

## **ARTICLE 4**

### **ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

401. **APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116. For conditional uses, see also Section 117.

402. **ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.**

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. **Active Adult Residential Community (“AARC”).**

- a. Purposes.

- (1) To recognize that the number of persons residing in the region who have attained the age of 55 years or older is increasing.
- (2) To add a provision for housing restricted primarily to meet the needs of persons age 55 years of age and older.
- (3) To require appropriate provision for indoor and outdoor active and passive recreational areas.
- (4) To encourage innovation in age-restricted communities so that the growing demand for housing may be met by a variety of housing types.

- b. Dimensional Requirements. The dimensional requirements that would otherwise apply shall be revised as follows: minimum lot area of 6,000 square feet; minimum site area of 25 acres; minimum lot width of 55 feet at the building setback line; minimum setbacks of 20 feet front yard, 20 feet for external side yards and 7.5 feet for internal side yards, and 20 feet rear yard; maximum building coverage of 30 percent; maximum impervious surface ratio of 6.5; minimum common open space of 30 percent; maximum density of 4.0 dwelling units per buildable acre; and maximum building height of 35 feet. A condominium form of ownership may be allowed provided the applicant shows that the building spacing would allow compliance with the lot area and yards.

- c. An AARC shall be subject to all provisions of this Zoning Ordinance, except for provisions specifically modified by this Section 402.

- (1) Meaning of Terms. When used in this Ordinance the term “Older Persons” shall mean persons 55 years of age or older in accordance with the provisions of the Fair Housing Act. The Fair Housing Act permits 20 percent of the housing units in an age-restricted community to be occupied or owned by people who are not older persons.

- (2) Intent of AARC. The Active Adult Residential Community Option is intended to address the housing needs of older persons who do not require the more intensive care offered by full care nursing homes, but who desire the security, safety and special design of a residential environment which can provide protective care and independent living.
- (3) Allowed Uses. Within an AARC, buildings may be erected, altered, or used and a lot or premises may be used for any of the following purposes:
  - (a) Active adult residential community consisting of one or a group of active adult residential structures which shall contain independent active adult residential units for older persons. In order to give the developer flexibility in choosing the housing types he feels are most appropriate, any housing type allowed in the GR District, is permitted within the active adult residential community, subject, however, to the specific standards and dimensional requirements for each individual permitted dwelling type as set forth in Sections 307 and 402. Notwithstanding the foregoing, all structures shall be permanent and shall have a minimum roof pitch of five vertical inches to 12 horizontal inches, and all units within an AARC shall be limited to no more than two bedrooms per dwelling unit.
  - (b) Accessory uses in an AARC shall be specifically restricted to serve only residents of the active adult residential community and their invited guests and shall be limited to the following:
    - (i) Auditoriums, activity rooms, craft rooms, library, lounges, community hall with kitchen facility and similar facilities for members of the active adult residential community and invited guests.
    - (ii) Office and retail facilities designed to serve only the members of the active adult residential community, such as but not limited to, doctors' office, pharmacy, fitness center, gift shop, coffee shop, post office, bank, travel agent, beauty shop, and barbershop.
    - (iii) Guard station and/or mechanical entrance gate.
    - (iv) Parking. Off-street automobile parking or parking garage and off-street delivery and loading facilities as may be required for the use of occupants, staff and visitors to the facility.
- (4) Development Requirements.
  - (a) Development Plan.
    - (i) A Master Land Development Plan shall be required for the entire tract and shall include a unified architectural theme. The entire common areas of the Tract for which an AARC development is proposed shall be held in single ownership. The lots shown on the plan are for allocation of space among the owners of homes in the development; however, the lots are not intended to be sold in fee simple. The area under each proposed dwelling shall be conveyable in fee simple. The remainder of the lot area shown on the plan shall be subject to an exclusive easement running to the benefit of the individual dwelling owner. The entire tract shall be restricted by a declaration of covenants to run with the land providing that although the individual lots shown on a plan of an AARC can be sold separately in the future by deed in fee simple, the entire common area, including all open

space and roads cannot be conveyed separately unless they are in conformity with this Section or without the prior written agreement of the Municipality.

- (ii) The Developer is encouraged to cluster the dwellings and accessory buildings and uses within an AARC. The reduced minimum lot area, reduced lot width, and reduced setbacks permitted for single family detached dwellings within the AARC, the requirement that public water and sewer service be provided, the requirement that at least 30 percent of the entire tract be preserved as open space, and the requirement that the open space be one contiguous area are all designed to facilitate the clustering of the individual dwelling units within an AARC.
  - (b) Phasing. Construction of the development in phases shall be permitted provided such construction is in compliance with the approved land development plan.
  - (c) Minimum tract size shall be 25 gross acres.
  - (d) Except as otherwise provided herein, all streets shall be constructed in accordance with all applicable specifications of the Subdivision and Land Development Ordinance and the applicable Street Ordinance. The cartway for new streets within the AARC shall be a minimum width of 24 feet. The streets shall be curbed. The curbing requirement may be met using rolled curbs. If such streets are not to be dedicated to the Municipality, there is no requirement for a right-of-way beyond the cartway width. In the event that a particular street is to be dedicated to the Municipality, the legal right-of-way width shall be 50 feet.
  - (e) Unless waived by the Governing Body, upon recommendation of the Municipal Planning Commission as part of the land development approval process, sidewalks shall be required on both sides of all streets in the AARC. Sidewalks shall be constructed and installed in accordance with the provisions of the Subdivision and Land Development Ordinance and the Municipal Street Ordinance. In all instances, curb cuts and handicap access ramps shall be provided on all corners at all street intersections as required by the provisions of the Municipal Subdivision and Land Development Ordinance and the Municipal Street Ordinance.
- (5) Area and Bulk Requirements.
- (a) The maximum number of dwelling units shall be four dwelling units per gross acre of the tract.
  - (b) Height of building. No building shall exceed a height of 35 feet nor shall it be more than two and one-half stories.
  - (c) Lot Area. The minimum lot area for single family detached units shall be 6,000 square feet and the minimum lot width shall be 55 feet at the building setback line.
  - (d) Impervious surface ratio including building area shall not exceed 65 percent of each lot area.
  - (e) Minimum Building Setback Requirements. Single family detached units:
    - (i) Front yard setbacks shall be 20 feet measured from the paved cartway if located on a private street, and measured from the ultimate right-of-way if located on an existing public street.
    - (ii) Rear yard setbacks shall be 20 feet from the buffer line, and 20 feet measured from the rear lot line for each unit.

- (iii) Side yard setbacks shall be 20 feet measured from the buffer line. If adjacent to an existing public street or non-residential district, the side yard shall be 20 feet measured from the ultimate right-of-way or buffer line respectively. The internal side yards shall be 7.5 feet.
  - (f) Buffer Area. A permanent vegetative buffer of no less than 50 feet in width shall be provided along the outside tract boundaries of the active adult residential community, excluding access points only. To the maximum extent possible, the developer shall preserve existing vegetation within the buffer areas along the property boundaries. The yard setback areas for dwelling units or other accessory buildings in an AARC which are nearest to the property boundaries for the particular active adult residential community shall be measured from the interior edge of the buffer area, said interior edge is referred to herein as the “buffer line”.
  - (g) Unit Occupancy. The dwelling units shall be occupied in accordance with the Fair Housing Act. For AARC dwellings, at least 80 percent of dwelling units shall be occupied by at least one person who is 55 years of age or older. No more than three persons shall occupy a single dwelling unit. No person under the age of 18 years may be a permanent resident in any dwelling unit within the AARC. No person under the age of 18 years may be an overnight guest in any dwelling unit within the AARC for more than 14 consecutive nights.
- (6) Off-Street Parking Requirements.
- (a) There shall be a minimum of 2.5 parking spaces for each independent AARC dwelling unit. Two parking spaces shall be reserved for the use of each dwelling unit. The use of the parking space resulting from the combination of one-half space from each of two adjoining lots shall be shared between the two dwelling units.
  - (b) Garages and driveways may be used in the calculations for off-street parking spaces. Parking shall not be allowed on the streets in an AARC.
  - (c) When submitting a Land Development Plan, application shall provide for the maximum of parking that may be expected for the active adult residential community. This shall include the sum of applicable parking requirements outlined in this section.
  - (d) No parking shall be permitted closer than 50 feet from the outside tract boundary line for any active adult residential community and 25 feet from the ultimate right-of-way line of an existing street.
  - (e) It shall be prohibited to park any vehicles other than passenger cars, light duty trucks, sport utility vehicles, or a vehicle used for the transportation of community residents in general within the development overnight. The parking of motor homes, recreational vehicles, and boat trailers within the community overnight shall be specifically prohibited.
- (7) Open Space and Recreation.
- (a) Arrangement. The common open space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the municipality that two or more separate areas would serve the requirements and be preferable. If the open space is designed to include two or more separate areas, a physical linkage including pedestrian access shall be required. Recreation and open space areas and facilities shall be located in close proximity to all residents of the complex.

