be setback at least 25 feet and screened from any adjoining residentially zoned property. A 6-foot high fence shall completely enclose the outdoor play area. Any vegetative materials located within the outdoor area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade such as shade trees or pavilion.

Section 738. DORMITORIES

Dormitories are subject to the following criteria:

- 1. This provision shall only apply to a residential use that is related to an educational or public institution, including religious institutions, or a commercial recreational use.
- 2. At least one (1) competent adult age 22 years or older shall live on-site and serve in a supervisory role.
- 3. A dormitory building shall be setback a minimum of:
 - a. 100 feet from the boundary of a CR – Commercial Recreation District, and
 - b. 200 feet from any dwelling that is not owned by the organization to which the dormitory building is accessory to.
- 4. Noise abatement measures shall be used to avoid conflicts with nearby dwellings.
- 5. Landscaping shall be used as a buffer between a Student Group Residence and any nearby dwellings.

Section 739. DRIVE THRU SERVICE FACILITIES

Drive thru service facilities, including but not limited to facilities located accessory to banks, restaurants, beverage sales, etc., shall be subject to the following criteria, where applicable:

1. The subject property shall front on an arterial or collector road.
2. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.
3. All drive thru window lanes shall provide sufficient space to stack vehicles waiting to transact business and shall be separated from the parking lot's interior driveways by the use of curbs and/or planting islands.
4. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impacts on adjoining properties.
5. Any exterior seating/play areas shall be completely enclosed by a minimum three-foot high fence.
6. Any and all criteria must be met and any and all approvals must be obtained for the primary use, such as bank, restaurant, beverage sales, etc., to which the drive thru is accessory to.

Section 740. DRY CLEANERS, LAUNDRIES AND LAUNDROMATS

Dry cleaners, laundries and laundromats are subject to the following criteria:

1. Public sewer and water shall be used.
2. All activities shall be conducted within a completely enclosed building.
3. During operation or plant clean up and maintenance, all windows and doors on walls facing adjoining residentially zoned properties shall be kept closed.
4. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned properties.
5. Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry related uses shall provide one (1) off-street parking space for each 400 square feet of gross floor area.

Section 741. ELDER COTTAGE HOUSING (ECH) UNITS

1. Purpose and Legislative Intent. It is hereby declared a matter of legislative declaration and belief that the increasing numbers of elderly persons in the Township are in need of suitable forms of housing which would allow for the elderly to remain as independent as possible, while maintaining a close connection to the members of their family. It is the intent of the Board of Supervisors to provide for such housing by Special Exception since this is an acceptable form of alternative housing for the elderly if properly limited.

2. General Requirements of ECH Units

- a. At least one of the proposed occupants of the Elder Cottage Housing Unit ("ECH Unit") shall be a blood relative or adopted relative of the owner or one of the owners of the lot where the ECH Unit is to be situated.
- b. At least one occupant of the ECH Unit shall be at least 62 years of age.
- c. There shall be no more than two (2) occupants of the ECH Unit. In no event shall a nurse be deemed to be an occupant of the ECH Unit when that said nurse is providing medically necessary nursing care for the occupant or one (1) of the occupants of the ECH Unit.
- d. The owner or at least one (1) of the owners of the lot shall live either in the principal dwelling unit or ECH Unit on a permanent basis.
- e. The right to utilize the ECH Unit shall terminate upon any one of the following events: (1) the death of the occupants of the ECH Unit; (2) the date of the conveyance or other transfer of the lot by the owner or owners; (3) the failure to comply with any of the requirements specified herein; or (4) the failure to comply with any of the conditions imposed by the Zoning Hearing Board.
- f. Upon termination under either Section 741.2.e.(1) or Section 741.2.e.(2), the owner or owners shall give written notice of such event to the Zoning Officer within 10 days of the date thereof. The ECH Unit, as well as any breezeways, attachments, and connections thereto shall be removed from the lot within 120 days of said date of termination.
- g. The date of termination under Section 741.2.e.(3) or Section 741.2.e.(4) shall be the date of receipt of written notice of said failure to comply. The owner or owners of the lot shall have 30 days from said date to cure all violations specified in said written notice. In the event that compliance is not accomplished within said 30-day period, then the ECH Unit, as well as any breezeways, attachments and connections thereto shall be removed from the lot within 120 days of the date of termination.
- h. One (1) off-street parking space shall be provided for each motor vehicle owned by the proposed occupant or occupants, which parking spaces shall meet all requirements of this Ordinance.

3. Location, Size, Height and Area Requirements

- a. The ECH Unit shall have a minimum floor area of 200 square feet and a maximum floor area of 800 square feet.
- b. The ECH Unit shall not exceed 16 feet in height measured from the bottom of the main floor to highest point of the roof.
- c. The ECH Unit shall not be permanently attached to the existing dwelling unit nor shall the ECH Unit be located more than 50 feet from the existing dwelling unit.

- d. The ECH Unit shall be located in the rear of the lot unless the Zoning Hearing Board determines that it would be impractical to so locate the ECH Unit due to sewage, drain fields, or surface water drainage, in which event the ECH Unit may be located in the side yard. The ECH Unit, when located in the rear of the lot, shall comply with all side yard, rear yard and lot coverage requirements of the Zoning District wherein the lot is located. The ECH Unit, when located in the side yard, shall comply with all front yard, side yard, rear yard and lot coverage requirements of the Zoning District wherein the lot is located.

4. Design Requirements

- a. The ECH Unit shall be constructed of materials which allows for the removal of the unit upon an event of termination such that the lot can be restored to its original condition prior to removal.
- b. No permanent walls, fences or other similar structures shall be installed, provided that the ECH Unit may be temporarily connected to the existing dwelling unit by the construction of a breezeway subject to the approval of the Zoning Hearing Board.
- c. The exterior of the ECH Unit shall be compatible with the architecture of the existing dwelling unit, as determined by the Zoning Hearing Board.
- d. The ECH Unit shall be designed in such a manner so that the existing sewer and water service may be utilized for servicing the ECH Unit without providing additional sewer or water facilities. All such designs shall be subject to the approval of the Township Sewage Enforcement Officer.

5. Additional Regulations. In rendering its decision, the Zoning Hearing Board shall consider the following general provisions for all ECH Units permitted by Special Exception:

- a. The compatibility of the use, structure or development with the purpose and intent of the applicable Zoning District and with the Township Comprehensive Plan.
- b. The suitability of the site for the use, structure or development.
- c. The compatibility of the use, structure or development with the existing adjacent properties, with the community as a whole, and with the anticipated development in the foreseeable future.
- d. The effect the use, structure or development will have on existing streets, transportation patterns, public services and public facilities, and the logical and economical extension of such streets, services and facilities.
- e. The compatibility of the site for on-lot sewer and water facilities.
- f. The importance of the use, structure or development and the availability of alternate locations.

6. Application Procedures. In addition to all other requirements of this Ordinance, all

property owners who desire to install an ECH Unit on a lot shall submit a written application to the Zoning Hearing Board, which shall contain the following information:

- a. The names and addresses of all owners of the lot.
- b. The names and addresses of the proposed occupants of the ECH Unit, as well as a statement of their relationship to the owners of the lot.
- c. A plan of the lot showing the dimensions and location of all existing structures on the lot, as well as all paved areas and square footage of the existing dwelling unit.
- d. A floor plan for the ECH Unit, as well as a drawing depicting where the same shall be located on the lot.
- e. An architectural drawing showing the design and landscaping of the ECH Unit in conjunction with existing dwelling unit.
- f. A brief description of the water and sewer systems to be utilized for the purpose of serving the ECH Unit.
- g. The decision of the Zoning Hearing Board granting approval shall specifically prescribe all of the conditions applicable to the ECH Unit, including those herein enumerated, and shall be acknowledged in writing by the applicant before a permit is issued.

Section 742. EXCAVATION CONTRACTORS

Excavation contractors are subject the following criteria:

1. Outdoor storage of construction equipment shall be limited to operable equipment and also shall be subject to the requirements of Section 732. Derelict and inoperable equipment shall be stored within enclosed structures.
2. No excess material shall be stored on site.
3. Hours of operation on site shall be limited to daylight hours within 1,000 feet of any residence or residential zone.
4. Any changes in topographical site characteristics or materials extraction shall require an approved Erosion and Sedimentation Control Plan.

Section 743. FARM EQUIPMENT SALES AND SERVICE

1. Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.
2. Minimum lot areas shall be two (2) acres with the maximum lot area being five (5) acres.

3. Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
4. Structures shall be located at least 50 feet from all property lines.
5. The maximum lot coverage shall be not greater than 20%.
6. Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
7. All driveways, parking areas, and loading zones shall be surface and maintained in a manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
8. No service of privately registered automobiles shall be permitted, except on an incidental basis. Repairs and service shall be limited to agricultural equipment and implements.
9. No fuel sales are permitted.
10. The Applicant shall demonstrate that the proposed type and location of the facility is necessary for the agricultural community.
11. Service and/or repair activities shall be generally conducted within a wholly enclosed building.
12. No outdoor storage of junked or discarded vehicles, parts, equipment, or other materials used is permitted.
13. All exterior equipment storage areas shall be screened from adjoining residentially zoned properties.
14. The Board of Supervisors may require additional screening.

Section 744. FARM OCCUPATIONS

Farm occupations are subject to the following criteria:

1. For the purposes of this Ordinance, farm occupations may involve the following uses:
 - a. Retail sales of agricultural products principally produced on the farm, with a display area not to exceed 600 square feet.
 - b. Facilities for the service and repair of farm machinery and equipment, and small engines.
 - c. Facilities contributing to the agrarian lifestyle characteristic of the residents of the Township. Such facilities include, but are not limited to:
 - (1) Arts and crafts manufacturing, with a retail sales display area not to exceed 600 square feet.
 - (2) Carpenters.
 - (3) Woodworking, furniture, and cabinet making shops.

- (4) Metalworking shops.
 - (5) Butcher shops.
- 2. All farm occupations shall be conducted upon the same lot as an actively farmed parcel.
- 3. No more than two (2) nonresidents of the farm parcel shall be employed by the farm occupation.
- 4. The use must be conducted within a completely enclosed building.
- 5. Any outbuilding used for such farm occupation shall be located behind the principal farm residence on the site.
- 6. No outdoor storage of supplies inventory, or materials, used in the farm occupation, shall be permitted.
- 7. Any activities that produce noxious dust, odor, light, or noise, perceptible at the property line are prohibited.
- 8. All off-street parking and loading areas shall be contained behind the principal farm residence.
- 9. The Zoning Hearing Board may attach additional conditions upon a farm occupation to preserve the agricultural character of the area and protect adjoining uses.

Section 745. FARM RELATED BUSINESS

Farm related businesses are subject to the following criteria:

- 1. The applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than the distribution of goods produced on the farm. Some examples of farm related businesses (if suitably-sized) include, but need not be limited to:
 - a. Sales or repair of agricultural equipment.
 - b. Blacksmith shops, farriers.
 - c. Butcher shops.
 - d. Grain mills.
 - e. Processing of locally produced agricultural products.
 - f. Veterinary offices which primarily treat farm animals, stables, kennels.
 - g. Feed supply, fuel, and fertilizer distributors.
 - h. Composting and other farm waste storage facilities.

- i. Welding shops.
2. Uses shall have a minimum lot size of one (1) acre. A farm-related business shall occupy no more than three (3) acres.
3. No part of a farm related business shall be within 200 feet of any land within a residential zone, nor 300 feet of any existing dwelling unit, except on the home premises.
4. Road classification must be appropriate for the expected type of volume of road traffic that will be generated by the proposed use.
5. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least 50 feet from the street right-of-way. In addition, another 50 feet gravel section shall be located just beyond the paved apron.
6. Any outdoor storage of supplies, materials, and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
7. One (1) sign shall be permitted for a farm related business in accordance with Article VI.
8. Vegetative screening must be provided in accordance with Article VI of this Ordinance when a farm related business abuts any property used principally for residential purposes. Certain pieces of apparatus used for farm related businesses, which create noxious dust, odor, light, or noise, shall require greater setbacks and vegetative screening, as determined by the Board of Supervisors.
9. Any building constructed for use by the farm related business (unless uniquely suited to that business), shall be of a type so that it can be converted to agricultural use, in the event the farm related business is discontinued (e.g., barn or shed).

Section 746. FUEL DISTRIBUTION AND STORAGE FACILITIES

Fuel distribution and storage facilities are subject to the following criteria:

1. A 50-foot buffer yard in accordance with the provisions of Article VI shall be provided along the side and rear property lines.
2. Minimum Lot Size - Three (3) acres.
3. All outdoor storage facilities for fuel, raw materials, and products stored outdoors shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public health, safety, and welfare.
4. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
5. No substance which can:

- a. Contaminate groundwater or surface water;
- b. Render groundwater or surface water undesirable as a source of water supply or recreation; or,
- c. Destroy aquatic life.

shall be allowed to enter any groundwater or surface water.

- 6. All storage vessels shall comply with State and Federal regulations and statutes.
- 7. Spill contaminant facilities shall be designed and provided.
- 8. Impervious berms around fuel storage tanks may be required.

Section 747. FUNERAL HOMES AND MORTUARIES

Funeral homes and mortuaries are subject to the following criteria:

- 1. The subject tract shall front on and gain access from either a major collector or minor collector road as identified in the Township Comprehensive Plan, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.
- 2. If the facility is not connected to public sewer, documentation of Township Sewage Enforcement Officer approval of the on-lot sewage disposal system is required.
- 3. The applicant shall submit a plan to demonstrate that sufficient off-street parking will be provided to prevent traffic back-ups onto adjoining roads.
- 4. The Township may require screening.
- 5. The applicant shall furnish expert testimony that the disposal of human remains, and related chemicals and materials, shall be in accordance with applicable laws and standards.
- 6. The Zoning Hearing Board can attach conditions which it feels are necessary to protect nearby properties, the intent of the Zoning Ordinance, and/or the general public welfare.

Section 748. GAMING FACILITIES

Gaming facilities are subject to the following criteria:

- 1. A gaming facility shall not be permitted to be located within 1,000 feet of any other gaming facility.
- 2. No gaming facility shall be located within 1,000 feet of any residentially zoned land.
- 3. No gaming facility shall be located within 1,000 feet of any parcel of land which

contains any one or more of the following specified land uses:

- a. Amusement Park.
 - b. Camp (for minor activity).
 - c. Child care facility.
 - d. Church or other similar location for religious congregation.
 - e. Community Center.
 - f. Museum.
 - g. Park.
 - h. Playground.
 - i. School.
 - j. Other land where minors congregate.
4. The distance between any two gaming facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any gaming facility and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the gaming facility to the closest point on the property line of said land use.
 5. No alcoholic beverages are permitted on the premises.
 6. No more than one (1) off-track betting parlor may be located within one (1) building or shopping center.
 7. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
 8. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
 9. A working plan for the clean-up and recycling of litter shall be furnished and implemented by the applicant.
 10. Off-street parking shall be provided at the rate of one (1) space per each 65 square feet of gross floor area, including related dining, restaurant, and snack bar areas.
 11. All gaming facilities shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Non-primary Locations, as defined therein.

Section 749. GOLF COURSES AND COUNTRY CLUBS

Golf Courses and Country Clubs are subject to the following criteria:

1. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
2. Golf Paths. Golf paths shall be graded so as to discharge stormwater runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
 - a. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - (1) Each crossing shall be perpendicular to the traffic movements.
 - (2) Only one (1) street, access drive or driveway may be crossed at each location.
 - (3) The crossing must be provided with a clear sight triangle of 75 feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, 5 feet from the edge of the roadway. No permanent obstruction over three feet high shall be placed within this area.
 - (4) Sight Distance. Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by the requirements of the Longswamp Township Subdivision and Land Development Ordinance.
 - (5) The golf cart path shall not exceed a slope of 8% within 25 feet of the cartway crossing.
 - (6) Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
 - (7) Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on- grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
3. All golf course buildings shall be set back a minimum of 75 feet from any adjoining roads and 100 feet from adjoining residential structures or parcels.
4. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
 - a. Clubhouse, which may consist of:
 - (1) Restaurant, snack bar, lounge and banquet facilities.
 - (2) Locker and rest rooms.

- (3) Pro shop.
- (4) Administrative offices.
- (5) Golf cart and maintenance equipment storage and service facilities.
- (6) Guest lodging for those using the golf course, provided:
 - (a) No lodging units have separate exterior means of ingress/egress.
 - (b) All lodging units shall be contained within the main clubhouse.
 - (c) Such guest lodging shall have a total occupancy of no more than 20 persons.
- (7) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
- (8) Game rooms, including card tables, billiards, ping-pong, and other similar table games.
- (9) Baby-sitting rooms and connected fence-enclosed playlots.

b. Accessory recreation amenities located outside a building, including:

- (1) Driving range, provided that no lighting is utilized.
- (2) Practice putting greens.
- (3) Swimming pools.
- (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.
- (5) Boccie ball, croquet, shuffleboard, quoits, and horseshoe pits.
- (6) Picnic pavilions, picnic tables, park benches, and barbecue pits.
- (7) Hiking, biking, horseback riding, and cross-country ski trails.
- (8) Playground equipment and playlot games, including four-square, dodge ball, tetherball, and hopscotch.

c. Freestanding maintenance equipment and supply buildings and storage yards.

