

OFFICIAL ZONING  
ORDINANCE OF  
MONAGHAN  
TOWNSHIP, YORK  
COUNTY,  
PENNSYLVANIA

Effective September 15, 2018



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# Article 1

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## Background Provisions

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### **Section 101      Short Title**

This Ordinance shall be known and may be cited as the “Monaghan Township Zoning Ordinance of 2018.”

### **Section 102      Purpose**

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

### **Section 103      Scope**

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

### **Section 104      Interpretation**

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

### **Section 105      Conflict**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or resolutions, or with any rule, regulation or permit adopted or issued thereunder, except as provided, and only to the extent permitted by Section 508(4) of the Act. Where this Ordinance imposes greater restrictions upon the use or development of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than the provisions of such other ordinance, resolution, rule, regulation or permit, then the provisions of this

Ordinance shall control. Furthermore, except as provided in Section 400 of this Ordinance, if a discrepancy exists between any regulations contained within this Ordinance and any other Township regulations, the regulation which imposes the greater restriction shall apply.

## **Section 106      Validity**

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

## **Section 107      Uses Not Provided For**

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

## **Section 108      Establishment of Zones**

For the purpose of this Ordinance, Monaghan Township is hereby divided into zones which shall be designated as follows:

- |                                  |                          |
|----------------------------------|--------------------------|
| Rural Residential Zone (RR)      | Conservation Zone (C)    |
| Residential Zone (R)             | Floodplain Zone (FP)     |
| Village Zone (V)                 | Airport Safety Zone (AS) |
| Commercial/Industrial Zone (C/I) |                          |

## **Section 109      Zoning Map**

The areas within Monaghan Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and incorporated herein is declared to be a part of this Ordinance.

## **Section 110      Zone Boundary Lines**

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

## Section 111 Community Development Objectives

This Ordinance is enacted in accordance with the Monaghan Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the community development objectives listed in the Official Comprehensive Plan, Monaghan Township, York County, PA.

## Section 112 Definitions

- A. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:
1. Words in the present tense imply also the future tense.
  2. The singular includes the plural.
  3. The male gender includes the female gender.
  4. The word "person" includes an individual, incorporator's association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
  5. The term "shall" or "must" is always mandatory.

- C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance:

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or farm. A joint-use driveway may be used in lieu of an access drive for residential purposes, if approved as a Conditional Use.

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

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

ACCESSORY WIND ENERGY SYSTEM - See "Wind Energy System".

ACREAGE, NET - The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way. *[Note: 1 acre equals 43,560 square feet.]*

ACT - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED USES - A business or club which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical

practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has twenty percent (20%) or more of its stock in trade consisting of:
  - A. Books, films, videotapes, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
  - B. Instruments, devices or paraphernalia (excluding prophylactics) which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, tanning salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Mini-Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other

premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Adult Video Store: Any establishment which has fifty (50%) percent or more of its stock in trade consisting of video tapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction or description of specified sexual activities or specified anatomical areas.
16. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition includes greenhouses for stock to be distributed wholesale, but excludes greenhouses with retail sales and mushroom houses, as defined herein. Agriculture can involve the incidental slaughter for personal consumption of livestock which have been raised on the site for no less than two-thirds of its lifespan.

AIRPORT - A principal use where aircraft are stored, maintained, repaired, and refueled, and where aircraft take-off and land. Airports may also include other accessory accommodations for aircraft passengers, cargo, or both.

AIRSTRIP - A principal or accessory use that is privately owned and operated at which the owners' aircraft are stored, take-off, land, or any combination thereof. Additionally, invited guests may use an airstrip so long as no fees or other remuneration are charged for such use, and such use only involves the temporary storage of aircraft.

ALLEY - A strip of land over which there is a public or private right-of-way intended to provide vehicular access to the side, rear or both, of properties with frontage on a street. An alley is not intended for general traffic circulation.

ALTERATIONS - An action involving any of the following:

1. A change in the size of a building, structure, or;
2. A change in the use of property; or both, and,
3. A rearrangement or relocation of a building, structure, use, or any combination thereof, upon a property.

ALTERNATIVE SEWER - A public sewer system which principally relies upon natural wastewater treatment systems, rather than a man-made/mechanical treatment plant system. Examples include, but are not limited to, wetlands, aerated ponds, lagoons, and spray irrigation.

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

ANIMAL HOSPITAL - Any establishment offering veterinary services that includes outdoor and overnight boarding of animals.

ATTIC - That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is principally used for the sale of any motor vehicle fuel. Automobile filling stations can also include the accessory sales of motor vehicle lubricants, additive treatments, compressed air, and other accessory items. The minor incidental repair of motor vehicles is also permitted.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BED AND BREAKFAST - A single-family detached dwelling, where between one (1) and six (6) rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - An agricultural use or an accessory residential use in which bees are raised, kept, or both.

BILLBOARD - A sign upon which images, messages, or both, of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

BOARD - The Zoning Hearing Board of Monaghan Township.

BOARDING HOUSE - A detached building arranged or used for sheltering or feeding, or both, for more than five (5) and not more than ten (10) individuals that do not constitute a family.

BUILDING - Any structure having walls and a roof or other covering, designed or used for the shelter or enclosure of any person, animal, property, or any combination thereof. For the purposes of the Floodplain Zone, the term "building" shall include gas and liquid storage tanks.

Detached: A building which has no party wall.

Semi-detached: A building which has only one party wall in common.

Attached: A building which has more than one party wall in common.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, patios, decks, awnings, terraces, and steps.

BUILDING HEIGHT - A building's vertical measurement from the average level of the ground abutting the building at its corners to the highest point of the roof.

CAFE - An exterior seating area associated with a restaurant or tavern which is under constant supervision by an employee of the business.

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

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

CAR WASH - A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing, vacuuming or any combination thereof, of vehicles are provided.

Automatic Car Wash: A self-serve car wash in which the vehicle enters a washing bay and is cleaned solely by a mechanized process.

Full Service Car Wash: A car wash in which attendants are responsible for some portion of the washing process.

Self-Service Car Wash: A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupants.

CARPORT - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls are the walls of the main building to which the carport is accessory.

CARTWAY - The surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

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

CERTIFICATE OF USE AND OCCUPANCY - A statement signed by the Zoning Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance, other applicable codes and regulations, and the zoning permit.

CERTIFIED MEDICAL MARIJUANA USE – The acquisition, possession, use, or transportation of medical marijuana by a patient or the acquisition, possession, delivery, transportation, or administration of medical marijuana by a caregiver for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, church-related schools, church-related day care facilities, or any combination thereof.

CLEAN WOOD – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

CLINICAL REGISTRANT – An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and
2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity regarding, among other areas, patient health and safety, medical applications, and dispensing and management of controlled substances.

**CLUSTER DEVELOPMENT** – An alternate style of development in which the development density of a specific portion of a parcel is increased in exchange for the permanent dedication of open space(s) and the protection of identified natural or cultural features, or in the case of a rural cluster, productive farmland.

**COMMERCIAL CONVERSION** - The conversion of an existing residence as of the effective date of this Ordinance, to a commercial use.

**COMMERCIAL KEEPING AND HANDLING** - Producing, maintaining, or both, with the express purpose and intent of selling the product.

**COMMERCIAL LIVESTOCK OPERATION** - An agricultural use involving the commercial keeping and handling of livestock quantities with characteristics in both of the following sections:

- 25 horses;
- 25 dairy or beef cattle;
- 25 swine;
- 20,000 poultry, excluding turkeys;
- 25 sheep or veal;
- 500 turkeys;

plus, the keeping and handling of livestock quantities exceeding an average adult weight for horses, dairy cattle and layer chickens, an average market weight of all other livestock, or both, of 2000 pounds per acre, as referenced in the following table:

Livestock	Animal Size (lb.)
Cattle	
Dairy	150–1500
Beef	400–1400
Veal	100–350
Swine	
Pigs	35–200
Gestating sow (limit fed)	275
Sow and 8 pigs	375
Boar (limit fed)	350
Sheep	100
Horse	1000
Poultry (see following types)	
Layer	4
Layer, heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3–4
Pheasant	3
Chukar	1.5
Quail	.05

Sources: PA DEP, Field Application of Manure, and Poultry Manure Management.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses, shooting ranges, amusement arcades, nor off-track betting parlors, as defined herein.