- (b) Recreation. Recreation areas and facilities shall be provided to meet the anticipated needs of the complex. Recreational areas should be of a size, shape and relief that is conducive to that group's active and passive recreational needs.
- (c) Open Space. Open space shall be a minimum of 30 percent of the entire tract. However, if at least 50 percent of the entire tract is preserved as open space, the steep slope environmental performance standards set forth in Article 5 may be modified by the developer as follows:

15-25%: no more than 45 percent of such areas shall be developed and/or regraded or stripped of vegetation.

25% or more: no more than 15 percent of such areas shall be developed and/or regraded or stripped of vegetation.

- (i) However, if the developer elects to preserve at least 50 percent of the entire tract as open space in order to be able to modify the steep slope environmental performance standards as described above, the developer shall deed restrict the open area so as to prohibit future development of the open area. The restrictions shall be in a form acceptable to the Municipal Solicitor. The restrictions shall be noted on the final Land Development Plan and shall be set forth in a written declaration to be filed of record in the Office of the Recorder of Deeds, Berks County, Pennsylvania at the time of Land Development Plan approval. The restrictions shall be stated to be covenants which will run with the land and which may be enforced by the Township, and will not be modified or invalidated except by order of a Court of competent jurisdiction.
  - (d) Community Center. Each facility shall contain a minimum of one indoor area designated as a community center, which shall provide facilities and services specifically designed to meet the physical and social needs of the residents.
    - (i) The center shall be encouraged to offer the following programs:
      - Social and recreational activities.
      - Preventative health care programs.
      - Continuing education, information and counseling and recreational programs.
      - Transportation to facilitate access to services and activities provided outside the community.
      - Services designed to encourage and assist residents to use the services and facilities available to them.
    - (ii) The floor area of the community center shall be determined in accordance with the following formula: # units x 20 square feet = required floor area. The minimum floor area shall be 1,500 square feet.
- (8) General Regulations.
- (a) Utilities. All buildings and all residential units within the AARC shall be served by a public water and public sanitary sewer system. All utility lines such as electric, telephone and cable, shall be installed underground.
  - (b) Signs. Development identification signs and directional signs shall be permitted. Traffic directional signs and signs indicating direction to delivery and loading

areas are permitted and shall not exceed four square feet each. One, two-sided development identification sign shall be permitted at each entry to the development, each side of which shall not exceed 32 square feet in area.

- (c) Lighting. External illumination of any active adult residential community as well as the parking lots, driveways, walkways and entrances thereto shall be arranged so as to protect the adjacent highways and neighboring properties, whether or not contiguous thereto, from unreasonable direct glare or hazardous visual interference. No freestanding light fixture shall exceed a height of 16 feet.
- (d) Declaration of Age Restriction. At the time of subdivision and land development, as a prerequisite to any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Township Solicitor, pursuant to the Fair Housing Act, binding all properties and owners to the restriction which shall require a minimum that at least 80 percent of the dwelling units within the AARC shall be occupied by at least one person age 55 years or older, that no person under the age of 18 years may be a permanent resident of any dwelling unit with the AARC, and that no person under the age of 18 years may be an overnight guest of any resident of the AARC for more than 14 consecutive nights.
- (e) Provision for Maintenance / Ownership of Common Elements. A declaration acceptable to the Governing Body and Solicitor for the maintenance / ownership of all common elements which will not be owned and maintained by the Township shall be approved by the Governing Body prior to final Land Development Plan approval and shall be recorded at the Berks County Recorder of Deeds office after final plan approval.
- (f) Restriction Against Future Sale. Since the concept embodied in these regulations is to keep the entire common space area, and all areas around the dwellings, excepting the portion of the tract under each dwelling unit which may be conveyed in single, fee ownership (this being essential to the financing and conveyancing units in the Berks County area) and that the lots shown on the plan are for allocation of space among the owners of homes in the development, the entire common area of the tract shall be restricted by a declaration of covenants to run with the land so that said area as shown on a plan of an AARC cannot be sold separately in the future by deed in fee simple without prior written agreement of the Municipality.
- (g) Traffic Impact Study. All Land Development Plan applications proposing an AARC use shall include a traffic impact study demonstrating that traffic generated by the development can be satisfactorily managed within the confines of existing Township traffic management infrastructure, or by the use of improvements to be constructed.

2. **Adult Use.** (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)

- a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
  - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township/Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in

- activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
- (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
  - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
- b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
    - (1) 500 lineal feet from the lot line of an existing dwelling,
    - (2) 500 lineal feet from the lot line of any lot in a residential zoning district,
    - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
  - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
  - d. A 50 foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
  - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
  - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
  - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
  - i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
  - j. A minimum lot area of 1 acre is required.
  - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
  - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
  - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
  - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
  - o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on

a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township/Borough business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

- p. The use shall not operate between the hours of 12 midnight and 7 a.m.
  - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
  - r. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
3. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
  - b. The use shall include constant supervision during all hours of operation.
  - c. The use shall not meet the definition of a "treatment center."
4. **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 500 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.
5. **Airport** -
- a. As part of a conditional use approval, the Governing Body shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
  - b. As part of a conditional use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
  - c. Each end of a runway shall be setback a minimum of 200 feet from all lot lines. Each side of a runway shall be setback a minimum of 100 feet from all lot lines.
6. **Animal Cemetery.**
- a. All the regulations for a "cemetery" in this Section shall apply.
  - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
7. **Apartments** - See "Townhouses and Apartments" in this Section 402.
8. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.
9. **Auto, Boat or Mobile/ Manufactured Home Sales.**
- a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
  - b. See light and glare standards in Section 507.

- c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

10. **Auto Repair Garage or Auto Service Station.**

- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
- c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
- g. An auto repair garage and auto service station may be combined, if the requirements for each are met.
- h. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- i. The use may include a "convenience store" if the requirements for such use are also met.
- j. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
  - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and c) necessary warning signs.
  - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- k. Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home).

11. **Bed and Breakfast Inn.**

- a. Within a RC, RA or residential district (where permitted under Section 306), a maximum of 6 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts. In the RA and LDR districts, this use shall be limited to an accessory use of a single family detached dwelling.
- b. One off-street parking space shall be provided for each rental unit, plus employee parking. To the maximum extent feasible, off-street parking spaces for the bed and breakfast inn shall be:
  - a) located either to the side or rear of the principal building and b) screened from the street and

abutting dwellings by landscaping. Off-street parking spaces shall be setback a minimum of 10 feet from lot lines.

- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 8 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
- d. Within a residential district, the use shall have a residential appearance and character.
- e. The use shall be owned, operated or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- g. No guest shall stay for more than 14 days in any month.

12. **Boarding House (includes Rooming House).**

- a. Minimum lot area- 20,000 square feet.
- b. Minimum side yard building setback - 25 feet per side
- c. Minimum lot width- 120 feet
- d. The lot shall not serve more than 20 residents.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note: There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

13. **Campground, Camp or Recreational Vehicle Campground**

- a. Within a residential district, for each acre of total lot area, there shall be a maximum average of: a) 5 recreational vehicle sites (where allowed), b) 10 tent sites or c) cabin sleeping capacity for 20 persons. Such sites may be clustered in portions of the tract. Such maximum density shall not apply within a commercial district.
- b. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- c. Minimum lot area - 5 acres in an allowed commercial or industrial district, 10 acres in any other district where the use is permitted under Article 3.
- d. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
  - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
  - (2) Removal of trees within this buffer shall be only allowed for a necessary crossing of a street (which shall be generally perpendicular to the buffer), stormwater channel, driveway, and utility and to provide safe sight distance.
- e. Buildings used for sleeping quarters shall not be within the 100-year floodplain.

- g. Maximum impervious coverage - 10 percent, which shall include the typical lot area covered by recreational vehicles at full capacity. Within any other district, the maximum impervious coverage shall be the percentage that applies to that zoning district in Section 307.A.
- h. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

14. **Car Wash.**

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 200 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. Water used in the car wash shall not drain into a waterway or lake.