- 5. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least 100 feet and screened from adjoining residential structures and roads.
- 6. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

7. Golf Courses – Miniature – Stand-Alone Use

- a. Minimum lot area: One (1) acre.
- b. All parking shall be set back not less than 20 feet from any residential district.
- c. The Township may require screening.

8. Golf Driving Ranges – Stand-Alone Use

- a. Minimum lot area: Five (5) acres.
- b. All buildings and accessory uses shall be set back at least 100 feet from all lot lines.

- c. There shall be a minimum setback of 100 feet from the field of play to any adjacent property line or street right-of-way.
- d. All outdoor storage of maintenance equipment shall be set back at least 100 feet and screened from adjoining residential structures and roads.
- e. All parking shall be set back not less than 20 feet from any residential district.
- f. Nets shall be erected when required to prevent golf balls from exiting the range.

Section 750. GREENHOUSES AND NURSERIES – COMMERCIAL AND RETAIL SALE OF NURSERY AND GARDEN MATERIALS

Commercial greenhouses and nurseries and the retail sale of nursery and garden materials is subject to the following criteria:

- 1. All greenhouses and nurseries shall have vehicular access to an arterial or collector road, as identified in the Township Comprehensive Plan.
- 2. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed 25% of the total gross display and sales area on the subject property. The display and sale or repair of motorized nursery or garden equipment shall not be permitted.
- 3. All outdoor display areas shall be setback at least 25 feet from the street right-of-way line.
- 4. All structural improvements, including parking and loading facilities, but not including a freestanding sign, shall be screened from adjoining residentially zoned properties.
- 5. One (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed 12 square feet in size and must be set back at least 15 feet from all lot lines.

Section 751. GROUP FACILITIES

Group Facilities are subject to the following criteria:

- 1. Group facilities include Community Rehabilitation Facility/Halfway Houses, Emergency Shelters for Homeless, Group Care Facilities, Shelters for Abused Persons, Temporary Shelters and Transitional Housing Facilities.
- 2. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed the minimum space requirements contained in the Pennsylvania Uniform Construction Codes, as amended, as adopted by the Township.
- 3. The Applicant shall provide letters from appropriate Township officials, including, at a minimum, the Zoning Officer and the Fire Chief, that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.

4. Additional Requirements for Community Rehabilitation Facility/Halfway Houses:

- a. The Applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
- b. The Applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Township in writing within 14 days if there is a change in the type of clients, the sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.
- c. The facility shall have 24-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
- d. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
- e. The facility shall not be permitted to be located within 500 feet of any of the following:
 - (1) Any building or other structure used for residential purposes.
 - (2) The geographical boundary line of the zoning district in which the use is located.
 - (3) The geographical boundary line of the Township.
- f. The facility shall not be permitted to be located within 1,000 feet of any of the following:
 - (1) Any other such facility.
 - (2) Any public or private school, public park or playground, or any church or other house of worship.

5. Additional Requirements for Group Care Facilities

- a. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
- b. The Applicant shall provide evidence that the group care facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The group care facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.

6. Additional Requirements for Shelter Facilities

- a. The shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

- b. Applicants for approval of a shelter for abused persons shall prove to the satisfaction of the Township that there will be sufficient security measures to provide adequate protection to the residents.
- c. A temporary shelter shall be approved for a maximum time period of 2 years and shall require another conditional use approval every 2 years. Upon applying for renewal, the Applicant shall provide evidence of need for the continuation of the use.
- d. Upon approval of the use, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every 12 months until such time as the use is removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

7. Additional Requirements for Transitional Housing Facilities

- a. The facility shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
- b. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided.
- c. The operators of the facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license, registration or certification (if applicable) expires or is suspended or withdrawn.

Section 752. GROUP HOMES

Group homes are subject to the following criteria:

- 1. The premises shall be under responsible supervision at all times.
- 2. Each Conditional Use application shall be accompanied by a statement describing the following:
 - a. The character of the facility.
 - b. The program's policies and goals, and means proposed to accomplish the goals.
 - c. The characteristics of the service populations and number of residents to be served.
 - d. The operating methods and procedures to be used.
 - e. Any other aspects pertinent to the facility's program.

- f. Any Conditional Use granted for a group home shall be bound to the type of care extended to the indicated service population. Any change in the service population will require the obtainment of a new Conditional Use.
3. Depending upon the nature of the residents' condition(s), the Board of Supervisors may require outdoor play/recreation areas to be completely enclosed by a 6-foot high fence. In addition, other conditions may also be imposed to protect the general welfare of the surrounding community.
4. Each group home shall obtain and maintain applicable licenses with the appropriate State and Federal government agencies.
5. One (1) off-street parking space is required for each occupant.
6. If the facility is not connected to public sewer, documentation of Township Sewage Enforcement Officer approval of the on-lot sewage disposal system is required.

Section 753. HEALTH AND RECREATION CLUBS

Health and recreation clubs are subject to the following criteria:

1. Minimum lot area - Two (2) acres.
2. Off-street parking shall be provided, as required by the combination of elements comprising the health club, including accessory uses.
3. All outdoor recreation facilities shall be set back at least 50 feet from the street right-of-way line, and 25 feet from all other lot lines.
4. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
5. All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 605 of this Ordinance.

Section 754. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR FACILITIES

Heavy equipment sales, service and repair facilities are subject to the following criteria:

1. All service and repair activities shall be conducted within a completely enclosed building.
2. Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance.

3. All uses involving drive thru service shall provide sufficient on-site staking lanes to prevent vehicle backups on adjoining roads.
4. All exterior storage and/or display areas shall be screened from adjoining residentially zoned properties.
5. All exterior storage/display areas shall be covered in an all-weather, dust-free surface.
6. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles on the property is prohibited.
7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially zoned properties.
8. All vehicles shall be repaired and removed promptly from the premises.

Section 755. HELIPORTS AND HELICOPTER PADS

Heliport and helicopter pads are subject to the following criteria:

1. The use can be considered as an accessory use on the same lot as another permitted use in the district provided that it complies with all other applicable provisions.
2. The approach zone to any proposed landing pad shall be in accordance with the regulations of applicable Federal and/or State agencies.
3. There shall be no existing flight obstructions such as towers, chimneys or other tall structures within the proposed approach zones.
4. Any building, hangar or structure shall be located a sufficient distance away from the landing pad in accordance with the recommendations of applicable Federal and/or State agencies.
5. Building heights in approach zones shall be limited to provide a clear path to and from the useable landing pad.

Section 756. HOME IMPROVEMENT, BUILDING SUPPLIES AND HARDWARE SALES (INDOOR AND OUTDOOR)

Home improvement, building supplies and hardware sales (indoor and outdoor) are subject to the following criteria:

1. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
2. If the subject property contains more than (2) acres, it shall front along an arterial or collector road.
3. The retail sales area shall be all areas open for public display, including, but not

limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above.

4. Off-street parking shall be provided at the rate of one (1) space for each 200 square feet of interior retail sales area, plus one (1) space for each 500 square feet of exterior retail sales area.
5. All exterior retail sales areas shall include a dust-free surface and a completely enclosed minimum 6-foot high fence.
6. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
7. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Sections 605 and 609 of this Ordinance.
8. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building.
9. The applicant shall submit a working plan for the collection, recycling, and disposal of litter and wastes.

Section 757. HOME OCCUPATION REGULATIONS

1. A home occupation is an occupation customarily conducted within a dwelling unit, clearly incidental and secondary to the residential use. Home occupations include medical offices, offices of professionals as defined in this Ordinance, fine arts studios, dressmaking, barber and beauty shops, and similar uses, but shall not include wholesaling, retailing, storage or mail order activities in which goods are distributed on the residential property, the dispensing of food or drink, the repair, servicing, storage, or rental of motor vehicles, clinics and hospitals, tourist and boarding homes, kennels and stables, machine and welding shops and funeral homes.
2. Only a resident of the dwelling unit may practice the home occupation.
3. All of the goods available for retail sale on the premises shall be produced upon the premises.
4. No storage of materials or products related to the home occupation shall be permitted outside buildings.
5. No display of products related to the home occupation shall be visible from adjoining properties or streets.
6. There shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than 2 square feet in area on each side.
7. Not more than one (1) person, whether paid or unpaid, may be employed by the

practitioner of a professional occupation to provide secretarial, clerical or other similar assistance.

8. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare resulting from the home occupation shall be perceptible at or beyond the lot boundaries.
9. Not more than 25% of the total floor area of the dwelling unit shall be used for the purposes of home occupation.
10. Any need for parking generated by the home occupation shall be met off-street on the lot on which the home occupation is carried out. In the case of dental, medical or paramedical offices, four (4) off-street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice.
11. Home occupations shall be conducted within a one or two family dwelling with direct access to ground level.
12. Not more than one (1) home occupation may be practiced in any one (1) dwelling unit.
13. There shall be no alterations made to the outside of the dwelling in manner inconsistent with the basic architecture of the dwelling.

Section 758. HORSE BARNs FOR TRANSPORTATION

Horse Barns for Transportation are subject to the following criteria:

Horse barns for transportation may be permitted as accessory uses to a single-family house in the AP – Agricultural Preservation, CONS – Conservation and R - Rural Districts subject to the following standards. (These standards shall supersede regulations for accessory uses listed elsewhere in this Ordinance):

1. No horse barn shall be permitted on a lot with a lot area of less than 4 acres.
2. Maximum building footprint - 1,600 square feet. The maximum building footprint may be increased only by Special Exception from the Zoning Hearing Board.
3. Maximum Building Height - 26 feet from the lowest finished floor elevation.
4. Minimum front yard setback: Equal to the distance required for principal buildings, plus 15 feet, but no carriage barn shall be located between the front lot line and a principal building or extend beyond the front of any principal building.
5. No barn, hitching post or grazing area may be located in any front yard.
6. Minimum side and rear yard setbacks for barns - 50 feet.
7. Minimum side and rear yard setbacks for grazing areas - 10 feet.
8. No manure or waste may be stored within 100 feet of any lot line.

Section 759. HOSPITALS AND RELATED USES

Hospitals and related uses are subject to the following criteria:

1. Minimum lot size shall be five (5) acres.
2. All buildings shall be at least 100 feet from any street or lot line.
3. Access shall be to a road classified as an arterial or collector in the Township Comprehensive Plan.
4. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
5. Emergency entrances shall be located on a building wall which faces away from adjoining residentially zoned properties or separated by at least 300 feet from residentially zoned properties.
6. The applicant shall submit a Traffic Impact Report.
7. Public sewer and public water utilities shall be utilized.
8. Adequate provision shall be made for the collection, disposal, and recycling of garbage, trash, and medical and hazardous waste.
9. Where more than one (1) of the uses enumerated in Section 744.10 below are proposed, either at one (1) time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment.
10. Permitted Uses
 - a. Commercial day care facilities.
 - b. Commercial schools with exclusively health care related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
 - c. Health and fitness clubs.
 - d. Hospitals and hospices.
 - e. Intermediate care and skilled nursing facilities.
 - f. Medical and dental offices.
 - g. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.

- h. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - (1) Administrative offices.
 - (2) Automobile parking lots and parking garages.
 - (3) Housing for students, employees, and their families in accordance with the standards of the Zoning District.
 - (4) Helipads (See Section 759.11.).
 - (5) Lodging facilities for patients and their families.
 - (6) Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
- i. Retail sales of medical and health care related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales and services for the convenience of employees, patients, and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed 5% of the floor area of existing buildings within the Zoning District.
- j. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues.

11. Specific Requirements for Selected Accessory Uses

- a. Helipads. The helipad shall only be used for the emergency transport by helicopter of patients to or from other permitted health care related uses. The helipad shall not include auxiliary facilities, such as fueling and maintenance equipment. The helipad shall be set back a minimum of 300 feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards.
- b. Incinerators and Autoclaves. Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

12. Maximum Permitted Height - Sixty feet (60') for hospitals.

Section 760. HOTELS and MOTELS, INCLUDING EXTENDED STAY HOTELS

Hotels and motels (including extended stay hotels) are subject to the following criteria:

1. Both public sewer and public water shall be utilized.
2. The following accessory uses may be approved as part of the special exception application:
 - a. Auditorium.
 - b. Barber and beauty shops.
 - c. Tavern or night club.
 - d. Gift Shop.
 - e. Meeting facilities.
 - f. Recreational uses and swimming pools.
 - g. Sauna, spa, or steam room.
 - h. Valet shop.
 - i. Other similar retail sales and personal services.
3. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building.
4. One (1) freestanding restaurant, tavern, or night club shall be permitted on the same lot as a principal hotel, subject to the following:
 - a. The proposed restaurant, tavern, or night club shall offer the preparation and serving of food and drink to be consumed on the premises; no drive thru or take out services shall be permitted.
 - b. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
 - c. If a night club is proposed, the applicant shall furnish evidence as to what means assure that the proposed night club will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering, and hours of operation.
 - d. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern, and/or night club, without interfering with required off-street parking associated with the hotel use.
5. Hotel or motel units shall not be used as apartments for nontransient tenants, shall not contain more than two (2) rooms (excluding bathrooms or kitchens) and shall not be connected by interior doors in groups of more than two (2) units each.
6. Each hotel or motel room unit shall have an area of at least 300 square feet. Each hotel or motel unit shall have a bath facility with at least one (1) shower or bath, toilet facility and sink.

7. Each hotel or motel shall have an office.
8. One (1) apartment with or without kitchen facilities for the use of the hotel or motel manager or caretaker and family within the hotel or motel building is a permitted accessory use.
9. Waste holding (dumpster) areas shall be located no more than 15 feet from the principal building and shall be screened with a minimum 8 feet high screen of either natural or manmade materials.
10. The applicant shall provide a plan for the control of trash, noise, loitering and parking.

Section 761. JAILS OR DETENTION CENTERS

Jails or detention centers are subject to the following criteria:

1. Parcel Size - In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of 50 acres.
2. Site Design Standards - The site shall be improved in accordance with the following minimum requirements:
 - a. The building and all secure areas shall not be less than 200 feet from any property line and the right-of-way line of any abutting public road, and not less than 500 feet from any:
 - (1) Residence.
 - (2) Group care facility.
 - (3) Commercial enterprises catering primarily to persons less than 18 years of age.
 - (4) Public or semi-public building.
 - (5) Public park or public recreation facility.
 - (6) Health facility.
 - (7) Church or synagogue.
 - (8) Public or private school.
 - b. A perimeter security fence, of a height and type determined by the Township, may be required.
3. Security - All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with special care given to the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

4. Accessory Uses and Ancillary Activities - Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities, and other accessory uses ordinarily provided in conjunction with such institutions.

Section 762. JUNK YARDS

Junk yards are subject to the following criteria:

1. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
2. No garbage or organic waste shall be stored.
3. Whenever any motor vehicle or part thereof shall be received in the junk yard, and shall not be held for resale as an operating unit, all gasoline and oil shall be removed from the motor vehicle or part thereof.
4. The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting purposes.
5. The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation of stagnant water upon the premises.
6. No open burning shall be permitted.
7. All junk yards shall be completely enclosed, except at entrances, in accordance with the Township Junk Dealer, Junk Yard and Scrap Yard Ordinance.
8. No materials shall be stored less than 50 feet from any street outside the lot on which the junk yard is located and no materials shall be stored less than 50 feet from a lot line of the lot on which the junk yard is located.
9. Materials stored within the junk yard shall be stacked to a maximum height of 8 feet within 50 feet of screening or fence line. Materials shall be permitted to be piled to a maximum height of 12 feet in the remaining area of the junk yard.
10. Junk yards shall be required to meet all other applicable criteria contained in and operate in accordance with the Township Junk Dealer, Junk Yard and Scrap Yard Ordinance.

Section 763. LABORATORIES – MEDICAL AND SCIENTIFIC OR INDUSTRIAL RESEARCH

1. Medical Laboratories.
 - a. The minimum lot size shall be one (1) acre.

- b. An inventory of biohazard, toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.
 - c. Satisfactory provisions shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke). Toxic and biohazard materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.
2. Research Laboratories – Scientific or Industrial.
- a. The minimum lot size shall be two (2) acres.
 - b. Access shall be via an arterial or collector road.
 - c. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
 - d. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.
 - e. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.

Section 764. LAWN AND GARDEN SALES AND SERVICE

Lawn and garden sales and service are subject to the following criteria:

- 1. Such uses may include the distribution, sales and/or servicing of lawn and garden equipment and supplies.
- 2. All area and bulk requirements of the relevant zoning district shall apply with the following exceptions:
 - a. The minimum lot area (principal and accessory uses) shall be five (5) acres.
 - b. The building setback shall be at least 50 feet from any lot or street line.
 - c. No accessory building utilized in connection with the lawn and garden sales and service may be located in any required side or rear yard.
 - d. No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

3. Parking Requirements

- a. One (1) parking space per non-resident employee plus five (5) spaces for customer parking shall be required.
- b. One (1) off-street loading berth shall be required.
- c. No parking area shall be located within the required front, side or rear yards.

4. Supplemental Regulations

- a. The sales and service business shall be easily accessible from a collector or arterial street or highway with safe ingress and egress for vehicular traffic.
- b. 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.
- c. One (1) premise sign identifying the sales and service business use shall be permitted provided that such sign shall not exceed 12 square feet in area.
- d. No outdoor displays of goods for sale or rental shall be located in required front or side yards.
- e. Except as provided above, all other pertinent provisions of this ordinance shall apply.