COMMERCIAL TRUCK - A vehicle that exceeds a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings and street rights-of-way, driveways, access drives, parking areas, and property lines of the development. No dwelling unit, residential accessory buildings, or parking or loading areas may be located within common open spaces.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Monaghan Township, York County, PA, including any amendments.

CONDITIONAL USE - A use which may be appropriate to a particular zoning district, only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 704 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONSERVATION PLAN - A plan including a map(s) and narrative that outlines an erosion and sedimentation control plan for an identified parcel of land.

CONVENIENCE STORE - A retail sales business which specializes in providing household products and foods. Convenience stores may also provide for any or all of the following as an accessory use:

1. The rental of video tapes provided that an adult bookstore is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods provided that no patron seating is provided; and
3. The use of no more than two amusement devices (e.g., pinball machines, video games, and other similar devices).

Convenience stores shall not include the dispensing of gasoline or other vehicle fuels, unless the appropriate approvals for an automobile filling station (as defined herein) have been obtained.

CUL-DE-SAC - A dead-end street equipped with a circular vehicle turnaround at its terminus.

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

Day-Care, Accessory: A day-care facility that is operated as an accessory use to a dwelling unit, whereby care and supervision is offered to no more than three (3) nonresidents of the site during any calendar day. These facilities are permitted by right in every zone.

Day-Care, Family: A day-care facility that is operated as an accessory use to a dwelling unit, in which the care and supervision is offered to between four (4) and six (6) nonresidents of the site during any

calendar day. Family day-care facilities must be registered by the Department of Public Welfare of the Commonwealth of Pennsylvania.

**Day-Care, Commercial:** A day-care facility that offers care and supervision to more than six (6) nonresidents of the site during any calendar day. Commercial day-care facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, churches, industries, residential complex, etc.); however, in no case shall a commercial day-care be considered an accessory use to one dwelling unit. Commercial day-care facilities shall include “group child day-care homes” and “child day-care centers,” as defined and regulated by the Department of Public Welfare of the Commonwealth of Pennsylvania. All commercial day-care centers must obtain a valid certificate of compliance from the Department of Public Welfare of the Commonwealth of Pennsylvania, prior to operation.

**DENSITY, NET** - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of any public, private, or both, streets.

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

**DEVELOPMENTAL DISABILITY** - A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy, autism, injury, trauma, or any combination thereof.
2. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

**DEVELOPMENTALLY DISABLED PERSON** - A person with a developmental disability.

**DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth to dispense medical marijuana.

**DISTRIBUTION** - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

**DOMESTIC KEEPING OF HORSES** - The ownership and/or possession of horses, mules, donkeys, burros and other domestic riding animals for the express and limited purpose of personal recreation and enjoyment (personal-use). Said use does not include the provision of boarding, training or public riding services.

**DOMESTIC PETS** – The noncommercial keeping of adult non-farm animals that are locally available for purchase as pets as an accessory use to a dwelling unit as referenced in the following table:

<b>PET FAMILY</b>	<b>QUANTITY PERMISSIBLE</b>
Canine	6
Feline	6
Rodents	Exempt
Rabbits, Chinchillas, etc.	12
Domestic Fowl (ie: canaries, parrots & parakeets, etc.)	Exempt

Household Fish & Amphibians	Exempt
Reptiles & Snakes	6

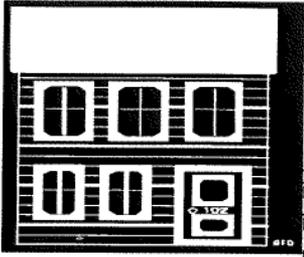


Figure 1

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

**DWELLING** - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical and other utility systems.

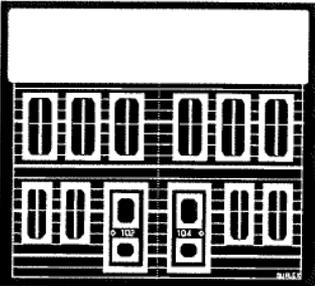


Figure 2

**Single-Family Detached (SFD):** A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they are permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. Travel trailers, as defined herein, shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)

**Duplex (Two-family; single-family semi-detached):** A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration.

Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.

**Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)

**Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls. (Figure 5)

**Manufactured Home:** For the purposes of this Ordinance, all manufactured homes, except those contained within manufactured home parks, shall be governed by all regulations applicable to single-family detached dwellings of this Ordinance, and Section 303 of the Monaghan Township Manufactured Home and Manufactured Home Park Ordinance, as may be amended.

**DWELLING UNIT** - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

**EARTHMOVING ACTIVITY** - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

**ECHO HOUSING** - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.



Figure 4



Figure 3

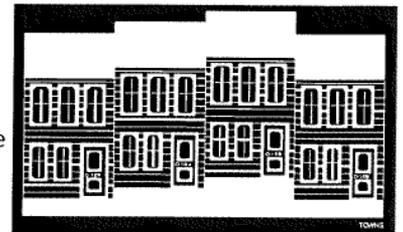


Figure 5

FAMILY - An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live within one dwelling unit. Additionally, up to five (5) individuals who maintain a common household and live within one dwelling unit may be considered a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM - Any parcel of land with ten (10) or more acres which is used for a principal agricultural use, which may include up to one detached dwelling or other necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARMERS / FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers / flea markets can include indoor and outdoor display or merchandise.

FARM OCCUPATION – A business or commercial activity conducted on a Farm as an accessory use to a principal agricultural use.

FENCE - A structure designed as a barrier to restrict the movement or view of persons, animals, property, vehicles' or any combination thereof. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than one-half the width, depth, or both, of the front yard.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FLICKER — A repeating cycle of changing light intensity.

FLOOD - A temporary condition of partial or complete inundation of normally dry land areas.

FLOODPLAIN - A relatively flat or low land area, which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROSS - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, GROSS LEASABLE - The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room,

kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FORESTRY – The science and craft of creating, managing, using, conserving, and repairing forests and associated resources to meet desired goals, needs, and values for human and environmental benefits.

FRONT BUILDING LINE – The actual line of that face of the principal structure nearest an adjacent right of way or street line projected to an intersecting property line. This face includes any portion of the structure above grade, except steps and sidewalks.

FRONTAGE - The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

FUNERAL HOME - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematorium.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles, other vehicles accessory and incidental to the primary use of the premises, or both; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicles is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

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

GOLF COURSE - A golf course with a minimum of 2,800 yards of play in nine (9) holes.

GROUND CLEARANCE – The minimum distance between the ground and any part of a wind turbine blade, as measured from the lowest point of the arc of the blades.

GROUP HOME - A dwelling operated with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol abuse, drug abuse, or both. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family dwellings.

GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health to grow and process medical marijuana.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, endanger human life or impair safety.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any

combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND FITNESS CLUB - A commercial business that offers active recreational activities, fitness activities, or both. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT - Machinery, vehicles and other devices that are not normally used for domestic purposes upon a residential dwelling lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, Class II Recreation Vehicles (as defined herein), yachts, industrial machinery, etc.

HEIGHT, BUILDING - A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the average level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HOME-BASED BUSINESS, HEAVY USE – A business or commercial activity administered or conducted as an accessory use, which is secondary to the use as a residential dwelling and which involves minimal customer, client, or patient traffic, or pickup, delivery, or removal functions to or from the premises. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ a maximum of four employees other than family members residing in the dwelling. The primary business owner must reside in the dwelling.
3. There shall be no display or sale of retail goods. Stockpiling or maintaining inventory of a substantial nature will be permitted in a wholly enclosed structure. Customer traffic shall be by appointment only.
4. Limited outside appearance of a business use is permitted, including, but not limited to, parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which constitutes a nuisance to neighboring properties.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling or a single detached accessory structure, the total floor area of which may not occupy more than the following floor areas based on lot size:

- A. 0.0 – 0.5 acres: 625 s.f.
  - B. 0.5 – 1.0 acres: 1,200 s.f.
  - C. 1.0 – 3.0 acres: 2,400 s.f.
  - D. 3.0 acres or more: 3,600 s.f.
8. The business may not involve any illegal activity.