15. **Cemetery.**

- a. Minimum lot area- 2 acres, which may be on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the existing right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township/Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

16. **Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
  - (1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - (a) a principal agricultural building or silo,
    - (b) an electric high voltage transmission tower,
    - (c) an existing lawful commercial communications tower,
    - (d) a fire station or steeple or bell tower of a place of worship, or
    - (e) a water tower or a wind turbine.
  - (2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna

is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
  - (1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Governing Body may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
  - (3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
  - (4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.
  - (5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township/Borough.
  - (6) An applicant for a new commercial communications tower shall provide evidence to the Governing Body ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - (7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Governing Body as a conditional use that a taller height is absolutely necessary and unavoidable.
  - (8) The application shall describe any proposed lighting. The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
  - (9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
  - (1) To protect property values.
  - (2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.

- (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
  - d. A tower/antenna that is intended to primarily serve emergency communications by a Township/Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
  - e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. The Governing Body may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
  - f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet, which may be divided among adjacent buildings serving separate companies, have a maximum height of 10 feet and meet principal building setbacks.
  - g. No new or existing antenna shall cause interference with public safety telecommunications. The Township/Borough may require the applicant for a new commercial communications tower to submit a study by a radio frequency engineer or other qualified professional to analyze the threat of interference. The study shall also show that the tower and antenna will not create interference with other communications systems, such as amateur ham radio operators.
17. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
  - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
    - (1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - (2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
  - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
  - d. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, or unless the building included more than 4,000 square feet of building floor area at the time of adoption of this Ordinance.
  - e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
  - f. See Section 306, which also allows certain existing agricultural barns to be converted into a dwelling unit. Such provision shall only be allowed for a barn that includes more than 600 square feet of floor area and existed before 1940. Such barn conversion may result in a total of 2 dwelling units on the lot.
18. **Day Care Center, Child or Day Care Center, Adult.**
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.

- b. A Child Day Care Center shall comply with any applicable state and federal regulations, including having an appropriate PA Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children. A drop off-spot shall also be provided for Adult Day Care.
- d. The use shall include secure fencing around outdoor play areas for children.
- e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- f. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- g. See also the standards for a "Place of Worship" in this Section, which allows a child or adult day care center as an adjunct use.

19. **Emergency Services Station.**

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, fairgrounds for periodic special events, indoor rental storage, and auction house. Any building(s) detached from the fire company station that are used for such purposes shall: 1) not cover more than 10 percent of the total lot area, and 2) be setback a minimum of 60 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting Section 803.

20. **Forestry.**

- a. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on Forestry.
- b. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. The Forestry provisions in this Section 402 shall regulate all Forestry when the total harvesting area is 1/2 acre or greater in a calendar year, which shall require a permit.
  - 1. These provisions shall not regulate the following:
    - a) cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
    - b) cutting of trees with a trunk diameter of less than 6 inches (measured 3.5 feet above the ground level),
    - c) cutting of dead trees, seriously diseased trees or unstable trees that clearly represent a danger to vehicles, buildings or pedestrians,
    - d) cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use, and
    - e) cutting of trees as part of a Christmas Tree Farm, plant nursery or orchard when the trees were planted for that purpose.
- c. Application Requirements. An application for Forestry shall be made prior to the start of work. No Forestry shall occur until a permit has been issued by the Zoning Officer.

1. The application shall include a written Forestry plan. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
  2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the Forestry plan and permit.
- d. Forestry Plan.
1. The applicant shall specify, in writing, the land on which Forestry will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation.
  2. The application shall include, at a minimum, the following information:
    - a) A narrative of all stream and road crossings, including required permits from the appropriate agency;
    - b) All Township and/or PennDOT Highway Occupancy permits, if applicable;
    - c) An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
    - d) The application shall also include the name and address of the property owner and the person who will be responsible to oversee the Forestry.
    - e) The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
    - f) In addition, if the forestry involves more than 10 acres, then the following additional requirements shall apply:
      - (1) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
      - (2) An erosion and sedimentation control plan approved by the County Conservation District;
      - (3) The forestry plan shall be prepared by a qualified professional.; and
      - (4) A description of best management practices that will be used, provided that to the extent feasible, all forestry activities shall follow the latest edition of “Best Management Practices for Pennsylvania Forests” as published by the Pennsylvania State University College of Agricultural Sciences, or its successor publication.
- e. Forestry Practices.
- 1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
  - 2) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
  - 3) All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
  - 4) Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To insure their adequate protection,

Forestry is prohibited within 50 feet from the top of the bank on each side of all perennial waterways.

- 5) No tops or slash shall be left within a drainage channel or within 50 feet from the top of the primary bank of a waterway.
  - 6) The use of clear-cutting must be fully justified by a Forestry plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than one acre. Clearcutting shall be prohibited on slopes greater than 15 percent.
  - 7) A 20 feet minimum setback shall be maintained for Forestry from a public street right-of-way and from any lot line of property, except such lot line setback shall not apply if the adjoining property owner provides a written, notarized and signed waiver of the setback to the zoning officer.
  - 8) Except in areas approved for clearcutting, if forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.
- f. **Public Road Responsibility** - The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been complied with. In lieu of such bond, the operator or landowner may post a cash deposit or certified check with the Township. (Note - See Title 75, Pennsylvania Consolidated Statutes, Chapter 49 and Title 67 Pennsylvania Code, Chapter 18, or their successor provisions.)
- g. **Tree Removal as Part of an Approved Subdivision.** If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Governing Body may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Governing Body. The Governing Body may require that the easement be enforceable by the Township and/or by any adjoining property owner.
- h. No forestry operation shall be permitted within any Zone One Riparian Buffer. No clear-cutting of timber shall be permitted within any Zone Two Riparian Buffer. See Article 5.
- i. In all woodlands, a minimum percentage of the forest canopy trees shall remain in good condition after the completion of any forestry operation, as set forth in the table below. Remaining forest canopy trees shall be well distributed throughout the area subject to the forestry operation.

<b>Woodland Class</b>	<b>Percentage Forest Canopy Trees to Remain by Location</b>		
	<u>Zone One Riparian Buffer</u>	<u>Zone Two Riparian Buffer</u>	<u>Zone Three Riparian Buffer and All Other Areas</u>
Class III	100	60	40
Class II	100	70	50
Class I	100	80	60

- j. At least 50 percent of the forest canopy trees that comprise Higher Value Species shall not be harvested and shall remain in good condition after the completion of any forestry operation.
  - k. A Borough / Township representative(s) shall be permitted access to the site of any forestry operation before, during, or after active forestry to review, inspect and ascertain compliance with the provisions set forth herein.
  - l. Upon determination that a forestry operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Ordinance.
21. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course. If the Golf Course is within a residential district, a 40 acre minimum lot area shall apply.
22. **Groundwater or Spring Water Withdrawal, involving removal of average of more than 50,000 gallons per day from a lot for off-site consumption.** (Note - If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)
- a. The regulations of this Section shall not apply to water used by a principal agricultural use within the Township/Borough.
  - b. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Governing Body that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
  - c. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any pre-existing dwelling on an adjacent lot.
  - d. Minimum lot area - 5 acres, plus 5 additional acres for each 20,000 gallons per day of capacity of withdrawal, up to a maximum of 100 acres.
  - e. Any bottling, treatment or processing operations shall be considered a distinct use and shall only be allowed if “Food or Beverage Manufacturing” is an allowed use in the zoning district under Section 306.
  - f. At least 45 days prior to receiving any Municipal approval or permit, a study by a qualified professional shall be submitted by the applicant to the Municipality. Such study shall analyze impacts of the withdrawal upon wetlands, water supply wells and creek levels, particularly during periods of drought.
  - g. If a groundwater or spring water withdrawal involves 10,000 gallons per day or more, a copy of any materials required to be submitted to the Delaware River Basin Commission shall also be submitted to the Municipality at the same time.
  - h. Trucks carrying water shall only leave the site between the hours of 7 a.m. and 9 p.m. if the site is not within a commercial or industrial district.
23. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. The use shall meet the definition in Section 202.

- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
  - (1) if a more restrictive requirement is established by another Township/Borough Code;
  - (2) the number of bona fide paid professional staff shall not count towards such maximum; and
  - (3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
- h. Parking - See Section 601.
- i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- j. The persons living on-site shall function as a common household unit.
- k. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- l. An off-street parking space shall be provided for the largest vehicle that serves the use.
- m. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

**24. Heliport.**

- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.

**25. Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

**26. Junkyard. (includes automobile salvage yard)**

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line, and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to

allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- h. Lot area - 5 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.
- k. Where a Junkyard is regulated by both this Ordinance and another chapter of the Codified Ordinances of the Township/Borough, the provision that is more restrictive upon the Junkyard use shall apply.