Section 765. MANUFACTURING USES AND HAZARDOUS WASTE FACILITIES

Manufacturing uses and hazardous waste facilities are subject to the following criteria:

- 1. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products.

Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used, or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect, and all materials and wastes are properly disposed of on a regular basis.

Should the nature of the use change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner shall so inform the Township Zoning Officer, and shall provide

additional evidence demonstrating continued compliance with the requirements of this Section.

- b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial/manufacturing process, the total number of employees on each shift, and an overall needed site size.
 - c. Any environmental and/or traffic impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and Ordinances.
2. The use shall meet all of the performance standards of Article VI. The applicant shall submit appropriate information on how compliance will be ensured.

Section 766. MEDICAL MARIJUANA FACILITIES

Medical Marijuana Facilities are subject to the following criteria:

1. Definitions

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

- a. Academic Clinical Research Center - An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth pursuant to the Act.
- b. Caregiver - The individual designated by a patient to deliver Medical Marijuana.
- c. Certified Medical Use - The acquisition, possession, use or transportation of Medical Marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of Medical Marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth pursuant to the Act.
- d. Clinical Registrant - An entity that:
 - (1) Holds a permit both as a Grower/Processor and a Dispensary pursuant to the Act; and
 - (2) Has a contractual relationship with an Academic Clinical Research Center under which the Academic Clinical Research Center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.
- e. Commonwealth - Shall mean the Commonwealth of Pennsylvania.
- f. Dispensary - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a

current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.

- g. Dispensary Facility - Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.
- h. Form of Medical Marijuana - The characteristics of the Medical Marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variant and quantity or percentage of Medical Marijuana or particular active ingredient.
- i. Grower/Processor - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process Medical Marijuana in the Commonwealth, pursuant to the provisions of the Act.
- j. Grower/Processor Facility - Any building or structure used to grow Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.
- k. Medical Marijuana - Marijuana for certified medical use as legally permitted by the Commonwealth and the provisions of the Act.
- l. Medical Marijuana Facility - A Dispensary Facility or a Grower/Processor Facility.
- m. Medical Marijuana Delivery Vehicle Office - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one (1) or more Grower/Processor Facilities and/or Dispensary Facilities.
- n. Pennsylvania "Medical Marijuana Act" - PA Act 16, 2016; the "Act".
- o. Registry - The registry established by the DOH for all Medical Marijuana organizations and practitioners in the Commonwealth pursuant to the provisions of the Act."

2. Permitted Uses

- a. Academic Clinical Research Center.
- b. Grower/Processor Facility.
- c. Medical Marijuana Delivery Vehicle Office.
- d. Dispensary Facility.

3. Criteria

a. Academic Clinical Research Center

- (1) Parking requirements will follow the parking regulations found in Section 612 of this Ordinance. Off-Street Parking Regulations shall

- utilize those listed for colleges, universities, technical or fine arts schools, and post- secondary schools as appropriate.
- (2) An Academic Clinical Research Center may only grow Medical Marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The portions of the Academic Clinical Research Center where the Medical Marijuana is grown shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
 - (3) All external lighting serving an Academic Clinical Research Center must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.
 - (4) A buffer planting is required where an Academic Clinical Research Center adjoins a residential use or district, pursuant to Section 604 of this Ordinance.
 - (5) Any and all other provisions contained in the Act affecting the construction, use and operation of an Academic Clinical Research Center.
 - (6) The Academic Clinical Research Center shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized.

b. Grower/Processor Facility

- (1) A Grower/Processor Facility which grows Medical Marijuana must be owned and operated by a Grower/Processor legally registered with the Commonwealth and possess a current and valid Medical Marijuana Permit from DOH pursuant to the Act.
- (2) A Grower/Processor Facility which grows Medical Marijuana can only do so in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The Grower/Processor Facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (3) The maximum floor area of Grower/Processor Facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- (4) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any Grower/Processor Facility where Medical Marijuana growing, processing or testing occurs.
- (5) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH policy or policies and shall not be placed within any unsecure exterior refuse containers.
- (6) The Grower/Processor Facility shall provide only wholesale products to other Medical Marijuana Facilities. Retail sales and dispensing of Medical Marijuana and related products is specifically prohibited at the Grower/Processor Facility.
- (7) A Grower/Processor Facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest

- exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- (8) All external lighting serving a Grower/Processor Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - (9) Parking requirements will follow the parking regulations found in Section 612 of this Zoning Ordinance.
 - (10) A buffer planting is required where Grower/Processor Facility adjoins a residential use or district in accordance with Section 604 of this Ordinance.
 - (11) Entrances and driveways to a Grower/Processor Facility must be designed to accommodate the anticipated vehicles used to service the facility.
 - (12) The Grower/Processor Facility shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized pursuant to the provisions of Longswamp Township Ordinances.
 - (13) Any and all other provisions contained in the Act affecting the construction, use and operation of a Grower/Processor Facility.
 - (14) Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be considered in violation of these provisions by the subsequent location of a public, private or parochial school or day care center.

c. Medical Marijuana Delivery Vehicle Office

- (1) A traffic impact study is required where the office is to be located and operated.
- (2) Parking requirements will follow the parking schedule found in Section 612 of this Ordinance.
- (3) All external lighting serving a Medical Marijuana Delivery Vehicle Office must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- (4) A buffer planting is required where Medical Marijuana Delivery Vehicle Office adjoins a residential use.
- (5) Entrances and driveways to a Medical Marijuana Delivery Vehicle Office must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- (6) The Medical Marijuana Delivery Vehicle Office shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized pursuant to Longswamp Township Ordinances.
- (7) If for some reason a Medical Marijuana product is to be temporarily stored at a Medical Marijuana Delivery Vehicle Office, the office must be secured to the same level as a Grower/Producer Facility and Dispensary Facility.
- (8) Any and all other provisions contained in the Act affecting the construction, use and operation of a Medical Marijuana Delivery Vehicle Office.

d. Dispensary Facility

- (1) A Dispensary Facility must be owned and operated by a legally registered Dispensary in the Commonwealth and possess a current and valid Medical Marijuana permit from the DOH pursuant to the Act.
- (2) A Dispensary Facility may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (3) A Dispensary Facility may not operate on the same site that a Grower/Processor Facility is located.
- (4) A Dispensary Facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of Medical Marijuana and unauthorized entrance into areas containing Medical Marijuana, all of which shall be in accordance with the Act.
- (5) Permitted hours of operation of a Dispensary Facility shall be 8 AM to 8 PM [of the same calendar day].
- (6) A Dispensary Facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of Medical Marijuana and shall have an interior customer waiting area equal to a minimum of 25 percent of the gross floor area of the Dispensary Facility.
- (7) A Dispensary Facility shall:
 - (a) Not have a drive-through service;
 - (b) Not have outdoor seating areas;
 - (c) Not have outdoor vending machines;
 - (d) Prohibit the administering of, or the consumption of Medical Marijuana on the premises; and
 - (e) Not offer direct or home delivery service.
- (8) A Dispensary Facility may dispense only Medical Marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of DOH.
- (9) A Dispensary Facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- (10) A Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the Grower/Processor Facility or Academic Clinical Research Centers and the specific Dispensary Facility they serve, or with which they partner.
- (11) Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.

- (12) All external lighting serving Dispensary Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- (13) Parking requirements will follow the parking schedule found in Section 612 of this Ordinance. Off-Street Parking Regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- (14) A buffer planting is required where a Dispensary Facility adjoins a residential use or district pursuant to Section 604 of this Ordinance.
- (15) Entrances and driveways to a Dispensary Facility must be designed to accommodate the anticipated vehicles used to service the facility.
- (16) The Dispensary Facility shall require a Site Plan review and approval if it is utilizing an existing facility and a Land Development review and approval if a new facility is being built and utilized pursuant to Longswamp Township Ordinances.
- (17) Any and all other provisions contained in the Act affecting the construction, use and operation of a Dispensary Facility.

Section 767. MEDICAL RESIDENTIAL CAMPUSES

Medical Residential Campuses are subject to the following criteria:

- 1. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.
- 2. Commercial, medical and recreational uses shall be grouped together and located near the populations being served.
- 3. The minimum land area devoted to the campus shall be:
 - a. Twenty-five (25) contiguous acres when proposed in the HC - Highway Commercial Zoning District.
 - b. Seventy-five (75) contiguous acres when proposed in the MRC – Medical Residential Campus Overlay Zoning District.
- 4. For all buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least 50 feet from all lot lines of the campus property.
- 5. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this Section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than 50% of the total number of permitted dwelling units shall consist of care beds. For purposes of this Section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but would not be limited to, those associated with medical and/or nursing care, or those associated with assisted living quarters.
- 6. All buildings or structures used solely for residential purposes shall be set back at least 50 feet from all lot lines of the campus property.

7. The maximum permitted height is 50 feet, provided that for that portion of building height exceeding 35 feet, the minimum required setback for the closest property line shall be 50 feet.
8. No more than 60% of subject property shall be covered with buildings, parking and loading areas, and/or other impervious surfaces.
9. Off-street parking for the entire campus shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibilities Guidelines or shall include at least 5% of the total parking spaces, whichever is greater, as those designed for the physically challenged. Furthermore, such parking spaces shall be located throughout the campus parking areas in such a manner to be conveniently accessible to the buildings/uses for which they are required.
10. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial, and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement aged community, will be permitted. Uses may include, but need not be limited to, the following:
 - a. Dwelling, nursing home, and assisted living facilities for the elderly or mentally/physically challenged.
 - b. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities.
 - c. Commercial uses which are related and subordinate to the residential/medical character of the campus and which primarily, but not exclusively, are intended to serve the residents and employees of, or visitors to, the campus. Commercial uses may include, by way of example and not limitation, retail and banking facilities, gift shops, classrooms, conference rooms, craft and music rooms, and day care centers, provided that such accessory uses are for the primary benefit of, but not exclusively limited to use by, residents and their guests as well as employees of the campus.
 - d. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors.

Section 768. METHADONE TREATMENT FACILITIES

Methadone Treatment Facilities are subject to the following criteria:

1. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation.

2. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all current building codes and all other applicable Township, County, State and Federal regulations.
3. Any methadone treatment facility with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application, a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall address the following:
 - a. The number of vehicle trips expected to be generated during an average weekday including both a.m. and p.m. peak hours of adjacent street traffic.
 - b. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
 - c. The routes, roadways or streets to reach the methadone treatment facility.
 - d. The impact of the levels of service at intersections within ½ mile of said methadone treatment facility.
 - e. Recommended traffic control devices designed to mitigate any documented adverse impact on adjacent roadways.
4. Required Off-Street Parking - 12 spaces for every doctor, licensed medical practitioner, and/or counselor; employed at the facility and 1 additional space for every 100 square feet of gross floor area. All off-street parking areas shall be adequately lighted, with a lighting plan included within the submission of the required site plan.

Section 769. METHANE DIGESTER SYSTEMS

Methane Digester Systems are subject to the following criteria:

1. Accessory methane digester systems are permitted accessory uses to farming operations in the AP - Agricultural Preservation, CONS - Conservation and R - Rural Districts, subject to the following:
 - a. Minimum lot area - 10 acres.
 - b. All accessory methane digester systems also shall comply with the requirements of Section 769.3.
2. Regional methane digester systems are permitted by conditional use in the AP - Agricultural Preservation and I - Industrial Districts, subject to the following:
 - a. Minimum lot area - 40 acres.
 - b. A traffic impact study analysis shall be provided, showing the following:
 - (1) Existing traffic volume data for all roadways within 1,000 feet, which provide access to the site;
 - (2) Anticipated traffic volumes for the area identified in Subsection (1) above, resulting from the proposed use as well as background traffic growth;

- (3) Analysis of current and future levels of service for all intersections identified in Subsection (1) above;
 - (4) Physical analysis of all roadways identified in Subsection (1) above, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated storm water drainage characteristics, and sight distances;
 - (5) The traffic analysis shall be reviewed by the Township Engineer.
 - (6) The applicant shall submit a transportation study, detailing the effect of the methane digester system on local roadways, including effect of vehicle weight, congestion, and noise.
 - (7) All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not back-up onto public roads.
 - c. All regional methane digester systems also shall comply with the requirements of Section 769.3.
 - d. The Board of Supervisors can attach conditions which it feels are necessary to protect nearby properties, the intent of the Zoning Ordinance and/or the general public welfare.
3. General requirements for all methane digester systems.
- a. The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.
 - b. Methane digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection.
 - c. Methane digester systems shall be designed and constructed in compliance with all applicable Township, State and Federal codes and regulations. Evidence of all State and Federal regulatory agencies' approvals shall be included with the application.
 - d. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the methane digester system.
 - e. The applicant shall provide either (1) a letter from the Berks County Conservation District stating that the applicant's methane digester system design has been reviewed and approved by the Berks County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Berks County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Berks County Conservation District has failed to respond.

- f. Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area, or above ground storage facility related to the methane digester system shall be located within 50 feet of any side property line, 75 feet of any rear property line, 150 feet from any residential structure other than that of the property owner, and 100 feet from any public road right-of-way. There shall be no discharge of any run-off unto such road right-of-way.

Section 770. MUNICIPAL BUILDINGS, FIRE STATIONS, EMERGENCY SERVICE STATIONS, AND SIMILAR FACILITIES

1. Governmental buildings and facilities, fire stations, emergency service stations, and similar uses shall comply with all bulk and lot regulations of the district in which the use is located, unless the sponsoring agency can submit compelling reasons for a modification to these requirements. In such a case, the Zoning Hearing Board may waive or modify any such requirement.
2. Fire Stations and Emergency Service Stations are also subject to the following:
 - a. All buildings shall be at least fifty feet (50') from any street or lot line.
 - b. Access shall be to a road classified as an arterial or collector in the Township Comprehensive Plan.

Section 771. MUSEUMS-PUBLIC, LIBRARIES-PUBLIC, AND SIMILAR FACILITIES

Public Museums, Public Libraries and Similar Facilities are subject to the following criteria:

1. All lot and bulk regulations of the district in which the use is located shall apply.
2. No parking shall be located within 10 feet of any property line.
3. When the use is permitted by Special Exception, the Zoning Hearing Board may require the installation of landscaping.

Section 772. NIGHT CLUBS

Night clubs are subject to the following criteria:

1. No part of the subject property shall be located within 200 feet of any residentially zoned lands.
2. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, and/or litter.
3. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
4. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

Section 773. NO IMPACT HOME-BASED BUSINESSES

No Impact Home-Based Businesses are permitted as a use by right in all districts, except that such permission shall not exceed any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community. The business or commercial activity must satisfy the following requirements:

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

Section 774. NURSING, CONVALESCENT AND RETIREMENT HOMES

State licensed nursing homes, convalescent homes, or retirement homes, to the extent that this Ordinance does not violate State licensure requirements, are subject to the following criteria:

1. Minimum lot size shall be five (5) acres.
2. All buildings shall be at least 100 feet from any street or lot line.
3. Access shall be to a road classified as an arterial or collector in the Township Comprehensive Plan.
4. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.

5. Off-street parking lots and loading areas shall be screened from adjoining residentially zoned lands.
6. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.

Section 775. OUTDOOR SALES AND SERVICE

The outdoor display and retail sale of merchandise (other than motor vehicles) is subject to the following criteria:

1. The outdoor display and retail sale of merchandise shall not extend into any required setbacks and shall not interfere with the safe and efficient flow of pedestrian or vehicular traffic.
2. All exterior retail sales areas shall include a dust-free surface.
3. All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining properties.
4. All exterior lighting and/or exterior amplified public address systems shall be designed and arranged so as to prevent objectionable impact off the site.
5. The outdoor sales and display area shall comply with all building, yard, height, and area requirements of this Ordinance.
6. The area devoted to outdoor sales and display shall be considered to be buildings for all purposes under this Ordinance.
7. The location of outdoor displays on sidewalks, under canopies, or other areas immediately in front of the building's storefront shall be arranged to provide clear pedestrian access (sidewalk or other area) at least 8 feet wide.
8. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking, and loading, or emergency vehicle access (e.g. fire lanes).
9. The applicant shall submit a working plan to the Township for the clean-up of litter and debris which may result from such outdoor display. Also, the applicant shall depict any intended sidewalk display areas upon any permits and/or plans required by the Township.

Section 776. PET AND ANIMAL GROOMING SHOPS

Pet and Animal Grooming Shops are subject to the following criteria:

1. A minimum parcel size of 3 acres shall be required.
2. The use shall meet all yard requirements.

3. All facilities shall be within a completely enclosed building or structure and a minimum of 100 feet from any dwelling.
4. An animal grooming facility may not be noxious, offensive or otherwise objectionable to surrounding residential uses.
5. The accumulation and storage of manure and any other odor producing substances shall not be permitted except on a daily removal basis.
6. No "pets" weighing over 200 pounds, or which are venomous or poisonous shall be kept on premises.
7. All other non-residential use regulations of this Ordinance shall be met.

Section 777. PETTING ZOOS OR MENAGERIES

Petting Zoos or Menageries are subject to the following criteria:

1. A minimum parcel size of 5 acres shall be required.
2. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
3. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any means.
4. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
5. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
6. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
7. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
8. The operation shall conform to all applicable local, state, and federal regulations.
9. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.
10. The Applicant shall provide for adequate disposal of any waste materials generated on the premises and a detailed plan for the same shall be included with the zoning application.