**HOME-BASED BUSINESS, MINOR USE** – A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling and which involves limited customer, client, or patient traffic, whether vehicular or pedestrian, or pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- 1. The business activity and architectural character of accessory structures shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ a maximum of two employees other than family members residing in the dwelling. The primary business owner must reside in the dwelling.
- 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. Customer traffic shall be by appointment only.
- 4. There shall be limited outside appearance of a business use, including minimal parking, signage and/or lighting compatible with adjacent residential properties.
- 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 7. The business activity shall be conducted only within the dwelling or a single detached accessory structure, the total floor area of which may not occupy more than the following floor areas based on lot size:
  - A. 0.0 – 0.5 acres: 625 s.f.
  - B. 0.5 – 1.0 acres: 1,200 s.f.
  - C. 1.0 – 3.0 acres: 2,400 s.f.
  - D. 3.0 acres or more: 3,600 s.f.
- 8. The business may not involve any illegal activity.

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

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

8. The business may not involve any illegal activity.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

HUB HEIGHT – The distance measured from the surface of the tower foundation to the highest point of a wind turbine hub, to which the blade is attached.

IMPERVIOUS SURFACE - Any material that covers the land which inhibits the percolation of storm water directly into the soil, including but not limited to buildings, pavement, and storm water facilities that discharge storm water off the site.

IMPORTANT NATURAL HABITAT - Any land area characterized by any or all of the following:

1. Wetlands as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service;
2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; and,
3. PNDI confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

INDUSTRIALIZED HOUSING - A structure designed for residential occupancy, and classified within Use Group R in accordance with the standards adopted under ss29.41 (relating to adoption of standards) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home.

INTENSIVE COMMERCIAL/INDUSTRIAL USE - A use which involves any of the following:

1. A lot exceeding two (2) acres in size;
2. Outdoor storage; or,
3. The use of hazardous materials or the generation of hazardous waste.

JOINT-USE DRIVEWAY - A cartway designed and constructed to provide vehicular movement between a public road and no more than four tracts of land serving single-family dwelling units.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of two (2) or more motor vehicles (or major parts thereof) which are unlicensed and inoperable, and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a

vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any lot on which two (2) or more animals that are older than six (6) months (except relating to a farm) are kept, boarded, raised, bred, treated, or trained, including but not limited to dog or cat kennels, excluding Domestic Pets defined herein.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - Any parcel, plot or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

Lot, Corner: A lot which has an interior angle of less than one hundred thirty-five degrees (135) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135). Corner lots shall have two front yards, one side, and one rear yard.

Lot, Flag: A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

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

Lot, Double Frontage, Through or Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets.

See Appendix "A" for examples of Corner Lot, Thorough Lot, Interior Lot, and Flag Lot.

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINE - A line of record which divides one (1) lot from another lot, or from a public or private road or any other public space. Where a lot abuts a public right-of-way, the lot line for regulatory purposes shall be the right-of-way line. Also known as road or street line.

LOT OF RECORD - A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage.

MANUFACTURE - A function involving either the processing or production of materials, goods, or products.

MANUFACTURED HOME - A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, installed in accordance with Pennsylvania Act 158 or 2004.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more manufactured home lots for the placement thereon of manufactured homes.

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

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

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania.

MEDICAL MARIJUANA ORGANIZATION or FACILITY – A Dispensary or a Grower/Processor of medical marijuana.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

MINI-WAREHOUSE - One or more buildings divided into separate storage units for personal property, property associated with some business or other organization, or both. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Manufactured (Mobile) Home arks listed in the Monaghan Township Mobile Home and Mobile Home Park Ordinance, as amended. Manufactured (Mobile) homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there-imposed. For the purposes of Section 206 (Floodplain Zone) of this Ordinance, any travel trailer, as herein defined, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a manufactured (mobile) home.

MOTEL - A facility which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

MOTOR VEHICLE SALES - Any building or land utilized for the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly-enclosed building.

MOTOR VEHICLE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes as defined herein.

MUSHROOM HOUSE - A use in which mushrooms are cultivated for retail sales, wholesale distribution, or both.

NATURAL AREA & WILDLIFE REFUGE - A designated area set aside to conserve fish, wildlife, and/or plants protected by a legally binding easement, agreement, or covenant.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this section.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for on-site consumption of food. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is also meant to include an "under 21" club which features entertainment.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NON-PHASE 2 OUTDOOR WOOD FIRED BOILER - An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output or lower and is labeled accordingly.

NONPROFIT USE - A use whose purpose or purposes do not involve pecuniary profit, incidental or otherwise.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

OFF-TRACK BETTING PARLOR - A commercial use at which persons can visit to wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

ON-LOT SEWER SERVICE - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

ONE HUNDRED (100) YEAR FLOOD - A flood which is likely to be equaled or exceeded once every one hundred (100) years [i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

ONE HUNDRED (100) YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years [i.e., that has a one percent (1%) chance of being flooded each year]. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE HUNDRED (100) YEAR FLOOD ELEVATION - The water surface elevations of the one hundred (100) year flood.

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

OUTDOOR WOOD-FIRED BOILER (OWB) – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

1. Designed to burn clean wood or other approved solid fuels;
2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
3. Which heats building space and/or water through the distribution, typically through pipes, of a

fluid heated in the device, typically water or a mixture of water and antifreeze.

OUTPARCEL SIGN - A sign affixed to a freestanding unit of occupancy contained within a planned center.

PA DEP - Pennsylvania Department of Environmental Protection.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS, PUBLIC / NONPROFIT - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, amusement arcades, off-track betting parlors and shooting ranges.

PennDOT - Pennsylvania Department of Transportation.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PHASE 2 OUTDOOR WOOD-FIRED BOILER – An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTU output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

PLANNING COMMISSION - The Planning Commission of Monaghan Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “planned center signs” as regulated herein.

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

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by

easement or other lesser interest than the premises where the activity is located.

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

PRINCIPAL WASTE HANDLING FACILITY - A principal use whereby waste is brought to the site for storage, processing, treatment, transfer, or disposal.

PRINCIPAL WIND ENERGY SYSTEM – See “Wind Energy System”.

PRIVATE CLUB - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities, off-track betting parlors, golf courses, shooting ranges, nightclubs, campgrounds, airports, unless the respective requirements of this Ordinance are satisfied.

PROCESSING - A function which involves only the cleaning, sorting, sizing, packaging, or any combination thereof, of products and materials.

PROFESSIONAL BIOLOGIST - An individual with at least a graduate degree in aquatic biology, terrestrial biology, ecology, or any combination thereof, and with a depth of knowledge in organisms and the processes of ecological systems.

PUBLIC - Owned, operated, or both, by the Township, its authority, a Township-supported fire company, or a Township-supported ambulance association.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception, variance, or any combination thereof, requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment, or any combination thereof; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

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

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

RECYCLING COLLECTION FACILITY/STATION - A principal use at which recyclable material is collected, sorted, and stored within a wholly enclosed structure for shipment to an off-site processing facility.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one (1) foot.

RENTAL - A procedure by which services or personal property are temporarily transferred to another person for a specific time period for compensation.

REPAIR - A function involved in correcting deficiencies of products that affect its performance, appearance, or both.

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

RESTAURANT - DRIVE-THRU OR FAST-FOOD - An establishment that serves prepared food generally packaged in paper wrappers, disposable plates and containers, or both. Such food can be consumed either on or off the site.

RETAIL - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein.

RIDING STABLE - A principal use whereby equestrian instruction is offered and horses are kept, bred, trained, exercised, or any combination thereof, upon land not occupied by the owner of the horse(s).

RIGHT-OF-WAY - A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.")

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit, receive, or both, radio or electro-magnetic waves between terrestrially-based uses,

orbitally-based uses, or both. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

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

1. **Commercial School:** A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district.
2. **Private School:** A school that offers elementary, secondary, post-secondary, post graduate, or any combination thereof, education that may, or may not, be operated as a gainful business.
3. **Public School:** A school licensed by the Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.
4. **Vocational-Mechanical Trade School:** A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
  - A. Truck driving;
  - B. Engineer repairs;
  - C. Building construction and general contracting;
  - D. Woodworking;
  - E. Masonry;
  - F. Plumbing;
  - G. Electrical contracting; and,
  - H. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 604.5 of this Ordinance.

**SCREENING** - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

**SEASONAL RESIDENCE** - A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

**SETBACK** - The minimum required horizontal distance between a setback line and a property or street right-of-way line.