27. **Kenel.**

- a. All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 6 acres, unless a larger lot area is required by another section of this Ordinance.

28. **Livestock and Poultry, Raising of.**

- a. Minimum lot area - 5 acres, except a minimum lot area of 25 acres shall apply for an "Intensive Raising of Livestock or Poultry" use.
- b. Except for an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- c. For an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from

- a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- d. The setbacks from property lines provided in this Section 402.A. for this use shall not apply to dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
  - e. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
  - f. The keeping of putrescent garbage-fed swine shall meet the setbacks for an Intensive Raising of Livestock or Poultry Use. See the State Domestic Animal Law provisions regarding garbage-fed animals.
  - g. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township/Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
  - h. Buildings used for the keeping of livestock or poultry shall:
    - (1) meet Township/Borough floodplain regulations;
    - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir, and
    - (3) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
  - i. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
  - j. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
    - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
    - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
    - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
    - (4) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.
29. **Manufactured Homes and Manufactured Home Parks.** See "Mobile/Manufactured Home" in this Section.

30. **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

31. **Mineral Extraction Within Boyertown Borough or Pike Township**

- a. If a Mineral Extraction use involves mining activities over more than 2 acres of land in any calendar year, then the following additional requirements shall be met:
  - (1) The applicant shall submit a traffic study analyzing the suitability of roads that will be used by trucks leaving the use to reach major destinations for the materials. This study shall consider any improvements that the applicant proposes to fund.
  - (2) A copy of all information submitted to State agencies regarding a proposed mineral extraction use or expansion or related water issues shall also be submitted to the Zoning Officer at the same time.
  - (3) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
  - (4) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
  - (5) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Governing Body may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
    - (a) New trees shall not be required where preserved trees will serve the same purpose.
  - (6) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
    - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
    - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
    - (c) 400 feet from the lot line of an existing dwelling on another lot,
    - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
  - (7) The excavated area of a mineral extraction use shall be setback 150 feet from the edge of a perennial waterway at bank flow or the edge of a natural wetland of more than 2 acres.
  - (8) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
  - (9) Fencing. The Governing Body may require secure fencing in locations where needed to protect public safety. Also, warning signs shall be placed around the outer edge of the use.
  - (10) Hours of Operation. The Governing Body, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

- (11) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (12) The Township/Borough may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.
- (13) A plan shall be submitted showing how dust will be controlled.
- (14) A hydrogeological study shall be submitted by the applicant, which shall be prepared by a qualified professional, and which shall estimate the impacts of the operation upon wells and surface waters, and which shall also recommend methods to mitigate impacts.

**32. Mineral Extraction (Includes Quarrying) Within Colebrookdale Township**

- a. This use shall include but not be limited to the extracting of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them (which removal shall not constitute mining activity) or otherwise exposing and retrieving them from the surface, including, but not limited to strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including, but not limited to exploration, site preparation, entry, tunnel, drift, slope, shaft, and borehole drilling and construction and activities related thereto excluding, however, the extraction, handling, processing or storing of materials from any building construction excavation on the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals shall not be conducted except in strict compliance with a zoning permit issued upon compliance with requirements of this Section.
- b. Compliance with all applicable state and federal laws, including but not limited to the following; as amended:
  - (1) The Pennsylvania “Clean Streams Law”;
  - (2) The Pennsylvania “Air Pollution Control Act”;
  - (3) The Pennsylvania “Dam Safety and Encroachments Act”;
  - (4) The Pennsylvania “Solid Waste Management Act”;
  - (5) The Pennsylvania “Non-coal Surface Mining Conservation and Reclamation Act”;
  - (6) National Pollution Discharge Elimination System requirements as outlined under 40 CFR – Protection of Environment; and
  - (7) Mine Safety and Health Administration requirements as outlined under 30 CFR – Mineral Resources.
- c. Plan and supporting document requirements:
  - (1) Existing Features and Mining Map
    - (a) Scale not less than one inch equals 200 feet;
    - (b) Boundary of the entire tract by courses and distances, surveyed in accordance with current ALTA / ACSM Land Title Survey and Mapping Standards. Property and planimetric features survey to meet Class A requirements.  
Elevation survey to be of third-order accuracy and 90 percent of all spot elevations determined from the map must be within  $\pm$  one-half the contours interval of correct elevations. Contour interval to be not less than five feet.
    - (c) Monumentation and benchmarks for proposed limits of mining.
    - (d) Vehicular access existing and proposed.

- (e) Zoning district boundaries and adjacent districts.
  - (f) Setback and buffer limits.
  - (g) All existing occupied and/or unoccupied structures located within 1,320 feet of the limits of mini operations.
  - (h) The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area.
  - (I) Acreage and approximate volume to be mined.
  - (j) Location and details of soil gas, and groundwater monitoring wells.
  - (k) Location and details of sediment control facilities including, but not limited to ponds, berms, and ditches.
  - (l) Location of existing and/or proposed onsite water supply and sewage collection systems.
  - (m) Location and details of existing and proposed security fencing.
  - (n) Pennsylvania Department of Environmental Protection permit numbers and/or reference for mining, mine drainage, and national pollution discharge elimination systems.
  - (o) Owner's name, address, and telephone number.
  - (p) Applicant's name, address, and telephone number.
  - (q) Phase delineation.
  - (r) Cross-section reference.
- (2) Cross-section Drawings.
- (a) Cross-sections at a horizontal scale of not less than one inch equals 100 feet, and a vertical scale of not less than one inch equals 50 feet.
  - (b) A minimum of four cross-sections per quarry phase. One cross-section to be taken longitudinally in approximately the center of the phase area and the other three sections perpendicular to the longitudinal section space in approximately equal increments. All sections to extend 100 feet beyond mining limits.
  - (c) Cross-section plots to use same elevation reference datum as used for contour map.
  - (d) Cross-sections to show existing ground profile, approximate extent of overburden, groundwater level, final mining elevations, and final ground elevation profile after restoration.
- (3) Reclamation Plan.
- (a) Scale not less than one inch equals 100 feet.
  - (b) Boundary as shown on existing features map.
  - (c) Final proposed elevation contour lines at five feet intervals.
  - (d) Final groundcover and seedbed preparation.
  - (e) Planting scheduled.
  - (f) All structures and manmade features to be removed within reclaimed area.
  - (g) Soil erosion and sedimentation control measures.
- (4) Groundwater and Soil Gas Monitoring Data.
- (a) Flow rate and direction.
  - (b) Static water level.
  - (c) Water quality data, if and when requested by the Township to investigate specific complaint.

- (d) Soil gas analysis for radon and other air quality data, if and when requested by the Township to investigate a specific complaint.
- (5) Pre-blast Survey Data and Report.
  - (a) Firm or individual to perform pre-blast survey and pre-blast survey procedures to be approved by Township Engineer.
  - (b) Conditions of inventoried dwelling structures, including but not limited to driveways, culverts, above and underground utilities, water wells, and subsurface wastewater disposal.
  - (c) Inventory water level and yield of all private and public wells within pre-blast survey area where permitted by property owner where access is readily available.
  - (d) If warranted, prepare specific recommendations for blasting procedures to prevent damage.
- c. Operating Performance Standards:
  - (1) Quarry operator / owner shall supply to the Township copies of all submission to DEP and Bureau of Surface Mines.
  - (2) Non-coal surface mining activities shall meet the performance standards of Article 5 that are not in conflict with requirements of this section.
  - (3) Peak particle velocity as measured with seismographs meeting DEP standards of subsection 211.44, shall not exceed one inch per second and sound level shall not exceed 130 decibels.
  - (4) Install groundwater and soil gas monitoring wells every 1,200 feet along the perimeter of the Q/GI District boundary line. Quarry operator / owner shall sample monitoring wells at least once every three months. Township shall be notified no less than 48 hours prior to testing date and time in order to permit its designated official to witness the test. Test results shall be kept on file by quarry operator, and copies shall be forwarded promptly to Township upon request.
  - (5) Construction of Haul Roads and Access Roads. Haul roads and access roads shall be designed, constructed, and maintained to prevent to the maximum extent possible, erosion and to prevent contributions of sediment to streams or runoff outside the affected area, air and water pollution, and off-site damage. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored unless retention of the road and its maintenance constitutes a part of the post-mining land use. Roads shall be constructed on stable areas that avoid wet or unstable soils.
    - (a) Prior to the construction of a road, all topsoil shall be removed, stored on a stable site, and protected against erosion and compaction until restoration of the whole road.
    - (b) Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.
  - (6) A 100 foot buffer zone shall be provided along the zoning line separating the Q/GI District from all Residential Zoning Districts. Within said buffer zone shall be permitted only berming, fencing, storage of overburden, and roadways.
  - (7) Distance Limitations. Non-coal surface mining operations shall be conducted no closer than:
    - (a) 100 feet to an existing public right-of-way, park, cemetery, or bank of any stream.
    - (b) 300 feet to a public or private dwelling occupied at the time of adoption of this Ordinance; however, building owner may waive his right to prohibit quarrying within 300 feet.