Section 778. PROCESSING OF FARM PRODUCTS

Processing of farm products is subject to the following criteria:

1. The processing facility is located on the same lot and accessory to the principal agricultural use of the site.
2. A majority of the materials to be processed have been grown or raised on the subject property; the remainder of materials have been grown or raised within the Township.
3. No butchering, slaughtering, or rendering uses shall be permitted.
4. Retail sales of the processed products shall be limited to a display area not to exceed 600 square feet.
5. All processing activities shall be conducted within a wholly enclosed building which is located behind or beside the principal residence.
6. No noxious odor, dust, glare, vibration, or noise shall be perceptible at the property lines.
7. All off-street parking and loading areas shall be contained behind the principal residence.
8. No more than two (2) nonresidents of the farm parcel shall be employed in the processing operation.

Section 779. PROPERTY MAINTENANCE/FACILITY MANAGEMENT OPERATIONS

Property Maintenance/Facility Management Operations are subject to the following criteria:

1. The lot area must be a minimum of 5 acres.
2. Outdoor storage, parking, and unloading areas must be screened per the requirements of Section 604 of this Ordinance.
3. Parking and driveways to be paved in accordance with Section 612 of this Ordinance.
4. De-icing materials must be stored under roof.
5. Water and sewer facilities (public or on-lot) must be provided for any employee areas.
6. No retail sales.
7. Underground fuel tanks are prohibited.
8. Compost materials may be stored on-site, but no production of compost is permitted on the site.

Section 780. RACE TRACKS OR GO-KART TRACKS

Race tracks or go-kart tracks are subject to the following criteria:

1. The use shall meet all of the performance standards of Article VI. The applicant shall submit appropriate information on how compliance will be ensured.
2. Any area where off road vehicle engines will be run, warmed-up, or tested shall be setback a minimum of 300 feet from all lot lines of any existing dwelling.
3. The use shall be completely surrounded by a buffer yard as a described in Article VI.
4. Lighting perceptible beyond the property line shall be minimized in accordance with Sections 605 and 609.
5. Noise and dust shall not be perceptible beyond the boundary.
6. An Erosion and Sedimentation Control Plan approved by the Berks County Conservation District is required.
7. Minimum Lot Area - 20 acres.
8. Maximum site slope shall be 8%.
9. Specific testimony must be provided from a Professional Engineer regarding the safe driving speed for the proposed track.
10. The noise level emanating from a use shall not exceed 55 dBA at lot lines.

Section 781. RECREATIONAL FACILITIES

Unless provided for elsewhere in this Ordinance, recreational facilities are subject to the following criteria:

1. Public parks and/or playgrounds, including, but not limited to, picnic grounds, playing fields, horse riding trails and stables, swimming areas and pools, hiking and biking trails, and tennis courts are subject to the following:
 - a. All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreational use, such as the charging of admission, the sale of food and beverages, sleeping accommodations, and the rental or sale of athletic equipment.
 - b. Accessory uses shall be restricted to those providing necessary amenities to members and guests.
 - c. Minimum lot size shall be 25 acres.
 - d. All buildings, recreation uses and accessory uses, shall be set back a minimum of 100 feet from all lot lines.

- e. Maximum building coverage shall be 5%.
- f. Maximum paved area shall be 10%.
- g. Minimum lot width shall be 500 feet.
- h. Maximum building height shall be 35 feet.
- i. Plans for Stormwater Management and Erosion and Sedimentation Control shall be approved by the Township Engineer.
- j. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 10 feet in width. Areas for loading shall be separate from customer parking areas.
- k. No driveway or street to service a use shall be located within 100 feet of the intersection of any street lines. Design of all driveways and streets shall be subject to approval by the Township Supervisors. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic lane markings, and signs.
- l. Required parking will be determined based upon the types of activities proposed and the schedule listed in Article VI. In addition, the Township Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- m. Any booths or other structures used for the collection of admission and/or parking fees shall be setback and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township Supervisors determine that traffic back-ups are directly related to the means of access to the subject property, the Township Supervisors can require the applicant to revise means of access to relieve the undue congestion.
- n. Any outside pedestrian waiting lines, shall be provided with a means of shade.
- o. The noise level emanating from a use shall not exceed 55 dBA at lot lines.
- p. When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No direct beams of light shall

be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or light intensity greater than one (1) foot-candle beyond the lot boundaries.

- q. A year-round screen at least 5 feet in height shall be provided along all lot lines adjacent to a residential use and along the perimeter of all off-street parking areas. Such screen shall be composed of plantings of such species and density that a screening effect will result and is subject to approval by the Township Supervisors.
2. Commercial recreation facilities shall comply with all applicable requirements listed in Section 1 above, with the following exceptions:
- a. Minimum lot size shall be five (5) acres.
 - b. All buildings, recreation uses and accessory uses, shall be set back a minimum of 100 feet from all lot lines.
 - c. Maximum building coverage shall be 20%.
 - d. Maximum paved area shall be 20%.
 - e. Minimum lot width shall be 300 feet.
 - f. Maximum building height shall be 35 feet. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distances equal to their height, plus an additional 50 feet. Furthermore, such structures shall not be used for occupancy, unless there is qualified evidence that there are sufficient emergency rescue capabilities available for the desired height from the "first-response" fire company.
 - g. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, litter, dust, and pollution.

Section 782. RECREATIONAL VEHICLE PARKS AND TINY HOME COMMUNITIES

Recreational Vehicle (RV) Parks and Tiny Home Communities are subject to the following criteria:

- 1. It shall be unlawful for any person to maintain, construct, alter or extend any RV Park or Tiny Home Community within the limits of Longswamp Township unless he holds a valid permit issued by Longswamp Township. Renewal permits shall be issued by the Board of Supervisors upon furnishing proof by Applicant that his Park or Tiny Home Community continued to meet the standards prescribed by this Ordinance.
- 2. RV Parks and Tiny Home Communities in existence at the date of adoption of this Ordinance and being duly authorized to operate as same by the Township may be continued so long as they otherwise remain lawful.

3. Any subsequent new construction, alteration and extension of an existing RV Park or Tiny Home Community shall comply with the provisions of this Ordinance.
4. A representative of the Township may inspect a RV Park or Tiny Home Community at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance.
5. RV Park/Tiny Home Community Size. No RV Park or Tiny Home Community shall contain less than 5 acres. The maximum density for the entire RV Park or Tiny Home Community shall not exceed 15 units per gross acre.
6. RV/Tiny Home Space Size. The minimum area of an RV or Tiny Home space shall be 1,800 square feet.
7. Setbacks. All units, together with their additions, and appurtenant structures, accessory structures, and other structures on the site (excluding fences) shall observe the following setback requirements (excluding any hitch or towing fixture):
 - a. RV Park/Tiny Home Community Interior Roads - a minimum 15 feet from any interior street right-of-way.
 - b. Exterior Site Boundary - a minimum 25 feet setback from any property line abutting on a public street right of way and a minimum 20 feet setback from any other park property line.
 - c. RV/Tiny Home Unit Separations - a minimum 15 feet setback between units.
 - d. Community or Service Buildings - a minimum 15 feet setback between units and community or service buildings.
8. Site Occupancy. RV/Tiny Home sites shall be occupied by no more than 1 unit or unit in combination with appurtenances (boat, awning, etc.) at any one time.
9. An RV/Tiny Home unit may be placed, installed or erected, and a RV Park/Tiny Home Community may be used or occupied for any of the following purposes, and no other:
 - a. RV/Tiny Home unit.
 - b. Office building designed for and used exclusively by the operator.
 - c. Utility building for the housing of maintenance and repair vehicles, tools and equipment.
 - d. Accessory building containing laundry, washing and drying facilities exclusively for the use for the RV Park/Tiny Home Community occupants.
 - e. Recreation area and related apparatus, including swimming pool and bathhouse with dressing rooms and toilets, exclusively for the use of the occupants of the RV Park/Tiny Home Community.

10. Road Standards.

- a. All interior roads shall be private roads, owned and maintained by the owner or operator of the RV Park/Tiny Home Community. All roads shall be open for access at all times to police and other emergency vehicle access.
- b. Roads shall be surfaced with suitable material approved by the Board of Supervisors and the Township Engineer.
- c. Approaches and other points of ingress and egress with Township roads shall be in compliance with the Longswamp Township Subdivision and Land Development Ordinance. Approaches and other points of ingress and egress with State rights-of-way shall be in compliance with Pennsylvania Department of Transportation regulations.
- d. Interior roads shall have the following minimum widths:
 - (1) Minor street - defined as less than 500 feet in length and serving (1) with drive-through spaces, 50 or less if the street is one-way, 100 or less if the street is two-way or (2) where it is necessary to back into or out of spaces, 25 spaces or less if the street is one-way, 50 or less if two-way:
 - One-way, with no parking – 12 feet width
 - One-way, with parking on one side only – 20 feet width
 - One-way, with parking on both sides – 28 feet width
 - Two-way, with no parking – 20 feet width
 - Two-way, with parking on one side only – 28 feet width
 - Two-way, with parking on both sides – 36 feet width
 - (2) Collector street - defined as a street other than a minor street, and without limitation as to length:
 - One or two-way, with no parking – 22 feet width
 - One or two-way, with parking on one side only – 30 feet width
 - One or two-way, with parking on both sides – 38 feet width
- e. Road termini shall be provided with a cul-de-sac to permit relative ease of turning as approved by the Township Engineer.
- f. Additional ingress/egress routes for emergency access to a public road may be required for RV Parks/Tiny Home Communities designed for 100 or more spaces as determined by the Fire Marshal and approved by the Board.

11. Parking.

- a. Off-street parking shall be provided at the rate of one space for each site. The Township may require additional off-street parking spaces as deemed appropriate to accommodate the parking needs of the RV Park/Tiny Home Community. All parking areas shall be in accordance with this Ordinance.
- b. There shall be at least four off-street parking spaces provided for the RV Park/Tiny Home Community office, together with one additional parking space for each 25 sites above 100 in the park/community.

- c. Each parking space shall be a minimum of 10 feet by 20 feet in size.

12. Sanitary Dump Stations.

- a. A conveniently located dump station for the disposal of self-contained sewage shall be provided in RV Parks/Tiny Home Communities with any spaces designated for self-contained units. Additional dump stations may be required in RV Parks Tiny Home Communities / having 100 or more spaces. All dump stations shall be designed and developed to the standards of DEP.
- b. Sanitary dump stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any space by a distance of at least 50 feet.

13. Buffers, Recreation and Open Space.

- a. Buffering and screening shall be required if the RV Park/Tiny Home Community is not compatible with the surrounding uses, as determined by the Zoning Hearing Board. The purpose of buffering and screening is to create an area providing landscape screening and fencing which is used to reduce visual, noise, light, and incompatibility impacts. The Zoning Hearing Board will determine on a case by case basis the need and extent of landscape screening or fencing necessary to mitigate these impacts. Buffering or screening may be achieved by installing walls or fences. All plantings shall be maintained in a healthy living condition for the life of the RV Park/Tiny Home Community. All buffering or screening walls and fences shall be a minimum of 6 feet in height and shall be approved by the Zoning Hearing Board. When adequate, natural buffers should be encouraged.
- b. Useable Open Space. All RV Parks/Tiny Home Communities shall provide not less than 20% of the total land area for useable open space purposes. Useable open space shall be located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.
- c. Play Areas. Adequate areas shall be provided for play space for children. A minimum of 3,000 square feet of play space shall be provided for parks of 10 or fewer RV lots, and an additional 200 square feet of play space shall be provided for each lot in excess of 10. Play areas shall be suitably equipped and landscaped to provide safe activities for children over a wide range of age. Play areas shall meet the standards of the Americans with Disabilities Act (ADA) for accessibility and Consumer Product Safety Commission (CPSC) safety guidelines.

14. Water Supply.

- a. Source. All RV Parks/Tiny Home Communities shall be connected to the public or a community water system. All water supply systems shall be provided in accordance with the Township Subdivision and Land Development Ordinance and applicable DEP regulations.

- b. Connection. All service buildings shall, and RV/Tiny Home sites may, be connected to a public or a community water supply system. Individual water riser pipes having an inside diameter of not less than ¾ inches shall be provided for each RV/Tiny Home space and shall terminate no less than 4 inches above the ground.
 - c. Protection of Water Lines. Adequate provisions shall be made to protect water service lines from damage including a shut-off valve, installed below the frost line at the curb line, for each RV/Tiny Home space.
15. Sewage Disposal.
- a. Approved System. All RV Parks/Tiny Home Communities shall conform to the Longswamp Township Subdivision and Land Development Ordinance and to the Longswamp Township Act 537 Plan with respect to establishing an acceptable sanitary sewage disposal facility.
 - b. Connection. All service buildings shall be connected to the public or community sewer system. Individual riser pipes having a minimum inside diameter of 4 inches shall be located on each mobile home stand and shall extend 4 inches above ground level. The sewer riser pipe shall be sealed with a securely fastened plug when the site is unoccupied. Positive surface drainage away from the plug shall be provided to ensure not infiltration of surface water will occur. All sewer lines shall be constructed with materials and by methods approved by the Township and the DEP.
 - c. Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout any RV Park/Tiny Home Community. Where spaces are not provided with individual sewer connections, utility buildings shall be located within 300 feet of those spaces. The number of toilets and showers shall be determined by the Township.
16. Lighting. Adequate lighting shall be provided to illuminate streets, driveways and walkways for the safe movement of pedestrians and vehicles. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.
17. Utilities. All water, sewer, electrical and communication service lines shall be located underground when possible and shall be in accordance with all applicable laws and regulations.
18. Landscaping. Lawns or other suitable living ground covers shall be planted and maintained on all areas except those covered by structures, by paved or surfaced areas, or by planting beds. Undisturbed areas such as ravines and streams shall be preserved in their natural state. Proposed revegetation shall be reviewed and approved by the Board of Supervisors to ensure compliance with this Ordinance.

Street trees not less than 1½" to 2" caliper, and of a type approved by the Supervisors, shall be planted along all streets and spaced 35 feet apart, spacing to be staggered along interior streets.

Where existing trees are on the park property, those over six inches caliper shall be retained as far as practicable; otherwise, approved shade trees not less than 1½" to

2" caliper shall be planted and maintained among the RV sites.

19. Park Administration. The owner or operator of a RV Park/Tiny Home Community shall be responsible for ensuring the maintenance of all roads, recreational facilities, landscaping, common areas and facilities, and mobile home sites.

20. Storm Drainage, Erosion and Sedimentation, and Floodplain Controls.

All RV Parks/Tiny Home Communities shall conform to the requirements of the Township Subdivision and Land Development Ordinance and/or Storm Water Ordinance with respect to storm water drainage, erosion and sedimentation, and floodplain controls. These provisions apply to RV Parks/Tiny Home Communities in the construction phase and to fully developed parks.

21. Sensitive Areas/Unstable Lands.

- a. No RV Park/Tiny Home Community shall be approved for location within any part of a 100 year floodplain as delineated by the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency.
- b. No RV Park/Tiny Home Community shall be approved for location in any wetlands including those delineated by the National Wetlands Inventory Maps issued by the U.S. Department of Interior Fish and Wildlife Service;
- c. No RV Park/Tiny Home Community shall be approved for location on any unsuitable land having unstable soils, geologic hazards or other features which may create hazards to the property, or the health and safety of the occupants as determined by the Township Engineer.
- d. When it is found that any of the above listed lands are unsuitable for development within the RV Park/Tiny Home Community, the unsuitable land shall be set aside as a community area, recreation area, or other open space.

22. Fire Protection. Fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Insurance Service Organization and Township regulations, when applicable.

23. Solid Waste Disposal. Solid waste disposal shall be the responsibility of the RV Park/Tiny Home Community operator and shall be performed in accordance with the requirements of DEP and applicable Township ordinances.

24. Insect and Rodent Control. Insect and rodent control measures to safeguard public health, as recommended by the Health Officer or other authority, shall be applied in the RV Park/Tiny Home Community. Effective larvicidal solution may be recommended by the Health Officer for fly or mosquito breeding areas which cannot be controlled by other more permanent measures.

Accumulations of debris that may provide harborage for rodents shall not be permitted in the RV Park/Tiny Home Community. When rats or other rodents are known to be in or near the RV Park/Tiny Home Community, the operator shall take definite action under direction by appropriate health authority, to exterminate them. In addition, suitable measures as recommended by the Health Officer shall be taken by the RV

Park/Tiny Home Community Operator to control other insects and obnoxious weeds.

25. Laundry. A RV Park/Tiny Home Community operator may at his discretion establish a laundry for the use of the RV Park/Tiny Home Community residents. The laundry facilities should be in a separate building and be well ventilated with screened openings; shall be constructed of such moisture proof material including painting woodwork, as shall permit repeated cleaning and washing. The floors of the laundry building shall be of water impervious material and shall slope to a floor drain connected with the sewage system.