**Setback, Front:** The distance between the street right-of-way line and the forward most setback line projected the full width of the lot.

**Setback, Rear:** The distance between the rear property line and the rear setback line projected the full width of the lot.

**Setback, Side:** The distance between the side property line and the side setback line projected from the front yard to the rear yard.

**SETBACK LINE** - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

**SFD** - Single-family detached dwelling.

**SHADE TREE** - A deciduous tree that shall have a clear trunk at least five (5) feet above the finished grade.

**SHADOW FLICKER** - Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

**SHOOTING RANGE** - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill

development, training, or any combination thereof, by individuals other than a property owner. Nothing within this definition shall be construed to include hunting or the discharge of weapons by a landowner on a property under their ownership, when conducted in accordance with the laws of the Commonwealth of Pennsylvania.

**SHOPPING CENTER** - A planned center of stores designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

**SIGN** - A device for visual communication that is used to bring the subject to the attention of the public. A sign shall not include flags or other insignia of any government or fraternal organization.

**Flat Wall Sign:** A sign that is displayed, mounted, or both, upon or generally parallel to the same plane as the face of a wall, such that no portion of the sign extends more than twelve (12) inches from said wall.

**Freestanding Sign:** A sign erected upon a permanently-affixed, independent structure (legs or base).

**Outparcel Sign:** A sign affixed to a unit of occupancy contained within a planned center.

**Permanent Sign:** A sign that is expected to be continuously displayed during the presence of a principal land use.

**Temporary Sign:** A sign that is only permitted for specified periods of time, associated with some temporary event or work, conducted on the site.

**Under Canopy Sign:** A sign that identifies one (1) leasable unit within a shopping center and is hung from an overhead canopy of the shopping center, or is provided as a wall projecting sign attached to the front wall of the unit where no canopy is provided.

**Wall Projecting Sign:** A sign that is mounted to a building wall such that its principal display area is not parallel to the building wall. A wall projecting sign can also be attached to a marquee.

**SINGLE AND SEPARATE OWNERSHIP** - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

**SLDO** - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

**SOIL SURVEY** - The latest published version of the United States Department of Agriculture's *Soil Survey for York County, Pennsylvania*.

**SPARK ARRESTOR** – A device (located at the top of a chimney) to prevent sparks, embers, or other ignited material above a given size from being expelled to the atmosphere.

**SPECIAL EXCEPTION** - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3 of this Ordinance.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, human male genitals in a discernible turgid state, or any combination thereof, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and

any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

**STACK** – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace especially that part of a structure extending above a roof.

**STORAGE** - A function involving the deposition of materials, goods, products, or any combination thereof, for safekeeping.

**STOREFRONT** - The wall of a unit of occupancy which faces the front yard within a planned center, as defined herein.

**STORM WATER MANAGEMENT BASIN** - Any facility used to retain or detain storm water, that is part of a storm water management system.

**STORY** - That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

**STREET** - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way, or private right-of-way, used or intended to be used by vehicular traffic, pedestrians, or both.

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

**STREET LINE (Right-of-Way Line)** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

**STRUCTURE** - Any assembly of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, manufactured homes and trailers, pavilions, pagodas, tents, kennels, swimming pools, dumpsters, fences, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

**Structure, Accessory:** A structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility shed, etc).

**Structure, Principal:** A structure associated with a primary use.

Structures shall not include such things as temporary fences, sandboxes, decorative fountains, swing sets, doghouses, birdhouses, bird feeders, mailboxes, and any other similar non-permanent improvements.

**SUBSTANTIAL IMPROVEMENT** - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to

occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, ornamental ponds and lakes are not included, provided that swimming was not the primary purpose for their construction.

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

TESTING - A function involving the examination and assessment of qualities, performances, capabilities, or any combination thereof, of a product, good or material.

TOTAL HEIGHT – When referring to a Wind Turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

TOWNSHIP - Monaghan Township.

TRUCK STOP - A planned center in which three (3) or more different truck and transport-related uses are provided on a common site.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

Use, Principal: The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

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

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, contained gaseous and liquid materials resulting from municipal, industrial, institutional, commercial, agricultural, residential, and other activities. Such wastes shall also include biological excrement and hazardous waste materials, as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended. Waste shall expressly include those materials defined, at any given time, as "waste" by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency. For the purposes of this Ordinance, the difference between "waste" and "junk" or "recyclables" is that waste shall include materials that have entered a reasonably continuous process by which their ultimate disposal is imminent; whereas, junk includes materials that may be stored for longer periods of time awaiting potential reuse or ultimate disposal; and whereas, recyclables include materials that have entered a reasonably continuous process whereby their reuse is imminent.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WECS UNIT (Wind Energy Conservation System) - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub, rotary blades, etc., or any combination thereof.

WETLAND - Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, and the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

WHOLESALE - Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WIND ENERGY FACILITY – An electric generating facility, the main purpose of which is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines, and other appurtenant structures and facilities.

1. ACCESSORY WIND ENERGY FACILITY - a system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.
2. PRINCIPAL WIND ENERGY FACILITY – a system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WINDOW - An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

WIND TURBINE – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, and pad transformer, if any.

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

Yard, Front: The area contained between the street right-of-way line and the principal structure. For flag lots, the front yard shall be that area between the principal structure and that property line which is most parallel to the street that provides access and is not part of the flagpole.

Yard, Rear: The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard.

Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram on page 95 for a graphic depiction of the yard locations.)

See Appendix "B" for examples of yards.

ZONING - The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

# Article 2

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## Zone Regulations

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### Section 201 Rural Residential Zone (RR)

**201.1.** **Purpose** - The purpose of the Rural Residential Zone is to provide areas appropriate for continued agricultural use, as well as low-density rural residential development. Setbacks and a cluster development within common open space option help minimize potential conflicts between rural residential and agricultural uses. Inhabitants of this Zone must be willing to accept the impacts associated with normal farming practices and related businesses. Minimum lot requirements have been sized to provide for an initial and alternate on-lot sewage disposal system, as public sewer and water are not anticipated for this Zone.

**201.2.** **Permitted Uses**

1. Agriculture, *excluding* commercial livestock operations and mushroom houses;
2. Horticulture and forestry-related uses, including timber harvesting;
3. Single-family detached dwellings;
4. Public and nonprofit parks and playgrounds;
5. Public uses and public utilities structures;
6. Home-Based Business, No Impact;
7. Home-Based Business, Minor Use, subject to the conditions set forth in Section 455.1;
8. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
  - A. Maximum Floor Area: 900 s.f.
  - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9;
9. Non-Commercial Keeping of Livestock, subject to meeting the requirements of Section 441;
10. Accessory day-care facilities, as defined herein; and,
11. Accessory uses customarily incidental to the above permitted uses, including, but not limited to the following:
  - A. Roadside stands for the sale of agricultural products, subject to the following:
    - a. At least half of the products displayed for sale shall have been produced on the premises;
    - b. All structures used to display goods, and related parking shall be no more than five hundred (500) square feet in size, and shall maintain a twenty-five (25) foot setback from all property and street right-of-way lines;
    - c. Off-street parking shall be provided at the rate of one (1) space per each one hundred fifty (150) square feet of sale display area; and,
    - d. Such facilities shall be permitted one sign not to exceed ten (10) square feet in size nor to exceed a maximum height of fifteen (15) feet; such sign shall require a permit as set forth in Section 314.6. of this Ordinance.
  - B. Beekeeping, where accessory to an existing or approved single-family detached dwelling, subject to the following:
    - a. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance;

- b. Colonies shall be maintained in movable frame hives;
  - c. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection;
  - d. In no case shall hives be located within twenty-five (25) feet of any property line; furthermore, any hives located within seventy-five (75) feet of any adjoining property line or street shall be separated from such property line or street by a minimum six (6) foot high solid fence or vegetative obstruction that will direct the flight path of the bees above traffic and pedestrians;
  - e. All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on;
  - f. Hives shall not be oriented to children's play areas or neighboring properties;
  - g. Adequate techniques in handling bees, such as re-queening and adequate hive space, shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive; and,
  - h. No more than ten (10) hives shall be permitted as an accessory use to a principal residence.
- C. Manure storage facilities, as an accessory use to a farm, subject to the following regulations:
- a. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication *Manure Management: Choices for PA* Bureau of Water Quality Management Publication, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection, copies of which are available from the Bureau of Water Quality Management in the Department of Environmental Protection Regional Offices ;
  - b. All waste storage facilities' designs shall be reviewed by the York County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility; and,
  - c. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the acquisition of another review by the York County Conservation District.