- (8) Berming. Except where the topography of the surface mine site would render berming useless, the operator shall create a berm at least 15 feet in height with a minimum top surface width of 10 feet and a maximum side slope ratio of 2:1. Berm shall be located within the 100 foot buffer yard. There shall be placed atop said berm, a chain link fence at least six feet in height, to totally surround the proposed limit of mining. In addition, there shall be planted on the slope of said berm, most distant from the proposed limit of mining, hybrid poplars (or their equivalent) on eight foot spacings with an inner planting (also on the outermost slope of said berm) of evergreens also spaces at eight foot intervals but with each evergreen planting being centered between planting of hybrid poplar. Dead or ailing evergreen trees shall be replaced within one growing season. For purposes of this Ordinance, berms shall not be considered to be mining activity and may be located outside the “limits of mining” as established by the operator.
- (9) The surface mine operator shall provide to the Township of Colebrookdale, a calculation of the total acreage and volume to be mined prior to commencement of mining activities.
- (10) Pre-blast Survey. At least 60 days before initiation of blasting, the operator of any non-coal surface mine shall notify, in writing, all residents or owners of dwellings or other structures located within 1,320 feet of the blast site of their right to request a pre-blasting survey. On the request to the operator by a resident or owner of a dwelling or structure that is located within 1,320 feet of the proposed blast site, the operator of the surface mining activity shall promptly conduct a pre-blasting survey of the dwelling or structure. If a dwelling or structure is renovated or added to subsequent to a pre-blasting survey, then upon request by the resident or owner to the operator, a survey of such additions and renovations shall be performed by the operator in accordance with this section. The operator shall provide the Township of Colebrookdale with a copy of such request.
  - (a) A written report of the survey shall be prepared and signed by the person who conducted the survey. The report may include recommendations of any special conditions or proposed adjustments to the blasting procedure which should be incorporated into the blasting plan to prevent damage. Copies of the report shall be promptly provided to the person requesting the survey and to the Township of Colebrookdale.
  - (b) Any pre-blasting survey requested more than 30 days before planned original initiation of blasting shall be completed by the operator before the initiation of blasting. Photographic or video documentation of any pre-blast defects shall be kept in operators file for one year and made available to Township upon request.
- (11) Use of Explosives. Public notice of blasting schedule to be completed prior to initiation of blasting by new non-coal surface mine operators.
  - (a) Blasting Schedule Publication:
    - (1) All blasting shall be conducted in strict conformity with the requirements of the Department of Environmental Protection as they may from time to time be altered and shall occur only between the hours of 10:00 a.m. to 2:00 p.m., prevailing local time, Monday through Thursday, except in the event of extraordinary circumstances such as intervening electrical storms resulting in delay to blasts originally scheduled between the aforesaid hours; in the event of such extraordinary circumstances, the Township shall be promptly notified.

- (2) Copies of the routine schedule shall be provided directly or by mail to the Township of Colebrookdale. Each resident within 1,320 feet of the blasting site who has prior thereto requested blasting notifications in writing, shall be notified by telephone of the scheduled blast at least two hours prior to such blast.
  
- (b) Blasting Schedule Contents:
  - (1) Dates and time periods when explosives are to be detonated;
  - (2) Methods to be used to control access to blasting area;
  - (3) A description of possible emergency situations that might prevent blasting at times announced in the blasting schedule, such as rain, lightning, other atmospheric conditions or operator or public safety which may require unscheduled detonation.
  
- (c) Records. Copies of records to be kept in accordance with DEP Chapter 211.4.6 Storage, Handling, and Use of Explosives shall be provided promptly to the Township upon request. Specifically, the following information may be requested for each blast:
  - (1) Location, date, and time of blast.
  - (2) Name, signature and license number of blaster in charge.
  - (3) Type of material blasted.
  - (4) Number of holes, burden, and spacing.
  - (5) Diameter and depth of holes.
  - (6) Types of explosives used.
  - (7) Total amount of explosives used.
  - (8) Maximum amount of explosives per delay period of eight milliseconds or greater.
  - (9) Method of firing and type of circuit.
  - (10) Direction and distance, in feet, to nearest structure, occupied or suitable for human occupancy, neither owned nor leased by the person conducting blasting, or the non-coal surface mining operator / landowner.
  - (11) Scaled distance. Ds.
  - (12) Weather conditions.
  - (13) Direction of wind.
  - (14) Height or length of stemming.
  - (15) Type of delay electric blasting caps used and delay periods used.
  
- (12) Hydrologic Balance Water Rights and Replacement. The operator of any non-coal surface mine which affects by surface mining activities a public or private water supply by contamination, interruption, or lowering of static water level shall restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. For the purpose of this section, the term “water supply” shall include any existing source of water or facility or system for the supply of water for human consumption, for agricultural, industrial or other uses. “Lowering of water table” is herewith defined as lowering in excess of two feet below seasonal water table fluctuations, as documented by water table recordings of existing wells within one mile radius.
  
- (13) Monumenting. The operator shall construct monuments along the proposed limits of mining in such a manner as to be clearly visible upon inspection. Said monuments shall be permanently installed and surveyed. Legal descriptions and plot plan to be submitted to Township.

- (14) “Removal of overburden” shall not constitute quarrying activity for purposes of this Ordinance. Owner / Operator shall, nonetheless, store no overburden materials outside the Q/GI District. Upon movement of overburden, said overburden shall be immediately either removed entirely from the property, placed in berms as herein described, or placed immediately adjacent to said berms for storage. All such storage areas shall be immediately seeded in such a manner as to prevent erosion and in total compliance with the requirements of the Pennsylvania Department of Environmental Protection as they may from time to time exist. In addition, Owner / Operator may, upon approval by Board of Commissioners, remove overburden from any part of the area zoned Q/GI provided, however, that the active area of removal outside of the phase being actively quarried shall in no instance exceed a total of five acres, and provided further that Owner / Operator shall, immediately after removal of overburden, reclaim the area of removal (unless quarrying activities shall immediately commence thereon) with at least 12 inches of cover, with said cover being immediately reseeded.

d. Reclamation Performance Standards:

- (1) Reclamation of a completed mine phase shall be commenced concurrently with opening of a new mine phase and shall be completed within one year. However, if all mining operations discontinue for a full year, all phases completed or not shall be reclaimed within three years of the date the Zoning Officer serves notice that mining operations were discontinued for one year.
- (2) When the surface mining operation has concluded, the area shall be reclaimed by terrace. Terracing shall occur through the utilization of an overall two to one reclamation slope, with the intervening slopes between terraces being no greater than 45 degrees or the natural angle of slope, whichever is greater, and with the height of the intervening slopes between terraces being no greater than 25 feet and with the surface width of each terrace being no less than 25 feet. Upon said terraces shall be placed a 12 inch layer of available soil and planted, concurrent with the reclamation, coniferous vegetation and hybrid poplar so as to create a continuous planting upon each terrace. Both the hybrid poplar and the evergreens utilized shall be of a type which shall achieve a minimum height of 25 feet at maturity. Tree spacing and density shall be same as berm planting.
- (3) Where a water impoundment is part of the reclamation, the slope shall extend to 25 feet below the post-reclamation water level at a minimum slope of 3:1 to serve as a safety bench for safe exit from the impoundment. Benches developed below the lower level of the reclamation safety bench need not be restored; removal of any benches below the safety bench shall be accomplished only with approval of the Department of Environmental Protection.
- (4) Reclamation of a working face shall begin with 180 days after such face has reached its maximum horizontal extent.
- (5) Revegetation:
  - (a) Revegetation where required shall provide for a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process where desirable. Vegetative cover shall be considered of the same seasonal variety when it consists of a mixture of species of equal or superior utility for