Section 783. RECYCLING STATIONS FOR PAPER, PLASTIC, GLASS AND METAL PRODUCTS

Recycling of paper, plastic, glass, and metal products is subject to the following criteria:

1. All operations, including collection, shall be conducted within a completely enclosed building.
2. There shall be no outdoor storage of materials processed, used, or generated by the operation.
3. The applicant shall explain the scope of operation and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust and litter.
4. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

Section 784. RESORTS - HUNTING, FISHING, SKIING, AND BOATING

Hunting, fishing, skiing, and/or boating resorts are subject to the following criteria:

1. Minimum required lot area - Ten (10) acres.
2. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. Any observation towers or ski lifts exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional 50 feet.
4. The applicant shall furnish evidence that approved systems for sewage disposal and water supply will be utilized.
5. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. The applicant must also demonstrate, with qualified expertise, compliance with applicable requirements of Section 609 of this Ordinance.

6. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Article VI. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking area shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion.
8. Any use involving the discharge of firearms shall require approval under Section 794 of this Ordinance.
9. The use may construct one (1) billboard in accordance with the regulations contained in Section 616 of this Ordinance.

Section 785. RESTAURANTS

Restaurants are subject to the following criteria:

1. Minimum lot size - One (1) acre.
2. No building shall be closer than 50 feet to any lot line.
3. Drive thru and/or fast food restaurants are subject to the following additional criteria:
 - a. No part of the subject property shall be located within 100 feet of any residentially zoned land.
 - b. The requirements of Section 739 (Drive Through Service Facilities) shall also apply.

Section 786. RETAIL SALES OF MANUFACTURED PRODUCTS PRODUCED ON SITE

Retail sale of manufactured products produced and/or assembled on the premises is permitted as an accessory use to a permitted manufacturing product or process, subject to the following criteria:

1. Separate structures for retail use shall be limited to 5,000 square feet of gross floor area.

2. Retail sales areas that are part of a manufacturing facility shall be limited to 35% of the total gross floor area of the facility and shall not exceed 5,000 square feet for each retail use.

Section 787. RETAIL STORES

Retail stores are subject to the following criteria:

1. Waste holding (dumpster) areas shall be located no more than 15 feet from the principal building and shall be screened with a minimum 8 feet high screen if either natural or manmade materials.
2. Parking shall be located no closer than 25 feet from any commercial use and 50 feet from all other uses.
3. The applicant shall provide a plan for the control of noise, loitering, traffic, parking, and lighting.
4. Weapons Retail Stores are subject to the following additional criteria:

The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and not less than five hundred (500) feet from any:

- a. Residence.
- b. Group care facility.
- c. Commercial enterprises catering primarily to persons less than eighteen (18) years of age.
- d. Public or semi-public building.
- e. Public park or public recreation facility.
- f. Health facility.
- g. Church or synagogue.
- h. Public or private school.

Section 788. RIDING CLUBS, RIDING SCHOOLS AND HORSE BOARDING STABLES

Riding clubs, riding schools and/or horse boarding stables are subject to the following criteria:

1. Minimum lot area - Ten (10) acres.
2. Any structure used for the boarding of horses shall be set back at least 200 feet from any property line.

3. All stables shall be maintained so to minimize odors perceptible at the property line.
4. All outdoor training or show facilities or areas shall be set back 100 feet from all property lines.
5. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum 4 feet high fence, which will be located at least 10 feet from all property lines.
6. All parking compounds and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking environment or movement of vehicles across neighboring properties.

SECTION 789. SANITARY LANDFILLS AND OTHER SOLID WASTE DISPOSAL AND PROCESSING FACILITIES

Sanitary landfills and other solid waste disposal and processing facilities are subject to the following criteria:

1. The operation of a sanitary landfill or a solid waste disposal and/or processing facility shall not be permitted unless a permit for such facility has been issued by the PA DEP. Evidence of permit renewal shall be provided to the Township on an annual basis. All facilities shall be operated in accordance with the Pennsylvania Solid Waste Management Act and the rules and regulations of the PA DEP.
2. The minimum lot size shall be fifteen (15) acres.
3. Any processing of solid waste including, but not limited to, incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc. shall be conducted within a wholly-enclosed building.
4. No refuse shall be deposited or stored, and no building or structure shall be located within 200 feet of any property line or within 200 feet of any public street.
5. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an 8-foot high fence, with no openings greater than 2 inches in any direction.
6. The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.
7. The use shall be screened from all roads and adjoining properties.
8. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.

9. All driveways onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, a 50-foot long gravel section of driveway should be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
10. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations.
11. Hazardous waste as defined herein or as described by the Pennsylvania Department of Environmental Protection shall not be disposed of within the proposed area.
12. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the clean up of litter shall be submitted to the Township.
13. The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
14. Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
15. All storage of solid waste shall be indoors in a manner that is leak and vector-proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than 72 hours.
16. A contingency plan for the disposal of solid waste during a facility shutdown, shall be submitted to the Township.
17. Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Pennsylvania Department of Environmental Protection regulations.
18. All structures shall be set back at least a distance equal to their height.
19. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer.

A water feasibility study shall include the following information:

- a. Calculations of the projected water needs.
 - b. A geologic map of the area with a radius of at least one (1) mile from the site.
 - c. The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
 - d. The location of all existing on-lot sewage disposal systems within 1,000 feet of the site.
 - e. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
 - f. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - g. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - h. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
20. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
 21. A minimum 100-foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
 22. All waste generated by the processing shall be stored in leak-proof, water-proof and vector-proof containers. Such containers shall be designed to prevent their contents being carried by the wind or water. These containers shall be stored within a completely enclosed building. No more than one (1) week's generated waste shall be allowed to be stored at any given time.
 23. The applicant/owner shall submit a plan to the Township for the decommissioning/reclamation of the facility when it becomes functionally obsolete or is no longer in use. The plan shall be reviewed, approved and kept on file by the Township, including all subsequent amendments.

Section 790. SAWMILLS

Sawmills are subject to the following criteria:

1. Minimum lot area - Five (5) acres.
2. The subject property shall front on an arterial or collector road as identified in the Townships Comprehensive Plan.
3. All cutting and other processing activities shall be conducted within a completely enclosed building.
4. All buildings shall be located no closer than 75 feet from any adjoining lot line.
5. All outdoor storage areas shall be completely enclosed by a 6-foot high fence, which shall be screened from adjoining roads and properties. Such outdoor storage areas shall be at least 50 feet from the closest property line.
6. The applicant shall furnish evidence that the proposed use will not be incompatible with adjoining land uses due to hours of operation and materials transport, or any other characteristic of the operation.
7. All outdoor public address systems shall be designed and used to be imperceptible at the property line.

Section 791. SCHOOLS

1. State licensed nursery schools, elementary schools, middle schools, junior high schools, or senior high schools and charter schools are subject to the following criteria:
 - a. The school shall not be conducted as a gainful business.
 - b. All buildings shall be at least 100 feet from any street or lot line.
 - c. Minimum distance between buildings shall be 20 feet.
2. Commercial and private schools including vocational and mechanical trade schools are subject to the following criteria:
 - a. All height, area, setback, and coverage standards within the underlying zone shall apply.
 - b. All buildings shall be set back at least 100 feet from any adjoining residentially zoned properties.
 - c. If education is offered below the college level, an outdoor play area shall be provided, at a rate of 65 square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard, and must be set back 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum 4-foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play area shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as shade trees or pavilion(s).

- d. Enrollment shall be defined as the largest number of students on the site at any one (1) time during a seven (7) day period.
- e. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

Section 792. SEASONAL RESIDENCES

Seasonal Residences are subject to the following criteria:

- 1. For the purposes of this Section, seasonal residences shall be construed to mean permanent structures used only periodically during the year. Such use may include shelter during hunting and fishing seasons, private vacation and/or weekend or holiday uses, or other similar periodic visits at any time of the year.
- 2. Every lot to be utilized for such use shall meet the minimum area and yard requirements in the underlying Zoning District.
- 4. Every seasonal residence shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as a part of an application for such a use.
- 4. A seasonal residence shall not be converted to a permanent, full-time dwelling unit unless the same shall conform to all applicable Township codes and ordinances. Where seasonal residences are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in this Ordinance must be met and adequate sewage and water supply systems must be provided.
- 5. Where such uses are proposed to be in a Floodplain District, all requirements of Section 626 of this Ordinance, as well as the Longswamp Township Floodplain Management Ordinance shall be met.
- 6. No more than one (1) seasonal residence shall be erected on an individual lot.
- 7. No buses, trucks, or recreational vehicles are permitted as seasonal residences.
- 8. All seasonal residences shall be subject to an annual inspection in accordance with the Township's Property Maintenance Code.

Section 793. SELF STORAGE FACILITIES (MINI-WAREHOUSES)

Self storage facilities are subject to the following criteria:

- 1. Off-street parking shall be provided in accordance with the schedule listed in Section 612 of this Ordinance.
- 2. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one (1) side of the lane

only, and at least 30 feet wide where cubicles open onto both sides of the lane.

3. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of operable and properly licensed/registered privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
4. All storage other than that provided for under Section 793.3. shall be kept within an enclosed building, except that storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
5. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
6. No door openings for any self-service storage unit shall be constructed facing any adjacent residentially zoned property.
7. Self storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited on the site:
 - a. Auctions, except as provided for in the Self-Storage Facility Act, commercial wholesale or retail sales not related to the storage activity on the premises, or garage sales.
 - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. The establishment of a moving and storage business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self storage facilities' rental and/or use contracts shall specially prohibit these uses.

8. Self storage facilities shall provide adequate provisions for ingress and egress of the facility by Emergency providers.

Section 794. SHOOTING RANGES

Shooting ranges are subject to the following criteria:

1. Outdoor Shooting Ranges

a. Shooting Range Operations:

- (1) May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
- (2) May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners.
- (3) Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.
- (4) The storage of live ammunition shall only occur in an approved secure vault.
- (5) Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
- (6) Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision.
- (7) Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
- (8) Shall limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 10:00 p.m.

- b. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
- c. The firing range, including the entire Safety Fan, shall be enclosed with a 6-foot high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with 8 inches tall, red letters on a white background shall be posted at a maximum of 100-foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA, KEEP OUT!".
- d. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
- e. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
- f. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of 100 feet from the property line and street right-of-way.

- g. The applicant shall present credible evidence that the sounds of shooting in the nearest residential Zoning District do not exceed the ambient noise level.
- h. Off-street parking facilities shall be provided with a ratio of one and one-half (1-1/2) spaces per firing station, but not less than one (1) space for each four (4) seats.
- i. No part of a shooting range property shall be located within one-quarter (1/4) mile of any land within an adjacent Residential Zone.

2. Indoor Shooting Ranges

- a. The shooting range must be fully enclosed within a building.
- b. Shooting Range Operations:
 - (1) May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - (2) May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners.
 - (3) Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.
 - (4) The storage of live ammunition shall only occur in an approved secure vault.
 - (5) Shall limit the number of shooters to the number of firing points or stations identified.
 - (6) Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
- c. All shooting range facilities, including buildings and parking, shall be set back a minimum of 100 feet from the property line and street right-of-way.
- d. The applicant shall present credible evidence that the sounds of shooting in the nearest residential zone do not exceed the ambient noise level.

Section 795. SHOPPING CENTERS AND SHOPPING MALLS

Shopping centers and shopping malls are subject to the following criteria:

- 1. The subject tract shall front on and gain access from either an arterial or collector road as identified in the Township Comprehensive Plan, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- 2. The following types of commercial and commercial related establishments shall be permitted:

- a. Grocery stores.
 - b. Banks and similar financial institutions.
 - c. Drugstores.
 - d. Retail sale of goods, provided the total floor area is less than 100,000 square feet.
 - e. Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.
 - f. Professional offices.
 - g. Restaurants and taverns.
 - h. Any other establishment that in the opinion of the Board of Supervisors is of the same general character as any of the above-identified uses.
- 3. The minimum lot area shall be two (2) acres.
 - 4. The minimum lot width shall be 200 feet.
 - 5. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.
 - 6. The maximum building coverage shall be no greater than 25%.
 - 7. The maximum impervious lot coverage shall be no greater than 70%.
 - 8. The minimum landscaped area shall be no less than 30%.
 - 9. No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

Section 796. SHORT TERM RENTALS

Short Term Rentals are subject to the following criteria:

- 1. Short term rentals shall be permitted only in single family detached dwellings.
- 2. A minimum lot size of 1 acre is required.
- 3. Any dwelling to be used as a short term rental shall be setback at least 50 feet from any property line, and at least 100 feet from any existing neighboring dwelling.
- 4. The lot shall have an approved and operating on-lot sewage system or connection to public sewer. If not served by a public sewer system, evidence that the on-lot sewage system is adequate to serve the maximum number of occupants of the

short term rental unit. The number of bedrooms permitted for a short term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short term rental shall be limited to 3 bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any short term rental advertising more than 5 bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, short term rental of the dwelling unit shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

5. An adequate and safe water supply to the property shall be provided. If not served by public water, then the owner shall provide annual proof that a potable water supply is available for the short term rental unit.
6. All short term rental units shall have access to fully functioning bathing, toilet and kitchen facilities.
7. An operating smoke detector shall be provided in each bedroom, outside each bedroom in the common hallways, and on each floor.
8. An operating carbon monoxide detector shall be provided for any open flame (oil or gas) furnace or gas fireplace and in any attached garage.
9. An operating fire extinguisher shall be provided in any kitchen.
10. GFI outlets shall be located within 6 feet of any water source, including but not limited to all sinks, sump pumps, etc., and all electrical outlets must have approved covers.
11. If a dryer is provided, aluminum or metal exhausts are required.
12. All parking shall be designated on said property and there shall be no on-street parking permitted at any time. No recreational vehicles, campers, buses or other large vehicles may be parked on the short term rental property at any time.
13. The maximum overnight occupancy of a short term rental is as follows:

NUMBER OF BEDROOMS	MAXIMUM NUMBER OF OCCUPANTS
2	8
3	10
4	12
5	14

14. The maximum number of day guests allowed at any one (1) time, in addition to the overnight occupants, shall be 50% of the maximum overnight occupancy of the short term rental.

15. No tents are permitted. Outdoor overnight sleeping of tenants or guests is prohibited.
16. The dwelling owner shall apply and receive a permit to operate a short term rental from the Township. The application shall require that the owner provides sufficient information to confirm that the short term rental unit meets the requirements of this Ordinance and said application criteria. The application process and procedure shall be established by Resolution. The Board of Supervisors may establish a permit fee for any short term rental unit by Resolution.
17. The dwelling owner shall identify a local designated agent who shall have access and authority to assume management of the property and take remedial measures. An owner who resides within the Township, or within 15 miles of the property, may designate himself/herself as the local designated agent. The local designated agent shall respond to the Township or the police after being notified by such official of the existence of a violation of this Section or any disturbance requiring immediate remedy or abatement. If the local designated agent is not the owner, this individual shall immediately advise the owner of any notification of a violation. The local designated agent and contact information shall be updated annually with the Township.

Section 797. SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS

Slaughtering, processing, rendering, and packaging of food products and their by-products are subject to the following criteria:

1. Minimum lot area - Five (5) acres.
2. The subject site shall have access to a collector or arterial road.
3. Public sewer and public water facilities shall be utilized.
4. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely enclosed building.
5. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.
6. The applicant shall furnish a working plan for animal containment and for the recovery of escaped animals which minimize the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.
7. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
8. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose

responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals.

9. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.
10. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.
11. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within 200 feet of any property line, nor within 500 feet of any adjacent Residential Zone.
12. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include the minimum 50 feet wide landscape strip.
13. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination, by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines.
14. Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.
15. Public water supplies shall be tested for water potability prior to approval, and annually thereafter, the results of which shall be regularly submitted to the USDA.
16. All unusable animal by-products shall be stored indoor in leak- and vector proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.
17. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.
18. The use shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads.
19. All access drives onto the site shall have a paved minimum 35- foot wide cartway for a distance of at least 100 feet from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a 150-foot long gravel section of driveway shall be placed just beyond the preceding 200-foot paved section, to help collect any mud that may have attached to a vehicle's wheels.

Section 798. SOLAR FARMS

Solar Farms are subject to the following criteria:

1. General Requirements

- a. The minimum net lot area required to install a solar farm shall be 5 acres.
- b. Solar farms shall be enclosed by perimeter fencing at a height of 8 feet to restrict unauthorized access.
- c. Any on-site electric lines shall, to the maximum extent practicable, be placed underground.
- d. The solar farm shall be screened from the view of persons on any adjacent land which is currently used for residential purposes.
- e. Solar farms shall adhere to all yard dimension, impervious coverage, and building coverage and height requirements of the district in which they are located. All individual solar energy collectors and connecting equipment in a solar array shall be subject to the setback requirements for a principal structure in that district and shall have a maximum height of 15 feet. Any buildings on the property shall be treated as accessory structures.
- f. Solar farms may be proposed as the principal use of a property, or in addition to an existing use already on a property, but the requirements herein shall apply in full to the portion of the property dedicated to use as a solar farm.
- g. It shall be the responsibility of the property owner or facility owner or operator to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar farm. Such an agreement shall be negotiated between owners of affected properties but is not a requirement for any Township permits or approvals for the solar farm.
- h. Solar farms and all equipment and facilities thereon shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
- i. Warning signs shall be placed at the base of any pad-mounted transformers or electrical conducting apparatus on the site.

2. Plan Requirements

A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development application shall include the following:

- a. A narrative description of the project.
- b. A descriptive plot plan including setbacks, property lines, road rights-of-way, dimensions and structural details for all solar arrays, and locations of buildings, access roads, solar arrays, and all electrical lines and off-site connection points.
- c. An operations agreement which shall set forth operations parameters, the

name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.