**201.3. Special Exception Uses** (Subject to the review procedures of Section 604.3.)

- 1. Two-family conversions (see Section 462);
- 2. Bed and breakfasts (see Section 407);
- 3. Churches and related uses (see Section 413);
- 4. Home occupations (see Section 431);
- 5. Family day-care facilities (see Section 424);
- 6. Greenhouses or nurseries (see Section 465);
- 7. Private clubs (see Section 446);
- 8. Temporary farm employee housing (see Section 460);
- 9. ECHO housing (see Section 423);
- 10. Riding stables (see Section 453);
- 11. Communication antennas, towers and equipment (see Section 420);
- 12. Noncommercial keeping of livestock (see Section 441);
- 13. Cemeteries (see Section 412);
- 14. Animal hospitals, kennels, pet cemeteries, and related uses (see Section 404); and,
- 15. Farm occupations (see Section 425).

**201.4. Conditional Uses** (Subject to the review procedures of Section 704.)

1. Rural clusters (see Section 454);
2. Flag-lot residences (see Section 427);
3. Golf courses (see Section 429);
4. Commercial livestock operations (see Section 417);
5. Campgrounds (see Section 410); and,
6. Airports or heliports (see Section 402).
7. Joint-Use Driveways (see Section 466), and Duplex Dwellings
8. Duplex Dwellings. A single Duplex Dwelling as identified in Section 112 of this Ordinance shall be permitted by Conditional Use subject to the following criteria:
  - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewage disposal requirements.
9. Home-Based Business, Heavy Use (see Section 455);
10. Principal Solar Energy Systems (see Section 468);
11. Principal Wind Energy Systems (see Section 469).

**201.5. Minimum Lot Width** - One hundred fifty (150) feet at the street right-of-way line and two hundred (200) feet at the minimum building setback line; however, the minimum lot width at the street right-of-way may be reduced to one hundred twenty five (125) feet if the lot fronts on an approved cul-de-sac turnaround.

**201.6. Maximum Lot Coverage** - Fifteen percent (15%), unless otherwise specified in Article 4 of this Ordinance.

**201.7. Minimum Lot Area, and Setback and Maximum Height Requirements**

1. Agricultural, horticultural and forestry-related structures:
  - A. Minimum lot area - Ten (10) acres;
  - B. Front Setback - Fifty (50) feet from street right-of-way line;
  - C. Side Setbacks - Fifty (50) feet each side;
  - D. Rear Setback - Fifty (50) feet;
  - E. Special agricultural setbacks - Except as provided for below, no new building housing poultry or livestock shall be permitted within three hundred (300) feet from the Residential or Village zones. The Zoning Hearing Board may as a special exception, however, reduce the above special setback requirements where it is shown that because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to fewer than one hundred (100) feet. The burden shall be upon the applicant to prove that a lesser distance would protect the health, safety, and general welfare of the community and adjoining lands to the same extent as the three hundred (300) foot setback;
  - F. These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall not extend into any adjoining street right-of-way; and,
  - G. Maximum permitted height - One hundred fifty (150) feet, provided all structures are set back a distance at least equal to their own height from all property lines;
2. Single-family detached dwellings:
  - A. Minimum Lot Area - Two (2) Acres.
  - B. In the event a tract of land, which was not classified as part of the Rural Residential Zone on the effective date of this Ordinance, is hereafter classified as part of the

Rural Residential Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification;

- C. Front Setback - Forty (40) feet from street right-of-way line;
- D. Side Setback - Forty (40) feet each side;
- E. Rear Setback - Forty (40) feet; and,
- F. Maximum permitted height - Thirty-five (35) feet;
- G. Minimum Net Developable Lot Area\* - For all lots created after the effective date of this Ordinance, there shall be a minimum developable lot area of one (1) acre.

\* NET DEVELOPABLE LOT AREA is defined as buildable area of lot within all setbacks, less any area of designated wetlands, 100 year flood plain, or creek beds or banks. The area must contain a minimum of 60% of the developable area in contiguity.

3. Other principal uses:

- A. Minimum lot area - Two (2) acres, subject to the requirements of Section 316 of this Ordinance;
- B. Front Setback - Forty (40) feet from street right-of-way line;
- C. Side Setbacks - Forty (40) feet each side;
- D. Rear Setback - Forty (40) feet;
- E. Maximum permitted height - Thirty-five (35) feet.

4. Accessory uses:

- A. Front Setback – Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line;
- B. Side Setbacks – Ten (10) feet each side for structures over 625 s.f., five (5) feet each side for structures under 625 s.f.;
- C. Rear Setback – Ten (10) feet for structures over 625 s.f., five (5) feet each side for structures under 625 s.f.;
- D. Maximum Permitted Height - Twenty (20) feet provided that all structures are set back a distance at least equal to their height from each lot line; however, this height may be increased one (1) foot for each additional foot that the lineal distance from the lot line to the accessory use exceeds the minimum required, to a maximum height of thirty-five (35) feet.

**201.8. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance. All Joint-use driveways shall be in accordance with Sections 309 and 466 of this Ordinance.

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

- 201.10.** All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

## **Section 202 Residential Zone (R)**

- 202.1.** **Purpose** - The purpose of the Residential Zone is to provide areas appropriate for low to medium-density residential development, including cluster developments providing common open spaces. Strong incentives are provided to encourage developer provision of public sewer and water or alternative wastewater facilities and community water supplies. Such development would occur through the conditional use process subject to a high degree of site planning. Where neither public utilities, alternative wastewater systems nor community water supplies are provided, minimum lot requirements provide for on-lot sewage disposal systems, at comparatively lower density.

**202.2.** **Permitted Uses**

1. Agricultural, horticultural and forestry-related uses, *excluding* commercial livestock operations and mushroom houses (as defined herein), subject to the standards listed in Section 201;
2. Single-family detached dwellings;
3. Public uses and public utilities structures;
4. Public and nonprofit parks and playgrounds;
5. Home Based Business, No Impact; and
6. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
  - A. Maximum Floor Area: 900 s.f.
  - B. Provisions of Section 423.4, 423.6, 423.8 and 423.9.
7. Accessory day-care facilities as defined herein;
8. Accessory uses customarily incidental to the above permitted uses;

**202.3.** **Special Exception Uses** (Subject to the review procedures of Section 604.3.)

1. Churches and related uses (see Section 413);
2. Public and private schools (see Section 447);
3. Two-family conversions (see Section 462);
4. Home occupations (see Section 431);
5. Nursing, rest or retirement homes (see Section 442);
6. Noncommercial keeping of livestock (see Section 441); and,
7. ECHO Housing (see Section 423).

**202.4.** **Conditional Uses** (Subject to the review procedures of Section 704.)

1. Manufactured home parks (see Section 439);
2. Cluster developments (see Section 414);
3. Joint-use Driveways (see Section 466);
4. Duplex Dwellings A single Duplex Dwelling as identified in Section 112 of this Ordinance shall be permitted by Conditional Use subject to the following criteria:
  - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewage disposal requirements.
5. Home-Based Business, Minor Use (see Section 455);
6. Principal Solar Energy Systems (see Section 468); and,
7. Principal Wind Energy Systems (see Section 469).

**202.5. Design Standards** - The following table presents applicable design standards:

Utilized Public Utilities	Minimum Lot Area	Maximum Lot Coverage	Minimum Lot Width <sup>2</sup>	Minimum (((Yard))) Setbacks			
				Front	One Side	Both Sides	Rear
None	43,560 sq. ft. <sup>1</sup>	20%	150 ft.	40 ft.	20 ft.	40 ft.	40 ft.
Public Water	32,670 sq. ft. <sup>1</sup>	25%	125 ft.	40 ft.	20 ft.	40 ft.	30 ft.
Public or Alternative Sewer	20,000 sq. ft.	30%	100 ft.	40 ft.	10 ft.	20 ft.	30 ft.
Public Water & Public or Alternative Sewer	15,000 sq. ft.	35%	90 ft.	40 ft.	10 ft.	20 ft.	30 ft.

<sup>1</sup>The minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by Section 316 of this Ordinance.