- the approved post-mining land use, when compared with the utility of naturally occurring vegetation during each season of the year.
- (b) Revegetation shall provide a quick germinating, fast growing vegetative cover capable of stabilizing the soil surface from erosion and shall include, but not be limited to crownvetch.
  - (c) All revegetation shall be carried out in a manner that encourages a prompt vegetative cover and recovery of productivity levels compatible with the approved post-mining land use.
  - (d) Disturbed areas shall be seeded and planted during the first normal period for favorable planting after reclamation has commenced.
  - (e) When necessary to effectively control erosion, the disturbed area shall be seeded and planted as contemporaneously as practicable with a temporary cover of small grain, grasses, or legumes or otherwise protected from erosion until a permanent cover is established.
- (6) Immediately after hauling roads are no longer needed for the associated surface mining activities or post-mining land use:
- (a) The road shall be physically closed to vehicular traffic;
  - (b) The road and adjacent slopes shall be regraded to blend with the natural contours and drainage patterns;
  - (c) All bridges and culverts shall be removed;
  - (d) Cross drains, dikes, and water bars shall be constructed to minimize erosion; and
  - (e) All disturbed areas shall be revegetated in accordance with this Ordinance.
- (7) Casing and Sealing of Wells, Soil Gas Monitoring Points and Bore Holes. Each bore hole, well, or other exposed underground opening (except for holes solely drilled for use in blasting) or other opening exposed during surface mining activities shall be cased, sealed, or otherwise managed as approved by the Department of Environmental Protection at the conclusion of surface mining activity to:
- (a) Prevent acid or other toxic drainage from entering ground or surface water;
  - (b) Prevent to the maximum extent possible, disturbance to the prevailing hydrologic balance;
  - (c) Ensure the safety of people, property, livestock, fish and wildlife and machinery in the mining area; and
  - (d) Nothing in this section shall prevent the utilization of wells in post-mining activities.
- e. Hours of Operation:
- (1) Owner / Operator shall operate its primary stone crusher no earlier than 6:30 a.m., prevailing local time, and no later than 7:00 p.m., prevailing local time, Monday through Friday. Saturday operation of the primary stone crusher shall be only from 6:30 a.m. to 1:00 p.m.
    - (a) Surface mine operator may extend hours of operation of the primary stone crusher from 6:30 a.m. to 10:00 p.m., prevailing local time, for a total of 75 days per year.
    - (b) Should the primary crusher suffer a breakdown, the surface mine operator may extend hours of operation on the same day of the breakdown or on any subsequent day for an amount of time equal to the breakdown time (provided that said time does not go beyond 10:00 p.m., prevailing local time). In such event, the surface mine operator

shall give notice to the Township of the fact of the breakdown and the date or dates upon which the compensatory time shall be taken.

- (c) Owner / Operator may request expanded hours of operation for the primary crusher because of increased business demand, such request to be made to the Board of Commissioners of the Township.
- (d) The primary crusher shall not operate on any Sunday, on New Year's Day, on Memorial Day, on the 4<sup>th</sup> of July, on Labor Day, on Thanksgiving Day or on Christmas Day.
- (2) Owner / Operator shall, except for local deliveries, use no Township roads except Township Line Road (T-621). Owner / Operator shall repave said Township Line Road as necessary to repair any damage to the road occasioned by its use of said road. The time for repavement of Township Line Road shall be agreed upon, from time to time, by the Engineer for the Township and the Owner / Operator's Engineer.

f. Inspections:

- (1) Township shall have the right to inspect the quarrying operations at any time during normal business hours upon notice to Owner / Operator.
- (2) Inspection Fees. Owner / Operator shall pay an inspection fee to the Township of Colebrookdale in the total amount of \$5,000.00 dollars per annum to defray Township administrative, engineering and/or legal costs of overseeing quarrying operations. Said \$5,000.00 dollar fee shall be increased annually in an amount equal to the increase (if any) in the Consumer Price Index published by the United States Government, Bureau of Labor Statistics, for all urban consumers in the Philadelphia area. In addition, Owner / Operator shall reimburse Township of Colebrookdale for all legal and engineering costs in excess of the aforesaid \$5,000.00 dollars incurred by the Township in conjunction with the monitoring and enforcement of section with regard to the operator's activity. Said fee shall be due at the time of application for a permit hereunder and annually on the first day of each calendar year thereafter.

g. Permitted Uses. Permitted uses shall include:

- (1) Non-coat surface mining as defined by State regulations.
- (2) Retail and wholesale of stone and stone-related products.
- (3) All other uses in accordance with Section 305. Permitted uses shall occur only upon reclaimed areas or areas subject to active mineral extraction at the time of adoption of this Ordinance.

33. **Mobile/Manufactured Home.** Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch and tires removed.
- d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.

- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.

34. **Mobile/Manufactured Home Park.**

- a. Plans and Permits. Plans shall be submitted and reviewed by the Township/Borough for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
- b. The minimum tract area shall be 3 contiguous acres, unless a larger tract area is required by Section 306 in a particular zoning district. This minimum tract area shall be under single ownership.
- c. Density - The maximum average density of the tract shall be 4 dwelling units per “buildable acre.” Such density shall be reduced to one dwelling unit per buildable acre if each dwelling is not served by Township-approved central water and central sewage services.
  - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Governing Body as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling. Such setback may be reduced to 15 feet if an existing manufactured home is being replaced by a more modern manufactured home within a pre-existing manufactured home park.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- h. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. "Common Open Space" for a Mobile Home Park. A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common

open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.

- k. Streets.
  - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
  - (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
  - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township/Borough cartway construction standards.
- l. Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- m. Other Requirements. A manufactured/mobile home park shall comply with all of the same requirements of Township/Borough ordinances that apply to a subdivision or land development of site-built single family detached dwellings, except for requirements that are specifically modified by this Section 402.A. This includes, but is not limited to, submission, approval and improvement requirements of the Township/Borough Subdivision and Land Development regulations.

35. **Motor Vehicle Race Track.**

- a. All areas used for the racing and testing of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a lot that is residentially zoned.
- b. All buildings, parking, loading, maintenance and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a lot that is residentially zoned.
- c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
- d. Minimum lot area - 30 acres.
- e. This term also includes a track used on a regular basis for 3 or more all-terrain vehicles at a time.

36. **Nursing Home or Assisted Living Center.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include landscaped outdoor sitting areas and pedestrian walks.

37. **Outdoor Storage and Display.** The provisions listed for this use under Section 403 shall apply.

38. **Pathogen Free Lab Animals, Keeping and Rearing of.**

- a. This use shall be for the purpose of selling animals for medical laboratory use, and shall not include sales to the general public or the pet store trade, except incidental sales of animals which are not suitable for medical laboratory use.
- b. This use shall be conducted in accordance with the latest version of the Guide To The Care And Use of Laboratory Animals, by the National Academy of Sciences. Requirements include but are not limited to strict environmental conditions relating to air filtration, year-round ambient air temperature, and specified humidity control.
- c. This use shall be licensed and inspected by the U.S. Department of Agriculture.

- d. This use shall maintain the standards for accreditation by the American Association for Accreditation of Laboratory Animal Care (AAALAC).
- e. Parking: One and one-half spaces for each employee on the largest shift.

**39. Picnic Grove, Commercial.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residentially zoned lot. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See noise and glare standards in Article 5.
- c. Minimum lot area - 5 acres.

**40. Place of Worship.**

- a. Minimum lot area- 2 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.
- b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided they are incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a “family.” No other residential use shall be allowed.
- d. In a residential district, a new place of worship shall only be allowed in a building that is not attached to a dwelling on another lot that is not in common ownership.
- e. Minimum parking setback from a lot line of an existing dwelling in a residential district - 20 feet.

**41. Recreation, Commercial Outdoor**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line.
- b. This term shall not include “Publicly-Owned Recreation,” a “Golf Course,” or a “Motor Vehicle Racetrack.”
- c. See provisions for a non-household swimming pool in this Section 402.
- d. Lighting, noise and glare control - See Article 5.
- e. In a residential district, the minimum lot area shall be 2.5 acres, unless a more restrictive lot area is established by another section of this Ordinance.
- f. Maximum impervious coverage in any residential district - 20 percent..
- g. Maximum building coverage in any residential district - 15 percent.
- h. A site plan meeting the requirements of Article 1 shall be submitted to the Township/Borough.
- i. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 foot wide buffer yard in accordance with Section 803 shall be required.