- d. Evidence of approval by the electric company or other entity receiving the energy collected from the solar farm that it will accept connection from the solar farm and that it approves of the design plans for the project.
- e. An affidavit or evidence of agreement between lot owner and the facility owner or operator, if not the same person or entity, confirming that the facility owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar farm.
- f. Evidence of any required permits or licenses from state or federal agencies.
- g. A decommissioning plan including provisions for the removal of all structures and foundations and the restoration of soil and vegetation.
- h. Any other relevant studies, report, certificates and approvals as may be reasonably requested by the Township based on the unique character of the development.

3. Discontinued Use/Decommissioning

- a. The facility owner or operator shall, at its expense, complete decommissioning of the solar farm within 6 months after the end of the useful life of the facility. The solar farm will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.
- b. An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than 25% of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall within 6 months complete decommissioning.
- c. If neither the facility owner or operator, nor the landowner complete

decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator when the facility owner or operator has demonstrated, and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

Section 799. *[Reserved]*

Section 7100. SURFACE MINING ACTIVITIES

Surface mining activities are subject to the following criteria:

1. The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all State and Federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. Said plans shall show or describe the following:
 - a. The use to which the land was put prior to the commencement of surface mining.
 - b. The use which is proposed to be made of the land following reclamation.
 - c. The manner in which topsoil and subsoil will be conserved and restored.
 - d. Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
 - e. A complete planting program.
 - f. A timetable for the accomplishment of each major step in the reclamation plan.
2. The periodic filing with the Township of copies of any and all reports which set forth the current status of reclamation work performed, and activities undertaken to implement Stormwater Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies. When verified in writing by the governmental agency or body having jurisdiction, a non-compliance with any approved Reclamation Plan, Erosion and Sediment Control Plan, or Stormwater Management Plan shall be grounds for issuance of a Stop Order under Section 905 of this Ordinance, until such noncompliance is corrected.

3. An Erosion and Sediment Control Plan and a Stormwater Management Plan shall be submitted to and approved by the Township Supervisors. Such plans shall be designed to prevent adverse effects from water runoff, erosion, and sedimentation on adjoining streams, properties, and streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received in lieu of such plans if they have been prepared to cover such subject matter.
4. A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation which will be used by trucks entering and leaving the site shall be submitted to the Township Supervisors. The plan shall state that:
 - a. All such roadways shall be maintained and constructed by the operator so that truck travel on them will not result in the spread of dust beyond the property lines of the mining operation.
 - b. All such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operation will not deposit excessive or accumulating amounts oil mining products, dirt, mud or other such substances on public roads.
5. No surface mining operations which will result in the creation of an elevation difference in excess of 10 feet between the surface of the mine and any adjacent property or public road shall be carried out within 200 feet of such a property, nor within 200 feet of such public road.
6. No storage of products, by-products, overburden, or cover material shall be permitted to reach a height in excess of 50 feet. No such storage shall be permitted within 150 feet of a property line of the mining operation or a public road.
7. All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall not be permitted between 5:00 p.m. and 8:00 a.m. and shall not be permitted on Sundays and legal holidays. Notice of all blasting operations shall be given to the Township Secretary and the occupants of all properties within a radius of three-quarters (3/4) of a mile of the location of blasting at least 24 hours prior to the commencement of blasting.
8. All other State and Federal requirements pertaining to surface mining activities, air pollution, and noise shall be complied with. When a license is required from the State, a copy of such license shall be filed with the Township along with evidence that any bond required for completion of the reclamation plan has been filed with the State.
9. The minimum lot size for any surface mining operation shall be ten (10) acres.
10. No operations shall be carried out on Sundays or legal holidays, nor between the hours of 6:00 p.m. and 8:00 a.m.
11. Planting screens to screen mining operations from adjoining residential properties shall be placed along the property lines of the mining operation.

12. Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
13. Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
14. No substance with can harm persons, animals, vegetation, or other forms of property shall be dispersed beyond the property lines of the mining operation.
15. A hydrologic study shall be submitted to the Township, which shall indicate the impact of the surface mining activity on ground water supplies and quality in the area of the operations.

Surface mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply.

16. The applicant/owner shall submit a reclamation plan to the Township for the facility. The plan shall be reviewed, approved, and kept on file by the Township, including all subsequent amendments.

Section 7101. TAVERNS

Taverns are subject to the following criteria:

1. The subject property shall be screened from any adjoining residentially occupied or residentially zoned land.
2. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
3. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

Section 7102. TEMPORARY FARM EMPLOYEE HOUSING

Temporary farm employee housing is subject to the following criteria:

1. For each farm, one (1) mobile home is permitted for the use of farm workers and their families, who are employed by the owner of the farm, for such time as the employee works the land of the owner.
2. All such units shall be located within the rear yard of the farm dwellings and shall further comply with all setback requirements imposed upon single family detached dwellings.

3. Such mobile homes shall be securely anchored to a mobile home stand; a 6-inch thick poured concrete slab over a 6-inch stone base, the length and width of which shall be at least equal to the dimensions of the mobile home. Each mobile home pad shall include properly-designed utility connections.
4. The mobile home shall be occupied at least 30 days a year by at least one (1) person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within 120 days.

Section 7103. TENNIS AND ATHLETIC CLUBS

Tennis and athletic clubs are subject to the following criteria:

1. Minimum Lot Area - Three (3) acres.
2. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.
3. All outdoor recreation facilities shall be setback at least 50 feet from the street right-of-way line, and 25 feet from all other lot lines and 100 feet from any residentially zoned properties.
4. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
5. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets in accordance with Sections 605 and 609 of this Ordinance.
6. Any outdoor swimming pool shall be entirely enclosed with a good quality chain-link or wooden fence with a minimum height of 6 feet.
7. The maximum total building coverage shall be 25%.
8. All such uses shall comply with all applicable government regulations, specifically State Fire Safety Regulations.

Section 7104. THEATERS AND AUDITORIUMS

Theaters and auditoriums are subject to the following criteria:

1. A theater or auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial or collector road.
3. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
4. For parking demands greater than 300 automobiles, additional setbacks, screening

and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

5. All uses shall be served by both public sewer and public water utilities.
6. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. Any light generated on the site must comply with Sections 605 and 609 of this Ordinance.
7. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.

Section 7105. TINY HOMES OR MINIATURE HOUSING UNITS

Tiny Homes (miniature housing units) are subject to the following criteria:

1. Tiny homes shall have a minimum floor area of 150 SF and a maximum floor area of 600 SF.
2. For the purposes of this Ordinance, a Tiny Home placed on a foundation shall only be permitted in a Mobile Home Park. All Tiny Homes in Mobile Home Parks shall be subject to the same requirements as Mobile Homes, as regulated in the Longswamp Township Subdivision and Land Development Ordinance.
3. For the purposes of this Ordinance, a Tiny Home on wheels shall only be permitted in a Recreational Vehicle (RV) Park or /Tiny Home Community. All Tiny Homes shall be subject to the same requirements as Recreational Vehicles in Section 782 of this Ordinance. Tiny Homes on wheels shall be regulated under one (1) of the following:
 - a. Regulated as a manufactured home by the U.S. Dept. of Housing and Urban Development (HUD);
 - b. Regulated by the National Organization of Alternative Housing (NOAH); or
 - c. Regulated as a temporary living space by the Recreational Vehicle Industrial Association (RVIA)

Section 7106. TRANSIT TERMINALS

Transit terminals are subject to the following criteria:

1. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized", off-street parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

2. The subject property shall have a minimum of 200 feet of road frontage along an arterial road.
3. The subject property shall be located no closer than 200 feet from any Residential Zones and/or property containing a school, day care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
4. All structures, including, but not limited to, air compressors, fuel pump islands, and kiosks, shall be set back at least 50 feet from any street right-of-way line.
5. Access driveways shall be a minimum of 24 feet and a maximum of 36 feet wide. All access drives onto the same road shall be set apart at least 150 feet from one another, as measured from closest points of cartway edges.
6. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant.
7. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
8. The outdoor storage of unlicensed and uninspected vehicles is prohibited.
9. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards.
10. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival.
11. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
12. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 7107. TRUCK, MOTOR AND RAIL FREIGHT TERMINALS

Truck, motor and rail freight terminals are subject to the following criteria:

1. Minimum lot area – Three (3) acres.
2. A 50-foot buffer yard in accordance with the provisions of Article VI shall be provided along the side and rear property lines.
3. The subject property shall have a minimum of 300 feet of road frontage along an arterial and/or collector road.
4. The subject property shall be located no closer than 500 feet from any adjacent

Residential Zone and/or property containing a school, day care, park, playground, library, hospital, nursing, rest, or retirement home, or medical residential campus.

5. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance.
6. All structures including, but not limited to, air compressors, fuel pump islands, and kiosks shall be set back at least 50 feet from any street right-of-way line. Unless the fuel pump islands are set back 200 feet from the street line, they shall be designed so that when fueling trucks must be parallel to street.
7. Access driveways shall be a minimum of 28 feet, and a maximum of 35 feet wide. All access drives onto the same road shall be set apart at least 150 feet from one another, as measured from closest points of cartway edges.
8. Off street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. Any gates or other barriers used at the entrance to parking areas shall be setback and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
9. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
10. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.
11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.
12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
13. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 7108. VEHICLE IMPOUNDMENT FACILITIES OR YARDS

Vehicle Impoundment Facilities or Yards are subject to the following criteria:

1. A vehicle impoundment facility or yard for the temporary storage of vehicles may not engage in auto dismantling and shall comply with the development standards in this section.

2. A minimum 10-foot wide landscape setback in accordance with the requirements of Section 604 of this Ordinance shall be provided along all street frontages and highway rights-of-way. If the vehicle impoundment facility or yard is utilizing an existing building with less than 10 feet between the building and any right-of-way, the provided setback shall be landscaped.
3. All outdoor storage areas shall be screened by a minimum 6-foot high solid fence or masonry wall around the entire perimeter of the outdoor storage area.
4. Outdoor vehicle storage areas are not subject to the parking lot tree shading requirements of this Ordinance.

Section 7109. VEHICLE RELATED USES

1. Vehicle sales, service and repair facilities, including, but not limited to, auto mechanics, drive thru lubrication services and tires, and auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are subject to the following criteria:
 - a. All service and/or repair activities shall be conducted within a completely enclosed building.
 - b. All uses involving drive thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
 - c. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted.
 - d. All exterior vehicle storage areas shall be screened from adjoining residential properties.
 - e. For all uses not involving vehicle sales, the storage of unlicensed vehicles on the property is prohibited.
 - f. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within adjacent residential zones.
 - g. All vehicles shall be repaired and removed from the premises promptly.
 - h. The demolition or junking of motor vehicles is prohibited.
 - i. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
 - j. Any site used for the sale of more than 150 vehicles shall front solely upon collector or arterial roads.
 - k. All lighting shall be designed and constructed so as to comply with Sections 605 and 609 of this Ordinance.

2. Vehicle sales auctions and/or vehicle parking or storage compounds shall be subject to the following criteria:
 - a. Any site used for the sale, parking, and/or storage of more than 150 vehicles shall front solely upon collector or arterial roads.
 - b. All exterior areas used for the sale, parking and/or storage of vehicles shall be completely enclosed by a 6-foot high fence, which shall be subject to the Zoning District's setback requirements imposed upon off-street parking lots.
 - c. Access drives shall be governed by the provisions of the Township Subdivision and Land Development Ordinance (SALDO) for a distance of 100 feet from the edge of the street right-of-way. Beyond this, all areas used for vehicle sales, parking or storage shall not be governed by the Township SALDO; however, all areas shall include a non-paved, all-weather, dust-free surface.
 - d. Vehicles may be parked and/or stored in a horizontally stacked configuration; however, no vehicles shall be located more than 100 feet from a minimum 18-foot wide on-site access drive.
 - e. All lighting shall be designed and constructed so as to comply with Sections 605 and 609 of this Ordinance.
 - f. In addition to the preceding requirements, motor vehicle auctions shall comply with the following:
 - (1) The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales area shall include all indoor and outdoor areas as listed above.
 - (2) The retail sales area shall be set back at least 50 feet from all property lines and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
 - (3) Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
 - (4) The servicing, reconditioning, demolition, or junking of vehicles is prohibited.
 - (5) The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
 - (6) No part of the auction shall be located within 300 feet of any land within any adjacent Residential Zones.
3. Vehicle filling stations, including minor incidental repair, are subject to the following criteria:
 - a. The subject property shall have a minimum width of 125 feet.

- b. The subject property shall front on an arterial or collector road as defined in the Township Comprehensive Plan.
 - c. The subject property shall be setback at least 300 feet from any lot containing a school, day care facility, playground, library, hospital, or nursing, rest or retirement home.
 - d. The storage of motor vehicles, whether capable of movement or not, for more than a one (1) week period is prohibited.
 - e. Any parts removed from repaired vehicles shall not remain on the site longer than 48 hours.
 - f. All structures (including gasoline pump islands but not permitted signs) shall be setback at least 30 feet from any street right-of-way line.
 - g. No outdoor storage of auto parts shall be permitted.
 - h. All access drives shall be a maximum of 30 feet wide and separated by 75 feet from one another if located along the same frontage as measured from edge to edge.
 - i. All ventilation equipment associated with fuel storage tanks shall be set back 100 feet and oriented away from any adjoining residentially zoned properties.
4. Vehicle washes are subject to the following criteria:
- a. Public sewer and water facilities shall be utilized, and gray water recycling is required.
 - b. For automatic and self-service vehicle washes, each washing bay shall provide a minimum 100 feet long on-site stacking lane which precedes the washing process. For full service vehicle washes, such on-site stacking shall be a minimum of 300 feet per lane.
 - c. For full service vehicle washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane.
 - d. All structures housing washing apparatuses shall be set back 100 feet from any street right-of-way line, 50 feet from any rear property line, and 20 feet from any side lot line.
 - e. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the clean up of litter and debris.
 - f. The subject property shall front on an arterial or collector road.
 - g. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 7110. VEHICLE STORAGE FACILITIES – DEALER

Dealer vehicle storage facilities are subject to the following criteria:

1. Any site used for the storage of more than 150 vehicles shall front solely upon a collector road.
2. All exterior areas used for the storage of automobiles shall be completely enclosed by a six-foot high fence and shall provide a continuous visual landscaped buffer along any street frontage or property which abuts a residentially-zoned or residentially-used land and shall meet the setback requirements for the underlying Zoning District.
3. Areas used for vehicle access or storage located 50 feet or more from the right-of-way are not required to be governed by Section 612 of this Ordinance. However, all storage areas shall include a nonpaved all-weather, dust-free surface.
4. Vehicles may be stored in a horizontally-stacked configuration; however, no vehicles shall be located more than 100 feet from a minimum eighteen-foot wide on-site access drive.
5. All lighting shall be designed and constructed so as not to cast glare on adjoining roads and/or properties.

Section 7111. WAREHOUSES/LOGISTICS CENTERS OR DISTRIBUTION CENTERS AND WHOLESALE TRADE FACILITIES

Warehouses/Logistics Centers or Distribution Centers and wholesale trade facilities are subject to the following criteria:

1. Minimum lot area – Five (5) acres.
2. All roadways, parking and loading areas shall be paved.
3. No loading shall be permitted between the building setback line and the street line.
4. All loading shall be conducted within or adjacent to a building.
5. All structures, driveways and parking areas shall be located no closer than 500 feet from any property containing a school, day care facility, park, playground, library, hospital, nursing, rest, or retirement home, or medical residential campus.
6. All structures including, but not limited to, air compressors, fuel pump islands, and kiosks shall be set back at least 50 feet from any street right-of-way.
7. Access driveways shall be a minimum of 28 feet and a maximum of 35 feet wide. All access drives onto the same road shall be set apart at least 150 feet from one another, as measured from closest points of cartway edges.
8. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.

9. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
10. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited.
11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within 30 days after arrival.
12. The applicant shall designate and reserve sufficient space on the site to accommodate staged or queued vehicles awaiting loading/unloading at a rate of no less than 5% of the projected maximum number of trips per day.
13. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, and the duration period of storage of materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including, but not limited to, those listed in Article VI of this Ordinance.
14. A 50-foot buffer yard in accordance with the provisions of Article VI shall be provided along the side and rear property lines.
15. Each and every building containing or converted to a use primarily concerned with the storage and/or distribution of goods shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site storage/distribution employees. The following provisions shall apply:
 - a. The amenities shall include, at a minimum, a suitable lounge for drivers/operators, with restroom facilities, including at least three sinks, stalls, etc., per restroom, and dispensing machines or other facilities to provide food and beverages.
 - b. At least one (1) amenity shall be provided for every 30-truck loading/unloading docks/doorways of the use, or portion thereof.
 - c. The size of each such amenity shall be proportionate to the number of

loading/unloading docks/doorways of the use. Each amenity shall contain not less than one (1) seat per 10 docks/doorways, or portion thereof, with a minimum area to accommodate six (6) seats and one (1) four-person table.

- d. Parking for the amenity shall be provided in close proximity to the amenity and in a suitable, safe, and separately defined location. There shall be provided at least one (1) 12-foot-by-80-foot truck parking space per each required lounge seat of the amenity.
- e. Trucks parked in amenity parking spaces shall not leave engines idling unless required for safety or weather-related reasons. Electric hookups shall be provided to preclude the need for engine idling.
- f. All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.
- g. This use shall reserve a minimum of five percent of the proposed total tractor-trailer parking spaces for inbound or outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.