<sup>2</sup>Minimum lot width shall be measured at the building setback line and the street right-of-way line; a 30% reduction in lot width at the street right-of-way line is permitted for lots that abut a cul-de-sac turnaround.

**202.6. Minimum Accessory Uses Setback Requirements**

1. Front Setback - Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line;
2. Side Setbacks - Five (5) feet; and,
3. Rear Setback - Five (5) feet.

**202.7. Agricultural Setback Requirement** - No dwelling unit shall be located within fifty (50) feet of any land within agricultural use. In addition, no accessory residential structures, fences or shrubs shall be placed within five (5) feet, and no tree shall be planted within thirty (30) feet of any land within agricultural use.

**202.8. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet; and,
2. Accessory structures - Fifteen (15) feet, provided that all structures are set back a distance at least equal to their height from each lot line; however, this height may be increased one (1) foot for each additional foot that the lineal distance from the lot line to the accessory use exceeds the minimum required, to a maximum height of thirty-five (35) feet.

**202.9. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be provided in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance. All Joint-use driveways shall be in accordance with Sections 309 and 466 of this Ordinance.

**202.10.** All uses shall also comply with the applicable General Provisions contained in Article 3 of this Ordinance.

## Section 203 Village Zone (V)

**203.1. Purpose** - The purpose of the Village Zone is to provide for a mix of locally-oriented, low-intensity commercial uses which are compatible with the historic rural character of the Township. This Zone also permits a range of housing types and densities, a variety of in-home accessory uses, and residential and commercial conversions consistent with a village setting. Strict design standards have been imposed to keep uses compatible with adjacent residences, and bonus incentives are offered for coordinated site development. Where neither public utilities, alternative wastewater systems nor community water supplies are provided, minimum lot requirements provide for on-lot sewage disposal systems, at comparatively lower density.

### 203.2. Permitted Uses

1. Public uses and public utilities structures;
2. Single-family detached dwellings;
3. Accessory day-care facilities, as defined herein;
4. Churches and related uses;
5. Home-Based Business, No Impact;
6. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
  - A. Maximum Floor Area: 900 s.f.
  - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9;
7. Duplex Dwellings, subject to the following criteria:
  - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewerage disposal requirements;
8. Multifamily Dwellings, subject to the following criteria:
  - A. Minimum Lot Size for units on common ground: 2.0 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewerage disposal requirements;
  - B. Maximum Number of Dwelling Units: 4 per building;
9. Retail Sale of Goods and Services, provided the total sales and display area is less than one thousand five hundred (1,500) square feet and pedestrian interconnection provided to immediately adjacent commercial properties, excluding adult-related uses;
10. Restaurants, provided the total seating area is less than one thousand five hundred (1,500) square feet and pedestrian interconnection provided to immediately adjacent commercial properties; and,
11. Accessory uses customarily incidental to the above permitted uses.

### 203.3. Special Exception Uses (Subject to the review procedures of Section 604.3.)

1. Two-family conversions (see Section 462);
2. Home occupations (see Section 431);
3. Bed and breakfasts, as defined herein (see Section 407);
4. Commercial conversions, *excluding* adult-related uses and amusement arcades (see Section 415); and,
5. Noncommercial Keeping of Livestock (see Section 441).

### 203.4. Conditional Uses (Subject to the review procedures of Section 704.)

1. Nursing, rest or retirement homes (see Section 442);
2. Family or commercial day-care facilities (see Section 424);

3. Retail sale, rental, or both, of goods, *excluding* adult-related uses, provided the total sales area, display area, or both, is less than three thousand six hundred (3,600) square feet (see Section 451);
4. Boarding houses (see Section 409);
5. Private clubs (see Section 446);
6. Restaurants, excluding drive-thru or fast-food restaurants, nightclubs and taverns (see Section 450);
7. Retail services, including barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances (see Section 452);
8. Medical or dental offices (see Section 437);
9. Offices (see Section 443);
10. Funeral homes (see Section 428);
11. Joint-use Driveways (see Section 466);
12. Duplex Dwellings (Duplex Dwellings, as identified in Section 112 of this Ordinance, shall be permitted by Conditional Use; and further shall be required to receive approval of a Land Development Plan from the Board of Supervisors (the CU hearing and the Land Development Plan approval may be considered and approved simultaneously);
13. Home-Based Business, Minor Use (see Section 455).

**203.5. Number of Uses Permitted** - Any number of the uses allowed in this Zone are permitted within each existing building, provided the building size and floor area remain the same as it was on the effective date of this Ordinance. For new buildings, only one principal use is permitted. For existing buildings that are enlarged, the number of uses permitted per building shall be the same number (at least one) that occupied the building on the effective date of this Ordinance. In all cases, one conversion apartment shall be permitted in addition to the other uses provided on the site.

**203.6. Lot Area, Lot Width and Lot Coverage Requirements** - The following table presents applicable standards for all uses, unless otherwise specified in Article 4:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.*	150 ft.	30%
Public Water	32,670 sq. ft.*	125 ft.	35%
Public or Alternative Sewer	20,000 sq. ft.	100 ft.	40%
Public Water & Public or Alternative Sewer	15,000 sq. ft.	90 ft.	45%

\*The minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP, as required by Section 316 of this Ordinance.

**203.7. Minimum Setback Requirements** (Principal and Accessory Uses)

1. Front Setback - All buildings and structures (except permitted signs) shall be set back a minimum of fifteen (15) feet from the street right-of-way; no outdoor loading areas nor off-street parking may be located within the front setback;
2. Side Setback - All buildings and structures shall be set back at least ten (10) feet from the side lot lines. Access drives, off-street parking lots and loading areas shall be set back at least five (5) feet from the side lot lines. Where access drives, parking facilities and

loading areas are shared by adjoining uses, or where two buildings sharing such joint uses adjoin, the applicable side yard setbacks are waived;

3. Rear Setback - All buildings, structures, off-street parking lots, and loading areas shall be set back at least five (5) feet from the rear lot line;
4. Residential buffer strip - Any lot adjoining land in residential use or residential zoning shall maintain a ten (10) foot setback for new nonresidential buildings, structures, off-street parking lots and loading areas from parcels in residential use or zoning, unless separated by a street. Such areas shall be used for a landscape strip and screen.

**203.8. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet; and,
2. Accessory structures - Fifteen (15) feet, provided that all structures are set back a distance at least equal to their height from each lot line; however, this height may be increased one (1) foot for each additional foot that the lineal distance from the lot line to the accessory use exceeds the minimum required, to a maximum height of thirty-five (35) feet.

**203.9. Outdoor Storage** - No outdoor storage is permitted.

**203.10. Off-Street Loading** - Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands in residential use or residential zoning, nor any side of a building facing an adjoining street.

**203.11. Off-Street Parking** - Off-street parking shall be provided as specified in Section 311 of this Ordinance. All off-street parking for nonresidential principal uses shall be located to the side or rear of principal buildings, unless otherwise permitted in Article 4 of this Ordinance.

**203.12. Driveway and Access Drive Requirements** - All driveways serving single-family dwellings shall be provided in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance. All Joint-use driveways shall be in accordance with Sections 309 and 466 of this Ordinance.

**203.13. Signs** - Signs shall be permitted as specified in Section 314 of this Ordinance.

**203.14. Landscaping and Screening** - For properties containing a principal nonresidential use, a landscape strip shall be provided along all side and rear property lines, and the street frontage. Such landscape strip may be waived for that portion of the site occupied by a joint parking lot, loading area, access drive, or any combination thereof, shared by adjoining uses, or by two adjoining buildings sharing such joint uses. Any portion of the site not used for buildings, structures, parking lots, loading areas, access drives, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. All parking lots and loading areas shall be screened from any adjoining lands which are either in residential use or residential zoning. Landscaping and screening shall be in conformance with the requirements set forth in Section 313 of this Ordinance and Section 611 of the Monaghan Township Subdivision and Land Development Ordinance.

**203.15. Waste Products** - All trash dumpsters shall be located within a side or rear yard, set back at least twenty (20) feet from adjoining lands in residential zoning, or in residential use, and at least fifteen (15) feet from all other adjoining property lines. All trash dumpsters shall be screened from adjoining roads and properties.

**203.16. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania, Federal government, or both, regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some applicable regulations, see Section 318 of this Ordinance.