- j. Hours of operation. In a residential district, active recreation facilities shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m., unless differing hours are established as a condition of any needed Zoning Hearing Board or Governing Body approval.
  - k. Any Restaurant open to the public, Tavern, Firearms Target Range, Camp, Campground, or Commercial Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.
42. **Recycling Collection Center.**
- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
  - b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
  - c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
  - d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
  - e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township/Borough-owned use, subject to the limitations of this section.
  - f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
  - g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning, and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
  - h. The use shall not include the collection of pieces of metal that have a weight greater than 75 pounds, except within an industrial district.
  - i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.
43. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.
44. **Restaurant.**
- a. Screening of Dumpster and Waste Containers - See Section 806.
  - b. See "Drive-Through" service in Section 403.
  - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
45. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
  - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
  - c. The use shall not include a dormitory unless specifically permitted in the District.
46. **Self-Storage Development.**
- a. All storage units shall be of fire-resistant construction.

- b. Outdoor storage shall be limited to recreational vehicles, boats, and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
  - c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
  - e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
  - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
  - h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
47. **Solid Waste Transfer Facility, Solid Waste Landfill, or Solid Waste-to-Energy Facility.**
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
  - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
  - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
  - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
  - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township/Borough. Violations of this condition shall also be considered to be violations of this Ordinance.
  - f. Open dumps and open burning of refuse are prohibited.
  - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township/Borough.
  - h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
  - i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
  - j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
  - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.

- l. Attendant. An attendant shall be present during all periods of operation or dumping.
  - m. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
  - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
  - o. Under authority granted to the Township/Borough under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
  - p. Tires. See "Outdoor Storage and Display" in Section 403.
  - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
  - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
  - s. The applicant shall provide sufficient information for the Township/Borough to determine that the requirements of this Ordinance will be met.
  - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township/Borough and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township/Borough regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
  - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
48. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - The lot shall include a minimum of one acre of pasture land usable for each horse or similar animal.
  - b. Any horse barn, manure storage areas, or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
49. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
  - b. Minimum lot area- 1 acre.
  - c. Any water surface within 100 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.
  - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
  - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

50. **Target Range.**

- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
- b. The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
- c. An outdoor firearms target range and any firing stations shall be located a minimum of 350 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- d. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
- e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
- h. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- i. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- j. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.
- k. This subsection shall not regulate routine target practice by an owner or resident of a lot of their occasional invited guests.

51. **Timber Harvesting.** See "Forestry" in this Section 402.

52. **Townhouses and Apartments.**

- a. Maximum length and width of an attached grouping of townhouses - 160 feet. Maximum number of Apartments that shall be within a building - 12, except no maximum shall apply in a building in which all units are permanently age restricted to at least one resident age 55 and older.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

- f. Common Open Space. A minimum of 20 percent of the total lot area of the development involving Townhouses and Apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. .
  - (1) If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
  - (2) A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
  
- 53. **Treatment Center.**
  - a. See definition in Section 202.
  - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
  - c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
  - d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
  - e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.
  
- 54. **Trucking Company Terminal.**
  - a. As a condition of conditional use approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.
  
- 55. **Veterinarian Office.** (includes Animal Hospital)
  - a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
  - b. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.
  
- 56. **Wind turbines, Other than a Wind Turbine Allowed as an Accessory Use by Section 403**
  - a. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than 2 times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.

- b. The audible sound from the wind turbine(s) shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied dwelling that existed at the time of the zoning application on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- h. The turbine shall include automatic devices to address high speed winds.
- i. Accessory electrical facilities are allowed, such as a transformer.
- j. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- k. The applicant shall submit a professional study to analyze the maximum A-weighted noise levels outside of the nearest existing occupied dwellings, and the total hours per year that such dwelling will be subject to shadow flicker.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

403.A. **General.** Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.

403.B. **Accessory Setbacks.** The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

403.C. **Front Yard Setback.** No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. **Special Standards.** Each accessory use shall comply with all of the following standards listed for that use:

- 1. **Antenna, Standard.** (includes amateur radio antenna)
  - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
  - b. Anchoring. An antenna shall be properly anchored to resist high winds.
- 2. **Bees, Keeping of.**
  - a. The applicant shall maintain the bees in a manner that does not create a public nuisance.
  - b. Bee colonies shall be maintained within hives.

- c. Hives shall be located a minimum of 100 feet from any lot line, except this setback shall be reduced to 50 feet if a 6 feet minimum height fence or solid hedge is located along the adjoining lot line for a distance of at least 100 feet from the hives.
  - d. The approval to keep bees shall be revoked if the use is maintained in a way that results in unprovoked stinging of persons who are located on other lots or on streets or sidewalks.
3. **Bus Shelter.**
- a. Bus shelters shall only be allowed at a stop of a regularly scheduled public bus route or a stop where a shuttle is operated to serve an Active Adult Development. See "accessory uses" in Section 306 for the allowed zoning districts.
  - b. The location of any bus shelter shall be subject to approval by the Governing Body.
  - c. If the bus shelter will be located within the right-of-way, approval shall be obtained from the Governing Body or PennDOT, as applicable. If the bus shelter will be located outside of the right-of-way, the owner of the land shall provide written permission.
  - e. A bus shelter shall be constructed primarily using clear shatter-resistant materials.
  - f. A bus shelter may include two sign images, each with a maximum sign area of 35 square feet. Information may also be posted concerning the transit service.
  - g. A written agreement shall establish the party that will be responsible for maintaining the shelter.
  - h. A bus shelter shall not obstruct a clear sight triangle.
  - i. The Zoning Officer shall require the removal of a bus shelter within 60 days if the Zoning Officer becomes aware that the shelter is not being properly maintained or if it is no longer served by a public bus route.
4. **Composting as a principal or accessory use.** (other than raising of mushrooms)
- a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease- carrying insect hazard and does not cause noxious odors off of the subject property.
  - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves, bark and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
  - c. Minimum lot area for composting of manure that was not generated on-site- 25 acres. Any composting of manure shall comply with the latest edition of the Pennsylvania Manure Management Manual.
  - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines, except that a 200 feet minimum setback shall apply from all lot lines for composting of manure that was not generated on-site.
5. **Day Care, Child - as accessory to a Dwelling.**
- a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
  - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling. Four to 6 children ( in addition to children who are "related" to the primary caregiver) shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
  - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
  - d. The use shall be actively operated by a permanent resident of the dwelling.

- e. If 4 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 6 feet high secure fence.
  - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
  - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
  - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
6. **Drive-through facilities.**
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - b. On-lot traffic circulation and parking areas shall be clearly marked.
  - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
7. **Farm-Based Business.** This use may be approved on an lawful existing lot with a minimum lot area of 20 acres that include a principal agricultural use.
- a. A Farm-Based Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-Based businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
  - b. A Farm-Based Business shall be conducted by a resident or owner of the property, his/her "relatives," and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
  - c. To the maximum extent feasible, a Farm-Based Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Based Business. Any new building constructed for a Farm-Based Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Based Business shall not exceed 6,000 square feet. This 6,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. A Farm-Based Business may also use buildings of any size that existed prior to the effective date of this Ordinance. The total area used by the Farm-Based Business, including parking, shall not exceed 3 acres.
  - d. The Farm-Based Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
  - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
  - f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
  - g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.

- h. Only one sign shall advertise a Farm-Based Business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 6 feet.
  - i. The following activities, and activities that the applicant proves to the Zoning Hearing Board are closely similar, shall be permitted as Farm-Based Businesses:
    - (1) farm equipment or farm vehicle repair;
    - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
    - (3) welding and custom machining of parts;
    - (4) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
    - (5) barber/beauty shops;
    - (6) construction tradesperson's headquarters;
    - (7) music, hobby, trade or art instruction for up to 10 persons at a time;
    - (8) small engine repair;
    - (9) custom woodworking or wood refinishing;
    - (10) custom blacksmithing or sharpening services;
    - (11) rental storage of household items, vehicles, boats and building materials;
    - (12) boarding of animals, not including a kennel or a stable (which are separate uses);
    - (13) custom butchering, not including a commercial slaughterhouse or stockyard;
    - (14) processing and storage of agricultural products;
    - (15) sawmill; or
    - (16) commercial farm tourism and special events, such as farm tours and Halloween activities.  
See also Stable, Non-Household and Retail Sales of Agricultural Products, which are treated as separate uses.
  - j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
  - k. If an activity would be permitted as either a Farm-Based Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
  - l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
  - m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
  - n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
  - o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
  - p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.
8. **Fences and Walls.**
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.