Section 7112. WIND ENERGY CONVERSION SYSTEMS

Wind Energy Conversion Systems are subject to the following criteria:

- 1. One (1) windmill or windwheel (wind energy conversion unit) shall be permitted per property.
- 2. A plan shall be provided with a narrative including the location of the unit, the dimensions and generating capacity of the unit, respective manufacturers and a description of the unit which shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.
- 3. The structure supporting the wind energy conversion unit, including any required supporting cables, shall not be connected to any occupied structure and shall be located a minimum distance of the wind energy conversion unit tower height, plus 10 feet, from any occupied dwelling.
- 4. Height regulations do not apply to wind energy conversion units, provided that the structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus 15 feet from any property line or road right-of-way.
- 5. All mechanical equipment and buildings associated with the operation shall conform to all minimum building setbacks and shall be enclosed with a 6-foot fence. The tower shall also be enclosed with a 6-foot fence, unless the base of the tower is not climbable for a distance of 15 feet.
- 6. When a building is required for storage cells or related mechanical equipment, the building may not exceed 150 square feet in area or 8 feet in height, and must be

located at least 75 feet from any property line.

7. All electric and other utility wires associated with the Wind Energy Conversion System shall be buried underground.
8. The applicant shall demonstrate that any noise emanating from the wind energy conversion system shall not exceed sixty (60) decibels measured at the nearest property line.
9. The Property or Facility Owner shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
10. Discontinued Use. The tower and generating unit shall be kept in good repair and sound condition. Should any wind energy conversion unit cease to be used, the owner or operator or then owner of the land on which the wind energy conversion unit is located, shall be required to remove the same within one (1) year from the abandonment of use. The facility will presume to be at the end of its useful life (abandoned) if no electricity is generated for a continuous period of twelve (12) months. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any wind energy conversion unit, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the wind energy conversion unit.

Section 7113. WIND FARMS

Wind farms are permitted subject to the following criteria:

1. All the requirements for a Wind Energy Conversion System (as provided in Section 7112) shall apply except as modified below.
2. Minimum Lot Size - 20 acres.
3. All equipment shall be set back 100 feet from the property line.
4. Principal Structures. No wind energy conversion unit in a Wind Farm shall be located less than 500 feet from any principal residential structure existing prior to the erection of the wind energy conversion unit.
5. Wind Farm Support Structure Safety. The applicant shall demonstrate that the proposed wind energy conversion units are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All wind energy conversion units shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered Professional Engineer that a proposed Wind Farm and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the Wind Farm shall provide a certification from a Pennsylvania registered Professional Engineer that the Wind Farm and all structures comply with all applicable regulations.

6. Controls and Brakes. All Wind Farms shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
7. Visual Appearance/Warnings. Wind Energy Conversion Systems shall be a non-obtrusive color such as white, off-white or gray. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
8. Fencing. A fence may be required around wind energy conversion units and other equipment, unless the design of the structures adequately provides for safety.
9. Landscaping. Landscaping may be required to screen as much of the Wind Farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the Wind Farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
10. Licenses; Other Regulations; Insurance. The design of the Wind Farm shall conform to all applicable industry standards. The applicant must demonstrate that it has obtained the required licenses from governing State and Federal agencies. The applicant shall also document compliance with all applicable State and Federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the Wind Farm, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Wind Farm.
11. Access; Required Parking. Access to the Wind Farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length. If the Wind Farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
12. Use of Public Roads. The applicant shall identify all State and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Farm. The Township shall document road conditions prior to construction and again thirty (30) days after construction is complete or as weather permits. The Township may require the applicant to bond road(s) in compliance with State regulations. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

13. Local Emergency Services. The applicant shall provide a copy of the project summary and site plan to local emergency services, including Volunteer Fire Department(s). Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Farm facility.
14. Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the Wind Farm developer.
15. Historic Structures. A wind farm shall not be located within 500 feet of any structure listed on any public historic register.
16. No advertising shall be permitted on equipment.
17. Color and Lighting; FAA and PA DOT Notice. Wind energy conversion units shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind energy conversion unit may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PA DOT Bureau of Aviation.
18. Site Plan. A full site plan shall be required for all Wind Farm sites, showing the Wind Farm, wind energy conversion units, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.
19. Land Development Plan. A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development plan shall demonstrate that the proposed Wind Farm will comply with the PA Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
20. Physical Modifications. Any physical modification to an existing and permitted Wind Farm that materially alters the size, type and number of Wind Energy Conversion Systems or other equipment shall require land development approval under the Township Subdivision and Land Development Ordinance. Like-kind replacements shall not require a permit modification.
21. Wind Farm as a Second Principal Use. A Wind Farm shall be permitted on a property with an existing use subject to Section 601 of this Ordinance and the following land development standards:
 - a. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the Wind Farm and Wind Energy Conversion System shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

- c. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
22. Discontinued Use/Decommissioning. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Farm facility within twelve (12) months after the end of the useful life of the facility. The Wind Farm facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than 25% of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the Facility Owner or Operator fails to complete decommissioning within the required period, then the landowner shall have six (6) months to complete decommissioning.

If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

ARTICLE VIII

NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS

Section 800. STATEMENT OF INTENT

1. Within any zoning district established by this Ordinance or subsequent amendment thereto there exists:
 - a. Lots,
 - b. Structures,
 - c. Uses of land,
 - d. Uses of structures or land and structures in combination, or
 - e. Characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
3. 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 on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavations or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 801. NON-CONFORMING LOTS OF RECORD

1. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent Amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the Zoning District shall be met,

further subject to Section 801.2; provided, however, that when a subdivider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan within such time periods as are established within the Pennsylvania Municipalities Planning Code, as amended.

2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent Amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that District provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more lots, combination of lots, or portions 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 requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 802. REGISTRATION

After the enactment of this Zoning Ordinance, the Zoning Officer may assemble and maintain a listing of non-conforming uses and structures if authorized to do so by the Township Supervisors. The failure of the Township to complete such registration shall not be considered a waiver of any rights within the Article.

Section 803. ABANDONMENT

A non-conforming use may not be re-established if the use is discontinued for a continuous one (1) year period, unless during that one (1) year period the owner informs the Township of his affirmative intention not to abandon the use. Notification shall be by filing a Certificate of Intention to Continue with the Township Zoning Officer as provided for in Section 903 of this Ordinance. Vacation of land or buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

If after filing a Certificate of Intention to Continue, the non-conforming use is not commenced within one (1) year from the end of the initial one (1) year period, the non-conforming use shall be considered abandoned and shall not be reestablished.

Section 804. CHANGE

A non-conforming use may be changed to a conforming use by right. A non-conforming use, if changed to a conforming use, shall not be changed back to a non-conforming use. A non-conforming use shall not be changed to any other non-conforming use unless the Zoning Hearing Board grants a Variance. The proposed use shall be demonstrated by the applicant to be not more detrimental to the District with respect to traffic generation and congestion, noise, illumination, electric radiation emission, smoke, dust, fumes, vapors,

gases, heat, odor, glare, vibration, appearance and waste generation than the existing use of the property and shall be demonstrated to be in compliance with the Performance Standards in Section 609 of this Ordinance. The Zoning Hearing Board may specify conditions and safeguards in connection with the granting of a Variance.

Section 805. EXPANSION ON OTHER LAND

A non-conforming use, building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of the Zoning Ordinance of 2021, as amended, or at the time of subsequent amendment that makes it non-conforming.

Section 806. MOVEMENT AND REPLACEMENT

1. A building or structure containing a non-conforming use or a non-conforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height Regulations and general regulations applicable to the Zoning District in which it is located.
2. A non-conforming mobile home may be replaced by another mobile home on the same footprint.

Section 807. DAMAGE OR DESTRUCTION

1. Any non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same non-conforming use. Any subsequent building or structure shall comply with all requirements of this Ordinance. New construction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.
2. A non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within 18 months of the date of destruction and be carried to completion without interruption.
3. Any non-conforming building or structure or building or structure containing a non-conforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

Section 808. LIMIT ON EXPANSION

Total future expansion of a non-conforming use or structure shall not exceed 50% of the activity occurring or the area occupied by the use or non-conforming structure, at the time of the effective date of this Ordinance, or at the time of subsequent amendment that makes it non-conforming, and as long as the expansion does not increase its non-conformity and all other area and dimensional requirements of this Ordinance are met.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 900. ZONING OFFICER

1. Appointment

A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. Compensation of the Zoning Officer shall be established by the Supervisors. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Township Supervisors and shall be able to demonstrate to the satisfaction of the Township Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer may be provided with the assistance of such other persons as the Township Supervisors may direct.

2. Duties and Powers

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the Amendments thereto and he shall have such duties and powers as are conferred on him 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 Zoning and Sign Permits and issue Zoning and Sign permits as set forth in this Ordinance.
- b. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
- c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.
- d. Issue Zoning Permits for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
- e. Issue Zoning Permits for uses requiring new or altered onsite sewage disposal facilities only after any necessary Permit has been issued by the Township Sewage Enforcement Officer.

- f. Issue Zoning Permits for Special Exception Uses or for Variances only after a Special Exception or Variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance. Issue Zoning Permits for Conditional Uses only after a Conditional Use has been approved by the Township Supervisors.
- g. Issue Zoning Permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue Zoning Permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- h. Review all subdivision and land development plans and provide reports on zoning compliance to the Township Planning Commission and Board of Supervisors.
- i. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all Amendments thereto.
- j. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- k. Register identified non-conforming structures and uses created as a result of the adoption of this Ordinance and the Official Zoning Map, or created as a result of Amendments thereto.
- l. Submit a monthly report of his activities to the Township Board of Supervisors.
- m. Send enforcement notices as provided for in this Ordinance.
- n. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Zoning Officer's employment, when authorized by the Township Supervisors.
- o. Institute injunctive actions if so authorized by the Township Supervisors.
- p. Issue Preliminary Opinions, subject to the procedures and requirements of the Pennsylvania Municipalities Planning Code, as amended.
- q. Any other duty specifically prescribed to a Zoning Officer under the Pennsylvania Municipalities Planning Code, as amended.

Section 901. ZONING PERMIT

1. Requirements

No building or structure, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or additional use

or have their use changed without a Zoning Permit therefore issued by the Zoning Officer. No such Zoning Permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a Special Exception or Variance, upon written order from the Board of Supervisors in the form of a Conditional Use, or upon order from any court of competent jurisdiction.

2. Application Procedures

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

- a. A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.
- b. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures.
- c. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.
- d. The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting.
- e. The location of all utility lines, the method of proposed water supply and sewage disposal, and the location of any on-lot facilities.
- f. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

3. Approval or Disapproval

Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty (30) days from the day he receives the application, the Zoning Officer shall either approve or disapprove the application and return one (1) copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach

a statement to the application explaining the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

4. Issuance and Posting of Zoning Permit

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations during the entire time of construction. The Zoning Permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) months periods, not exceeding a total of one (1) year. A Zoning Permit shall expire if the activity which is authorized by the Zoning Permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the Zoning Permit.

5. Rights of Zoning Permit Holders

The Zoning Permit shall be a license to proceed with the work described on the approved application, subject to the requirements of any other applicable Township Ordinances. The Zoning Officer shall revoke a Zoning Permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the Zoning Permit or approval was based or for any other cause set forth in the Zoning Ordinance.

Section 902. CERTIFICATE OF USE AND OCCUPANCY

1. Requirements

It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and Ordinances of the Township have been complied with.

2. Issuance

Upon the receipt of notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefor and inform the permit holder of his right of appeal.

For uses for which performance standards are imposed by this Ordinance, no

Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the Certificate of Use and Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

3. Temporary Certificate of Use and Occupancy

Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the Zoning Permit shall have been completed. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

The Zoning Officer may also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites, and for the use of land for religious and other public and semi-public purposes or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary Certificates shall be for the period of time to be determined by the Township Supervisors at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.

Section 903. CERTIFICATE OF INTENTION TO CONTINUE A NON-CONFORMING USE

1. Scope

A Certificate of Intention shall be required in all instances where a non-conforming use is discontinued if the owner or operator of such use desires to maintain such a non-conforming use.

2. Procedure

The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.

3. Notification

The proper adoption of this Ordinance shall be considered effective notice to all owners or operators of non-conforming uses of the requirements for registration for the discontinuance of all non-conforming uses.

4. Filing

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

5. Duration

Each Certificate of Intention shall be valid for a one-year period. See Section 803 of this Ordinance.

Section 904. SIGN PERMITS

1. Scope

No exterior sign other than on-premises signs less than 6 square feet and not illuminated, and signs advertising the sale or lease of real estate which are less than 12 square feet and not illuminated shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes.

2. Application Procedures

Applications shall be made in writing to the Zoning Officer on a form specified for such purpose and shall contain the following:

- a. A detailed scaled drawing of the sign showing its intended location and stating how it shall be affixed.
- b. A statement indicating the type of construction and the manner of installation together with the materials to be used.
- c. 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.
- d. A written agreement that the sign shall be erected according to the accompanying plans and specifications.

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. A Certificate of Use and Occupancy shall be required for free standing signs only.

4. Review Procedure

Permits shall be granted or denied within 10 days from the date of application. All approved permits, together with the accompanying information shall be a public record.

5. Denial

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 of appeal to the Zoning Hearing Board.

6. Duration of Permit

All Sign Permits granted shall remain valid for a period of six (6) months. If the applicant has not undertaken a significant portion of the work required, a subsequent Sign Permit shall be necessary.

Section 905. ENFORCEMENT NOTICE

1. If it appears to the Township Zoning Officer that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
2. The 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.
3. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - f. 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.
4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 906. ENFORCEMENT REMEDIES

Enforcement remedies shall be pursued in compliance with the applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, the Second Class Township Code and the Township Civil Criminal Ordinance or other action at law or equity that may be provided by law.

Section 907. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish, by resolution, a schedule of fees and charges for requests for Zoning Permits, Sign Permits, Certificates of Use and Occupancy, Special Exceptions, Conditional Uses, Variances, Administrative Hearings, Amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

Section 908. APPEALS

Proceedings for securing review of any Ordinance or of any decision, determination or order of the Township Supervisors, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, amended.

Section 909. AMENDMENTS

The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in Article VI of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE X

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

Section 1000. ZONING HEARING BOARD CREATION AND ORGANIZATION

1. Creation of the Zoning Hearing Board

The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided.

- a. Terms of Office. Pursuant to Article IX of the Pennsylvania Municipalities Planning Code (MPC), as amended, the Township Board of Supervisors does hereby create a Zoning Hearing Board herein referred to as the "Board". The membership of the Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. The terms of office of the 3-member board shall be three (3) years and shall be so fixed that the term of office of one (1) of the members shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Vacancies shall be filled by resolution of the Board of Supervisors and shall be only for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.
- b. Alternate Members. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Section 1000.2.a of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance, in the MPC, and otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1000.5, unless designated as a voting alternate member of the Zoning Hearing Board pursuant to Section 1000.2.a of this Ordinance.
- c. Removal of Members. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

2. Organization of the Zoning Hearing Board

- a. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the 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 further action of the Board as provided in Section 908 of the MPC.
- b. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- c. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of Longswamp Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

3. 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.

4. Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent, of failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, which records shall be the property of the municipality, and copies of which shall be filed with the Secretary of the Township Supervisors and the Secretary of the Township Planning Commission.

5. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1000.2.a, but in no case shall such

compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Section 1001. HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions as provided in Section 908 of the MPC.

Section 1002. FUNCTIONS OF THE ZONING HEARING BOARD

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
2. The jurisdictions of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in said Act.
3. Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.
4. Variances

The Zoning Hearing 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 Zoning Hearing 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 lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located; and
- 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 this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; and
- c. That such unnecessary hardship has not been created by the appellant; and 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; and
- d. That the variance, if authorized by the Board, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance and the MPC.

In hearing a request for a variance, the Zoning Hearing Board shall conduct hearings and make its decision in accordance with the requirements of Section 908 of the MPC.

5. Special Exceptions

The Zoning Hearing Board shall hear and decide requests for Special Exceptions in accordance with the standards and criteria set forth in this Ordinance. Decisions to grant or deny the request shall be subject to the following:

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the Zoning District wherein the applicant seeks a Special Exception.
- b. Such Special Exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- c. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- d. 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.
- e. Services and utilities shall be made available to adequately service the proposed use.
- f. The granting of the Special Exception shall be consistent with the Township Comprehensive Plan.

The Zoning Hearing Board in approving Special Exception applications may attach reasonable conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

In hearing a request for a Special Exception, the Zoning Hearing Board shall conduct hearings and make its decision in accordance with the requirements of Section 908 of the MPC.

6. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance and of the MPC.

Section 1003. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

1. The Board shall act in accordance with the procedures specified by 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. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.
2. Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Township Secretary for processing. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

Section 1004. REVIEW OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES BY THE TOWNSHIP PLANNING COMMISSION AND TOWNSHIP SUPERVISORS

In the event that an application impacts the intent and vision of this Ordinance, presents a development of significance to the cultural or protected resources of the Township, or upon request of the applicant or Township Board of Supervisors or Planning Commission, the Secretary of the Zoning Hearing Board may forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for the opportunity to review and comment at least thirty (30) days prior to the hearing held by the Board on such application. Failure to forward any such application to the Board of Supervisors or Planning Commission, or failure of the Board of Supervisors or Planning Commission to comment on such an application, shall not be considered a procedural defect concerning said application.