**203.17.** All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

**203.18. Design Features/Bonus Incentives** - Because of this Zone's intended purpose to promote compatibility between adjoining uses, the following bonus incentives are applied to individual uses when prescribed design features are provided. These bonus incentives are tied to compliance with specified design features, as follows:

**Design Features**

**Bonus Incentive**

1.Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto an adjoining road.

A ten percent (10%) increase in the maximum permitted lot coverage for each use.

2.Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.

Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a fifteen percent (15%) reduction in the total number of parking spaces required for all uses.

3.Coordinated off-street loading between two adjoining land uses sharing a single access drive that provides ready access to one or more loading spaces serving both uses.

Waiver of the off-street loading space requirement for that use that would otherwise require the least number of loading spaces, provided a cross property use easement is recorded that assures both uses may use the shared loading space(s). In addition, one side yard setback may also be waived, as it applies to off-street loading.

4.Coordinated signage with two or more uses sharing only one freestanding sign.

A five percent (5%) increase in the maximum permitted lot coverage and a ten percent (10%) increase in the maximum permitted size of any attached or freestanding signs.

**Section 204 Commercial/Industrial Zone (C/I)**

**204.1. Purpose** - The purpose of the Commercial/Industrial Zone is to provide for local highway commercial and industrial uses at suitable locations as needed. Larger and more intensive uses, while provided for, must obtain specific approval by special exception or conditional use. Lands zoned Commercial/Industrial are to be located in areas with major road access, to minimize traffic congestion. These may be served either by individual on-lot utilities or by community on-lot water and sewer or alternative wastewater systems.

**204.2. Permitted Uses**

1. Agricultural, horticultural and forestry-related uses, subject to the standards listed in Section 201;
2. Public uses and public utilities structures;
3. Recycling collection facilities, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, and the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin;
4. The following uses, provided there is no outdoor storage, lot size is limited to two (2) acres, and there is no use of hazardous materials or generation of hazardous waste on-site:
  - A. Retail sales, rental, or both, of goods, *excluding* adult-related uses;
  - B. Warehousing and wholesale trade establishments;
  - C. Laboratories for scientific or industrial research and development;
  - D. Shops for contractors of plumbing, welding, heating, air conditioning, electrical, roofing, flooring, glass and swimming pools and hot tubs, and other structural components of buildings;
  - E. Industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations;
  - F. Retail services;
  - G. Offices;
  - H. Banks and similar financial institutions; and,
  - I. Restaurants and taverns;
5. Home-Based Business, No Impact;
6. Home-Based Business, Minor Use; and,
7. Accessory uses customarily incidental to the above permitted uses.

**204.3. Special Exception Uses** (Subject to the review procedures of Section 604.3. of this Ordinance.)

1. Commercial schools (see Section 419);
2. Automobile, bus, boat, motorcycle, snowmobile, trailer, manufactured home, truck, farm and excavation machinery, and heavy equipment sales and service facilities (see Section 405);
3. Automobile filling stations, including minor incidental repair (see Section 406);
4. Car washes (see Section 411);
5. Hotels, motels and similar lodging facilities (see Section 433);
6. Funeral homes (see Section 427);
7. Mini-warehouses (see Section 438);
8. Home improvement and building supply stores (see Section 430);
9. Animal hospitals and kennels (see Section 404);
10. Dry cleaners, laundries and laundromats (see Section 422);
11. Recycling stations (see Section 449);
12. Vocational/mechanical trade schools (see Section 463);
13. Communication antennas, towers and equipment (see Section 420); and,
14. Farmers/flea markets (see Section 426).

**204.4. Conditional Uses** (Subject to the review procedures of Section 704 of this Ordinance.)

1. Intensive commercial and industrial uses, as defined herein (see Section 435);
2. Adult-related uses (see Section 401);
3. Nightclubs and taverns (see Section 440);
4. Drive-thru, fast-food, or both, restaurants (see Section 421);

5. Commercial recreation facilities (see Section 418);
6. Shopping centers (see Section 459);
7. Hospitals (see Section 432);
8. Truck stops or motor freight terminals (see Section 461);
9. Billboards (see Section 408);
10. Principal waste handling facilities (see Section 445);
11. Junkyards (see Section 436);
12. Off-track betting parlors (see Section 444);
13. Septage and spent mushroom compost processing and commercial mushroom operations (see Section 457);
14. Amusement arcades (see Section 403);
15. Home Based Business, Heavy Use (see Section 455), and;
16. Medical Marijuana Facilities (see Section 470).

**204.5. Lot Area, Lot Width and Lot Coverage Requirements** - See the following table:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.*	200 ft.	35%
Public Water	32,670 sq. ft.*	150 ft.	45%
Public or Alternative Sewer	20,000 sq. ft.	125 ft.	55%
Public Water & Public or Alternative Sewer	15,000 sq. ft.	100 ft.	70%

\*The minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP, as required by Section 316 of this Ordinance.

**204.6. Minimum Setback Requirements** (Principal and Accessory Uses)

1. Front Setback - All buildings and structures (except permitted signs) shall be set back at least fifty (50) feet from the street right-of-way; off-street parking lots shall be set back a minimum of twenty (20) feet from the street right-of-way; no outdoor loading area nor outdoor storage area may be located within the front yard;
2. Side Setback - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Access drives, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines. Where joint access drives, parking facilities, loading facilities, outdoor storage, or any combination thereof, is shared by adjoining uses, or where two buildings sharing such joint uses adjoin, the applicable side yard setbacks may be waived;
3. Rear Setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line; and,
4. Residential buffer strip - Any lot adjoining land in residential use or residential zoning shall maintain a fifty (50) foot setback for commercial and industrial buildings, structures, off-street parking lots, loading areas, and outdoor storage areas from parcels in residential use or zoning, unless separated by a street. Such areas shall be used for a landscape strip and screen.

**204.7. Maximum Permitted Structural Height** - Thirty-five (35) feet.

- 204.8.**        **Outdoor Storage** - Outdoor storage, where permitted, shall be screened from adjoining roads and properties, and comply with all of the setbacks of this section. Outdoor storage areas for automobile, boat, motorcycle, farm machinery, manufactured home and outdoor furniture sales need not be screened from adjoining roads. All other outdoor storage and display shall comply with Section 323 of this Ordinance.
- 204.9**        **Access Drive Requirements** - All access drives shall be in accordance with Section 310 of this Ordinance.
- 204.10.**      **Off-Street Parking** - Off-street parking shall be provided as specified in Section 311 of this Ordinance.
- 204.11.**      **Off-Street Loading** - Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
- 204.12.**      **Signs** - Signs shall be permitted as specified in Section 314 of this Ordinance.
- 204.13.**      **Landscaping and Screening** - A landscape strip shall be provided along all side and rear property lines, and the street frontage. Such landscape strip may be waived for that portion of the site occupied by a joint parking lot, loading area, access drive, or any combination thereof, shared by adjoining uses, or by two adjoining buildings sharing such joint uses. Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, access drives, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A visual screen must be provided along any adjoining lands within a residential zone. Landscaping and screening shall be in conformance with the requirements set forth in Section 313 of this Ordinance and Section 611 of the Monaghan Township Subdivision and Land Development Ordinance.
- 204.14.**      **Waste Products** - All trash dumpsters shall be located within a side or rear yard, set back at least fifty (50) feet from any adjoining lands in a residential zone, and at least twenty-five (25) feet from all other adjoining property lines. All trash dumpsters shall be screened from adjoining roads and properties.
- 204.15.**      **Commercial and Industrial Operations Standards** - All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania, Federal government, or both, regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 318 of this Ordinance.
- 204.16.**      All uses permitted in this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.

## **Section 205                      Conservation Zone (C)**

- 205.1.**        **Purpose** - The purpose of the Conservation Zone is to preserve and protect the Township's sensitive environmental features, as well as to protect life and property by limiting development in areas with severe development constraints. Areas zoned Conservation are characterized by

multiple features and constraints, including steep slopes, woodlands, wildlife habitat, water supply sources, stream valleys, and floodplains.

**205.2. Permitted Uses**

1. Agriculture, horticulture and forestry-related uses, subject to the standards listed in Section 201;
2. Aquaculture and fisheries;
3. Public and nonprofit parks and playgrounds;
4. Natural areas or wildlife refuges;
5. Public utilities structures;
6. Single-family detached dwellings and seasonal residences;
7. Family day-care facilities, as defined herein;
8. Home-Based Business, No Impact;
9. Home-Based Business, Minor Use;
10. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
  - A. Maximum Floor Area: 900 s.f.;
  - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9; and,
11. Accessory use customarily incidental to the above permitted uses.