- b. No fence (other than see-through styles), wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance. (Note - The sight distance provisions typically regulate features over 3 feet in height.)
- c. Fences -
  - (1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall:
    - (a) be an open-type of fence (such as picket, wrought iron, vinyl post, chain link or split rail) with a minimum ratio of 1:1 of open to structural areas; and
    - (b) not exceed 4 feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
  - (2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
  - (3) Height.
    - (a) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard. A maximum 8 feet high fence shall be allowed where necessary to prevent entrance by deer.
    - (b) A fence in the minimum front yard that is not within a residential district shall have a maximum height of 4 feet.
  - (4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except in the following cases:
    - (a) a fence shall be located on the inside of any buffer plantings required by Section 803,
    - (b) a 5 feet minimum setback shall apply for a fence of a principal business that is more than 6 feet in height and that is adjacent to a principal dwelling, and
    - (c) within Colebrookdale Township, a fence shall be setback a minimum of 2 feet from any lot line, unless the primary owner of record of the abutting lot provides a written and signed statement saying that they do not oppose the location of the fence on the lot line. In such case, such waiver shall also apply to any replacement fence.

Where no setback is required, a 1 foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
  - (5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums, or barrels.
- d. Walls -
  - (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
  - (2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.

- (3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
- (4) Walls that are attached to a building shall be regulated as a part of that building.

9. **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).** The following shall apply unless a separate Garage Sale Ordinance is in effect in the Municipality.

- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- b. Each dwelling may have garage sales a maximum of twice per year, with each sale not exceeding 3 days.
- c. The use shall be clearly accessory to the principal use.
- d. No outdoor storage shall be permitted when the sale is not in operation.
- e. Garage sale signs shall have a maximum sign area of 2 square feet, and shall be removed within 24 hours after the conclusion of the garage sale.

10. **Home Occupations.**

(Note - In most cases in Section 305, a “Major Home Occupation” needs approval by the Zoning Hearing Board, while a “Minor Home Occupation” does not. See subsection “b.” below to see the standards for a Minor Home Occupation. A Major Home Occupation is a Home Occupation that does not meet the definition of a Minor Home Occupation.)

- a. All home occupations shall meet the following requirements:
  - (1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. The maximum of non-resident employees may be increased to 2 for an office use. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
  - (2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
  - (3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
  - (4) One off-street parking space shall be required per non-resident employee. In addition, for a Major Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
  - (5) The use shall not require delivery by tractor-trailer trucks.
  - (6) The regulations of Section 403.A.14.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
  - (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
  - (8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
  - (9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
  - (10) A barber or beauty shop shall not include any non-resident employees.
  - (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
  - (12) See sign provisions in Section 703.

- (13) The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
  - (14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
  - (15) The use may include sales using telephone, mail order, or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
  - (16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
  - (17) A zoning permit shall be required for any home occupation.
  - b. In order to be approved as a “Minor Home Occupation”, a use shall meet all of the requirements listed in "a" above, and also shall meet the following standards:
    - (1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
    - (2) The use shall only involve the following activities:
      - (a) work routinely conducted within an office,
      - (b) custom sewing and fabric and basket crafts,
      - (c) cooking and baking for off-site sales and use,
      - (d) creation of visual arts (such as painting or wood carving),
      - (e) repairs to and assembly of computers and computer peripherals, and
      - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
    - (3) In any case, a Minor Home Occupation also includes a use that meets all of the standards for a “No Impact Home Based Business” in the Municipalities Planning Code.
11. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk, or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
  - c. Screening. See Section 803.
  - d. Tire Storage.
    - (1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Township/Borough-approved junkyard.
    - (2) The outdoor storage of more than 50 used tires shall be limited to the General Industrial District.
    - (3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.

- (4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

12. **Pets, Keeping of.**

- a. This is a permitted by right accessory use in all districts.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious 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. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- c. A maximum total of 5 dogs and 5 cats shall be permitted to be kept by residents of each dwelling unit on their residential premises, except as provided below.
  - (1) Such limits shall only apply to dogs or cats over 6 months in age.
  - (2) In an apartment dwelling unit, this maximum shall be reduced to 3 dogs and 5 cats.
  - (3) In the RA, RC and RC-O districts on a lot of 10 acres or more, this limit shall be increased to 10 dogs and no limit shall apply to cats.
  - (4) Any greater number of dogs and/or cats shall need approval as a "kennel".
- d. Pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than one acre. However, if the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "Raising of Livestock or Poultry."
- e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- f. The lot shall include a minimum of one acre of pasture land usable for each horse or similar animal. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
- g. See the definition of "Pets" in Section 202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
  - (1) The following and similar animals shall only be allowed to be kept as pets if the Zoning Hearing Board approves a particular number and type of species as a special exception after the applicant proves they will not cause nuisances or hazards: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, monkeys, apes, constrictor snakes that could be dangerous to humans, or any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code. Exotic Wildlife shall also require an exotic wildlife possession permit from the State.
- h. The keeping of cows, sheep, goats, and hogs shall require a minimum lot area of 5 acres.

13. **Recreational Vehicle Parking.** See under Residential Accessory Structure or Use in this Section.

14. **Residential Accessory Structure or Use.** (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
- b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
  - (1) Maximum total floor area of all accessory buildings- 1,000 square feet.

- (2) Maximum of 2 accessory buildings per lot.
- c. Height. See Section 307.B.
- d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or the trailer from a tractor-trailer combination on a principal residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
  - (1) the parking of a maximum of 1 vehicle of up to 13,000 pounds aggregate gross vehicle weight, or
  - (2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 13,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 100 feet from any dwelling on another lot and provided a row of evergreen trees meeting Section 803 is planted to buffer views of the vehicle from the street and dwellings on other lots.
  - (3) Commercial construction equipment that is not primarily intended for on-road use shall not be stored overnight in a residential district. A vehicle shall not block a shared driveway or street.
- e. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.
- f. See setback exceptions in Section 803.B.
- g. Unlicensed and Inoperable Vehicles. See the provisions of the Township/Borough Property Maintenance Code. See also the definition of "Junkyard."
- h. Recreational Vehicles or Boats. Within Colebrookdale Township, a recreational vehicle or unit shall only be stored: (a) in a garage, (b) in a roofed structure, or if stored elsewhere on a lot, a minimum of 25 feet from a street right-of-way line. Within any municipality, a recreational vehicle or unit shall not be parked in the required front yard of a dwelling during more than 2 days in any 7 day period. For the purposes of this section, a recreational vehicle or unit shall be defined as a piece of equipment, whether self-propelled or designed to be pulled or carried, which is intended primarily for leisure time or recreational use. Recreational vehicles or units shall include, but are not limited to: travel trailers, truck-mounted campers, motor homes, folding tent campers, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers and utility trailers.

Note: The Borough of Boyertown has a separate ordinance regulating recreational vehicle parking on-streets.

**15. Retail Sales of Agricultural Products as an Accessory Use.**

- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
- b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 25 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- e. Signs. See Article 7.

- f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
  - g. A maximum total of 5,000 square feet of building floor area shall be used for such use.
  - h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
  - i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
  - j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
16. **Sewage Sludge/Biosolids, Land Application of.**
- a. The applicant shall prove written evidence to the Township/Borough that sufficient safeguards will be in place to protect the public health and safety and the water quality of groundwater and surface waters. This should include, but not be limited to, provisions for regular testing of the material that is spread and for on-going water quality monitoring.
  - b. A copy of all test results of the material that is spread and any test results of water quality shall be provided to the Zoning Officer within 7 days after they are received by the operator of the use or the landowner.
  - c. The amount of sludge/biosolids stored on the property shall not exceed the amount that can reasonably be expected to spread on the property over the next 14 days.
  - d. A written notice shall be provided to the Municipality in advance of the first application of sewage sludge/biosolids on a property.
17. **Stable, Household.** See "Pets, Keeping of" in this Section 403.
18. **Swimming Pool, Household.** (referred hereafter as "pool") -
- a. See the requirements of the Construction Code regarding fencing of pools.
  - b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 5 feet from side and rear lot lines.
19. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202.
  - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
  - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
  - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township/Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

- e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
  - f. Such accessory unit shall not detract from the residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.
  - g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
  - h. Any on-lot septic system shall be re-certified if the sewage flows will increase.
20. **Wind turbines, One Per Lot as accessory use, provided that a second accessory wind turbine shall be allowed on a lot of over 50 acres**
- a. All Wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
  - b. The audible sound from the wind turbine shall not exceed 45A-weighted decibels, as measured at the exterior of a occupied dwelling that existed at the time of the zoning application on another lot, unless a written waiver is provided by the owner of such building.
  - c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
  - d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
  - e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
  - f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
  - g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
  - h. In a residential or RA district, the maximum total height above the ground level to the tip of the extended blade shall be 100 feet. In other districts, such maximum height shall be 150 feet.
  - i. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
  - j. Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.