Section 1005. CONDITIONAL USE PROCEDURES

The Township Supervisors shall hold hearings and decide requests for Conditional Uses specifically authorized in this Ordinance.

1. Application

Four (4) copies of an application for permission to conduct a use permitted by condition (Conditional Use) shall be submitted to the Township Secretary. Such application shall include all information specified for a Zoning Permit application in Section 901 of this Ordinance and any other information necessary to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

2. Planning Commission Review

After receiving an application, the Township Supervisors shall refer one (1) copy of the application to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his review. Failure to receive comments from the Planning Commission or Zoning Officer shall not be considered a procedural defect regarding such application.

3. Standards

Conditional Uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

- a. The use shall be one which is specifically authorized as a Conditional Use in the Zoning District wherein the applicant is seeking a Conditional Use.
- b. Services and utilities shall be made available to adequately service the proposed use.
- c. The use will not generate traffic such that hazardous or unduly congested conditions will result.
- d. The use is appropriate to the site in question.
- e. The use shall not adversely affect the character of the general neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in this Section and those specified elsewhere in this Ordinance for the use in question will be met.

4. Hearing Procedures

In hearing a request for a Conditional Use, the Board of Supervisors shall conduct hearings and make its decision in accordance with the requirements of Section 913.2 of the Pennsylvania Municipalities Planning Code, as amended.

5. The Township Supervisors may impose such reasonable conditions and safeguards as are necessary to protect the public health, safety and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended.
6. The granting of permission for a Conditional Use does not exempt an applicant from acquiring all approvals required by the Township Subdivision and Land Development Ordinance.
7. Unless otherwise specified by the Board, a Conditional Use shall expire if the applicant fails to obtain a Zoning Permit, where required, within one (1) year from the date of authorization of the Conditional Use.

Section 1006. EXPIRATION OF SPECIAL EXCEPTIONS, CONDITIONAL USES AND VARIANCES

Unless otherwise specified by the approving body, a Special Exception, Conditional Use or Variance approval shall expire if the applicant fails to obtain a Zoning Permit, where required, within one (1) year from the date of authorization of the Special Exception, Conditional Use or Variance.

ARTICLE XI

HISTORIC OVERLAY DISTRICT

Section 1100. SPECIFIC INTENT

The purpose of this Overlay District is as follows:

1. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic, cultural and architectural resources;
2. To establish a clear process by which proposed changes affecting properties of architectural significance and/or historic structures are reviewed;
3. To mitigate the negative effects of proposed changes affecting historic properties, buildings and structures;
4. To encourage the continued use of historic properties and facilitate their appropriate rehabilitation and adaptive reuse;
5. To discourage the demolition of historic resources;
6. To utilize historic preservation as a tool for economic revitalization, to promote the general welfare, education, and culture of the Township; and
7. To implement the following sections of the Pennsylvania Municipalities Planning Code: Section 603(g)(2), which states that "Zoning Ordinances shall provide for protection of natural and historic features and resources"; Section 604(1), which states that "the provisions of Zoning Ordinances shall be designed to promote, protect and facilitate any or all of the following: reservation of the natural, scenic and historic values ..."; and Section 605(2)(vi), whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

Section 1101. OVERLAY CONCEPT

The Historic Overlay District described above shall be an overlay district that overlaps and supplements underlying Zoning Districts as shown on the Longswamp Township Zoning Map and, as such, the provisions of this Section shall serve as a supplement to the underlying district provisions.

1. To the extent the provisions of this Section are applicable and more restrictive; they shall supersede conflicting provisions within all other Sections of this Zoning Ordinance and all other Ordinances of Longswamp Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other Ordinances of Longswamp Township shall remain in full force and effect.

2. In the event that any provision concerning the Historic Overlay District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of underlying district shall remain applicable.

Section 1102. DELINEATION OF DISTRICT

The Historic Overlay District shall include each lot containing a historic structure or building as listed in the Historic Resource Inventory. To aid in interpretation, a Historic Resource Inventory shall be adopted from time to time by Resolution as an inventory of historic building or structures identified and approved by the Board of Supervisors, which is available for review at the Township Office. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

Section 1103. DISTRICT PROVISIONS

1. Historic Commission. The establishment, organization, functions and duties, and operating procedures of the Historic Commission are set forth by separate ordinance. The Historic Commission review process is set forth herein.
2. Historic Resource Inventory Identification

Buildings and structures, which may include significant structures, cemeteries or other permanent fixture designated with historic significance, shall be identified within said Inventory and shall be classified as follows:

- a. Those properties that have structures or buildings that denote historic and/or architecturally significant resources listed in the National Register of Historic Places, or determined eligible by the Pennsylvania Historic and Museum Commission to be listed individually in the National Register of Historic Places, or is classified as a "certified historic structure" by the Secretary of the Interior.
- b. Those properties that have structures or buildings that contribute to a Class I structure or has character, interest or value as part of a development, heritage or cultural characteristics of the Township, County, Region, Commonwealth or Nation, or is associated with the life of a person significant in the past, or is associated with an event of importance to the history of the Township, County, Region, Commonwealth or Nation, or embodies an icon associated with an era characterized by a distinctive architectural style, or is the noteworthy work of a designer, architect whose work has influenced the historical architectural, economic, social, or cultural development of the Township, County, Region, Commonwealth or Nation, or owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township, or has yielded, or may be likely to yield, information important in prehistory or history, or exemplifies the cultural, political, economic, social or historical heritage of the community.

- c. Additional buildings and structures may be included in the Township's Inventory of Historic Structures and Buildings, if requested by the property owner and presented, with appropriate information for consideration, before the Historic Commission and, upon the Historic Commission's recommendation for acceptance, is presented to the Board of Supervisors for final approval.

3. Demolition of Historic Structures or Buildings

- a. General Requirements. Buildings or structures listed on the Township's Historic Resource Inventory, shall not be demolished, removed or otherwise relocated unless a Special Exception approval has been granted pursuant to the provisions of the Township Zoning Ordinance Article VII, the requirements of this Ordinance and the standards established by Pennsylvania Law.
- b. Application Procedures. An applicant for a Special Exception to demolish a building or structure in the Historic Resource Inventory shall submit the required application fee and the required number of copies of the Special Exception to the Zoning Officer who shall forward a copy of the application to the Historic Commission for review and comment at a duly advertised special public meeting and Zoning Hearing Board in order to schedule their hearing pursuant to the Pennsylvania Municipalities Planning Code, as amended. Such Historic Commission meeting shall be held in sufficient time to provide their recommendation to the Zoning Hearing Board and allow the Zoning Hearing Board to hold its hearing in compliance with the Pennsylvania Municipalities Planning Code, as amended.

In addition to the requirements in Zoning Ordinance, the application shall include the following, if applicable:

- (1) Classification of the building or structure for which the permit is being sought on the Historic Resource Inventory.
 - (2) A report from a licensed Engineer or Architect describing the structural condition of the building or structure to be demolished, removed or relocated.
 - (3) A report from the Code Enforcement Officer indicating the building's compliance or non-compliance with the Property Maintenance Code.
 - (4) Documentation of any effort to sell the property, when applicable.
 - (5) Recent interior and exterior color photographs of the building or structure proposed for demolition, removal or relocation.
 - (6) Proposed disposition of salvageable material.
 - (7) Timeline for implementation of the proposed use for the property.
 - (8) Ownership history of the property.
 - (9) Assessed value of the land and improvements thereon.
 - (10) Certified property appraisal.
- c. In addition to general special exception criteria, the applicant shall provide evidence that:
 - (1) There is no economic feasibility to continue the current use in its present condition or that rehabilitation of the building or structure would not be economically feasible.

- (2) Other uses permitted within the underlying Zoning District, either as permitted uses, Special Exception Uses, or Conditional Uses are not feasible due to constraints on the building or structure proposed to be demolished, removed or relocated from the property.
 - (3) Adaptive use opportunities are infeasible due to constraints related to the building proposed to be demolished, removed or relocated or the lot on which it is located.
- d. Fees for the Zoning Hearing, application and Historic Commission review process shall be established by Township resolution and shall be payable pursuant to the terms established herein.

4. Historic Commission Review

- a. Completed applications for demolition of buildings or structures of buildings or structures in the Township's Historic Resource Inventory shall be forwarded to the Historic Commission in order for the Commission to schedule a meeting to review said application within twenty (20) days of receipt of said Application. Incomplete applications shall be rejected by the Zoning Officer.
 - (1) Applicant Notification. The applicant shall be notified of the date, time and place at which the Historic Commission will review the application within five (5) days after said meeting is scheduled. The applicant or his or her representative is encouraged to attend to explain the application and satisfy any questions asked by the Historic Commission. The meeting shall be advertised in a newspaper of general circulation with at least 48 hours notification of said meeting. The advertisement for said hearing shall be paid for by the applicant.
 - (2) Criteria for Deliberation. The Historic Commission shall use the Secretary of the Interior's Standards for Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstruction of Historic Buildings, hereinafter referred to as "Standards," which are set forth herein. Any proposed work requiring a permit shall be in substantial compliance with the Standards.
 - (3) Criteria for demolition of buildings or structures within the Township Historic Overlay District. The Historic Commission shall use the application requirements that appear in Section 1303.3. These requirements must be addressed by the applicant in a written report submitted to the Historic Commission.
 - (4) Within ten (10) business days of the meeting, the Historic Commission shall submit its written recommendation to the Zoning Officer to:
 - (a) Approve the permit;
 - (b) Deny the permit; or
 - (c) Approve the permit subject to specified changes and/or conditions to bring the proposed activity into compliance.
 - (5) The Historic Commission's recommendations shall be in writing and shall include findings of fact related to the specific proposal and shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.
 - (6) The Zoning Officer shall review the recommendations of the Historic

Commission and shall take action upon the permit application in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended, and within the time limits of this chapter and applicable statutes.

5. Permits. A permit for the proposed demolition, removal or relocation of any building or structure listed in the Township Historic Resource Inventory shall not be issued prior to, and where applicable.
 - a. The recording of an approved subdivision or land development plan for the property where the demolition, removal or relocation is proposed;
 - b. Issuance of any necessary zoning approvals; and
 - c. Any special exception requirements.
6. Demolition. For purposes of this Section, "demolition" shall mean the complete removal of a structure or building, the relocation of a structure or building, the destruction of the outside of the building or structure or roofing, or the removal of those features of a building's or structure's exterior which denotes a period of time, a cultural identity, or an architectural style.

ARTICLE XII

SEWAGE MANAGEMENT OVERLAY DISTRICT

Section 1200. SPECIFIC INTENT

It is the purpose of this overlay area to integrate the Township's Official Sewage Facilities Plan ("Act 537 Plan") and good sewage facility planning into this Zoning Ordinance as follows:

1. To ensure the proper and orderly development of properties within the Township's Sewage Management Area;
2. To ensure that proper procedures are set forth to ensure that properties within the overlay area of the Township have proper sewage management systems in order to protect public health and to protect groundwater resources; and
3. To prevent the need for public and/or community sewer systems within the Township to address the small number of affected lots with sewage needs.

Section 1201. OVERLAY CONCEPT

The Sewage Management Overlay District described above shall be an overlay on any Zoning District now or hereinafter applicable, as shown on the Official Longswamp Township Zoning Map and, as such, the provision of this Section shall serve as a supplement to the underlying district provisions.

1. To the extent the provisions of this Section are applicable and more restrictive; they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Longswamp Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other Ordinances of Longswamp Township shall remain in full force and effect.
2. In the event that any provision concerning the Sewage Management Overlay District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

Section 1202. DELINEATION OF DISTRICT

The Sewage Management Overlay District shall include those portions of Longswamp Township delineated on the Township Zoning Map as "Sewage Management Overlay District".

Section 1203. DISTRICT PROVISIONS

No building, structure or land occurring within the Sewage Management Overlay District shall hereafter be used or occupied and no building or structure or part thereof shall

be hereafter erected, constructed, reconstructed, moved or structurally altered and no property or lot may be developed or improved unless in conformity with the provisions of this Section, applicable provisions located elsewhere in this Ordinance and all other applicable State and Federal regulations, Ordinances and requirements.

Section 1204. SPECIAL USE PERMIT

In addition to all Building Permits, Zoning Permits and other permits necessary pursuant to any Ordinance within the Township, any property owner, regardless of size of lot, shall obtain a Special Use Permit in order to develop, improve, alter or obtain a Building Permit or other use set forth in Section 1203 of this Ordinance for the use of such lot. Such permit shall be required to demonstrate that the sewage facilities on the lot are not malfunctioning and appropriate area or areas exist for the installation of a replacement system in the event of malfunction. In the event the property size is less than one (1) acre, the following Sections shall apply.

Section 1205. CONDITIONAL USE

1. The owner of any and all lots, regardless of use, that are sized less than one (1) acre must apply for a Conditional Use prior to any construction, development, or land use change.
2. The owner of any and all lots with a malfunctioning sewage system shall apply for a Conditional Use, when it is demonstrated during the application for a Special Use Permit, that the septic system on the lot is malfunctioning.
3. Those property owners applying for a Special Use Permit under the terms of this Ordinance shall demonstrate the following objective criteria, in order to qualify for a Conditional Use, in addition to any other standards or requirements for a Conditional Use under the terms of this Ordinance:
 - a. In order to obtain Conditional Use approval pursuant to the terms of this Section, the property owner must demonstrate that it has a non-malfunctioning sewage system and appropriate land to construct a replacement system. In the event that pools, sheds or other amenities occupy the area that could be used to construct a replacement system, such amenities must be removed in order to provide adequate area for a replacement system. For purposes of this Ordinance, the Pennsylvania Department of Environmental Protection regulations shall apply to determine whether a malfunctioning system exists on the lot, regardless of actual visible malfunction.
 - b. The identification of an on-lot sewage disposal system replacement area must be confirmed by a soil evaluation trench and percolation test approved by the Township Sewage Enforcement Officer.
 - c. An on-lot sewage disposal system replacement area may be determined by the demonstration of a bona fide, recordable easement for the placement of a replacement system on an adjoining property, if such replacement area easement on the adjoining property runs with the property in perpetuity and

such easement is not within 100 feet of any neighboring property's water supply well and such easement does not eliminate the placement of a replacement system area on any neighbor's property.

Section 1206. LOT INTEGRATION PERMIT AT DEVELOPMENT OR BUILDING PERMIT

Any property owner who is the fee owner of a property that is less than one (1) acre in size who applies for a Special Use Permit pursuant to the terms of this Ordinance for development of, building on, or other development of such lot shall be required to undergo lot annexation prior to the issuance of such permit in the event that property owner owns the lot that lies adjoining or adjacent to such affected property.

Section 1207. LOT INTEGRATION AT CONVEYANCE

Any property owner with a lot within this Overlay District that is less than one (1) acre must apply for a Change of Use and/or Change of Occupancy Permit at the time of sale or other transfer of fee ownership. In the event that a property is owned under common ownership, which is less than one (1) acre, and lies adjacent to another lot of any size that is under common ownership, the same may not be conveyed to a third party without an annexation to the adjoining or adjacent lot under common ownership.

ARTICLE XIII

OFFICIAL MAP

Section 1300. SPECIFIC INTENT

The Township has adopted an Official Map in conjunction with this Zoning Ordinance. Said Official Map shall not serve as a part of the Zoning Ordinance, but it shall be integrated herein for reference for any and all properties who are affected by the regulations contained within the Ordinance adopting the Official Map. Moreover, any violations of the Official Map shall be enforced pursuant to the terms of this Zoning Ordinance, including the role of the Township Zoning Officer to enforce such actions either civilly or through the appropriate enforcement requirements established by this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE XIV

ENACTMENT

Section 1400. SEVERABILITY

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a Court of Competent Jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

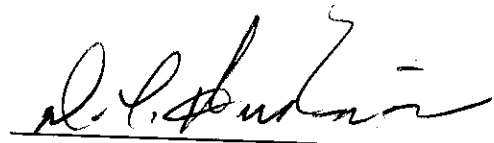
Section 1401. REPEAL OF CONFLICTING ORDINANCE

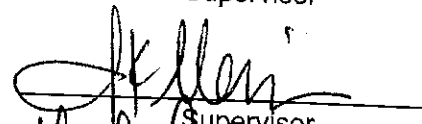
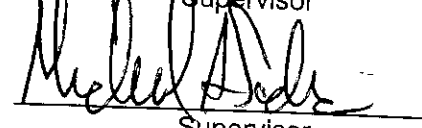
All Ordinances or parts of Ordinances, together with the Amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this amended Zoning Ordinance.

Section 1402. EFFECTIVE DATE

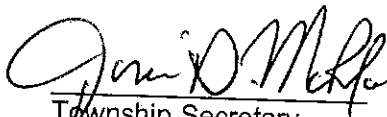
This Ordinance shall become effective 5 days after enactment. Duly enacted by the Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania, this December 14, 2021 day of _____, in lawful session duly assembled.

TOWNSHIP OF LONGSWAMP


Supervisor


Supervisor

Supervisor

Attest:


Township Secretary