**205.3. Special Exception Uses** (Subject to the review procedures of Section 604.3.)

1. Home occupations (see Section 431);
2. Bed and breakfasts (see Section 407);
3. Two-family conversions (see Section 462);
4. Riding stables (see Section 453);
5. Communication antennas, towers and equipment (see Section 420);
6. Private clubs (see Section 446);
7. Hunting, fishing or skiing lodges (see Section 434); and,
8. ECHO Housing (see Section 423).

**205.4. Conditional Uses** (Subject to the review procedures of Section 704.)

1. Shooting ranges (see Section 458);
2. Campgrounds (see Section 410);
3. Golf courses (see Section 429);
4. Sawmills (see Section 456);
5. Flag-lot residences (see Section 427);
6. Quarries and other extractive-related uses (see Section 448);
7. Commercial livestock operations (see Section 417);
8. Athletic and recreation-related facilities associated with a private school (see Section 464);
9. Joint-use Driveways (see Section 466); and
10. Principal Wind Energy Systems (see Section 469).

**205.5. Maximum Number of Permitted New Dwellings or Lots**

1. For each tract of contiguous land in single ownership (parent tract) as of the effective date of this Ordinance, there may be one lot utilized or subdivided for a single-family detached dwelling for each three (3) acres;
2. Any subsequent owner of any portion of the parent tract legally existing on the effective date of this Ordinance, shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan hereafter filed for a tract of land in the Conservation Zone shall specify which lot or lots shall carry with them the right to erect or

place thereon any unused quota of single-family detached dwellings as determined by the provision of this section. Regardless of size, no tract of land subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this section, unless such tract of land is assigned any unused quota of permitted dwellings from the parent tract as provided for by this section;

3. In the event a tract of land which was not classified as part of the Conservation Zone on the effective date of this Ordinance, is hereafter classified as part of the Conservation Zone, the size and ownership of such tract shall be determined as of the effective date of the change in the zoning classification.

- 205.6. Lot Area Requirements** - Unless otherwise specified, all uses within this Zone shall contain a minimum lot area of two (2) acres; however, the minimum lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP, as well as an alternate site as required by Section 316 of this Ordinance.  
Minimum Net Developable Lot Area\*- For all lots created after the effective date of this Ordinance, there shall be a minimum developable lot area of one (1) acre.

\* NET DEVELOPABLE LOT AREA is defined as buildable area of lot within all setbacks, less any area of designated wetlands , 100 year flood plain, or creek beds or banks. The area must contain a minimum of 60% of the developable area in contiguity.

- 205.7. Minimum Lot Width** - One hundred fifty (150) feet at the street right-of-way line and two hundred (200) feet at the minimum building setback line; however, the minimum lot width at the street right-of-way may be reduced to one hundred twenty five (125) feet if the lot fronts on an approved cul-de-sac turnaround.

- 205.8. Maximum Lot Coverage** - Ten percent (10%), unless otherwise specified in Article 4 of this Ordinance.

**205.9. Minimum Setback Requirements**

1. Principal uses:
  - A. Front Setback - Forty (40) feet from street right-of-way line;
  - B. Side Setbacks - Forty (40) feet each side; and,
  - C. Rear Setback - Forty (40) feet.
2. Accessory uses:
  - A. Front Setback - Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line.
  - B. Side Setbacks – Ten (10) feet each side; and
  - C. Rear Setback – Ten (10) feet.

**205.10. Maximum Permitted Height**

1. Principal structures - Thirty-five (35) feet; and,
2. Accessory structures - Fifteen (15) feet, provided that all structures are set back a distance at least equal to their height from each lot line; however, this height may be increased one (1) foot for each additional foot that the lineal distance from the lot line to the accessory use exceeds the minimum required, to a maximum height of thirty-five (35) feet.

- 205.11. Driveways and Access Drives** - All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance. All Joint-use driveways shall be in accordance with Sections 309 and 466 of this Ordinance.

- 205.12.** All uses permitted in this Zone shall also comply with the general provisions in Article 3 of this Ordinance.

## **Section 206 Floodplain Zone (FP)**

Repealed as of July 12, 2010. See Floodplain Management Ordinance, Ordinance Number 82 of September 14, 2009.

## **Section 207 Airport Safety Zone (AS)**

**207.1. Purpose**

1. The Pennsylvania State Aviation Code and Federal Aviation Regulation No. 77 require the limitation of building and structural height in "airport hazard areas."
2. Areas contained within Monaghan Township have been identified as being within the "airport hazard area" for the Capital City Airport, as defined in the Pennsylvania Aviation Code, and require special height controls.
3. These height restrictions are aimed at preventing the erection of structures that would interfere with, or obstruct, normal airplane approaches or airport operations. Such interference or obstruction would pose to threat to the health, safety, welfare, and convenience to residents of the Township, as well as passengers aboard airport aircraft.
4. The Airport Safety Zone is used to impose needed height restrictions as an overlay zoning district, thereby enhancing public safety, and minimizing disruption of existing zoning policies.

**207.2. Lands in Zone Defined** - The Township's Airport Safety Zones include areas depicted on the Height Limitation and Zoning District Map as prepared by L. Robert Kimball and Associates for Monaghan Township. These areas have also been plotted on the Monaghan Township Zoning Map.

**207.3. Relationship to Other Articles** - The Airport Safety Zone represents an overlay zoning district that is only concerned with permitted heights. The underlying zoning district shall prescribe all other zoning-related standards and uses which shall be imposed upon any lands within the Township. In those instances where the Airport Safety Zone prescribes a height restriction different than that imposed by the underlying zoning district, the most restrictive standard shall apply.

**207.4. Regulations Within The Airport Safety Zone** - Any proposed use which involves the construction, erection or projection of a building or structure of one hundred (100), or more, above the natural land grade shall require the following before a zoning permit can be issued by the Zoning Officer:

1. The Applicant shall submit such plans, topographic surveys, drawings, blueprints and the like as are reasonably necessary to ascertain the height of any proposed building or structure.
2. The Applicant shall submit a certification from a professional engineer registered in this Commonwealth stating that the engineer has reviewed the Applicant's plans, drawings, specifications and the like, and has examined Federal Aviation Regulation No. 77 and this Ordinance, and that the proposed use does not violate Federal Aviation Regulation No. 77.

The Zoning Officer shall then determine if the proposed use is in compliance with Federal Aviation Regulation No. 77.

3. Should the Zoning Officer be unable to determine the proposed use's compliance with this Ordinance, the zoning permit shall be denied. The applicant may then appeal the Zoning Officer's decision in accordance with Section 604.5. of this Ordinance.

**207.5. Variances to Airport Safety Zones** - No variances to the height limitations set forth in Federal Aviation Regulation No. 77 will be granted by the Zoning Hearing Board without express, written consent thereto from the Federal Aviation Administration, such consent to be obtained by the Applicant. In addition, the Applicant shall notify the Pennsylvania Department of Transportation of its intent to apply for any variances; such notification shall be in written form and sent so as to reach the Department at least ten (10) days before the application is to be submitted.

# Article 3

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## General Provisions

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### Section 300 General Provisions

The regulations contained within Article 3 shall apply to all uses within the Township.

### Section 301 Accessory Uses and Structures

- 301.1. Fences and Walls** - No fence or wall (except livestock, required junk yard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard within the (R and V) Zones, nor more than six (6) feet in the (RR and C) Zones.
- 301.2. Swimming Pools** - Any swimming pool having a depth capacity of twenty four (24), or more, inches shall be erected and/or constructed in compliance with the requirements of the Pennsylvania Uniform Construction Code. This includes inflatable, soft-sided and moveable pool units. Any swimming pools having a maximum depth capacity of less than twenty four (24) inches shall be exempt from the provisions of this subsection.  
No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a minimum four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming.
- 301.3. Recreation Courts** - All recreation courts and other related facilities shall be arranged and/or fenced so as to prevent safety hazards upon nearby roads, properties, or both. All recreation courts, excluding fences, shall be set back at least twenty (20) feet from any adjoining lot lines and include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged so as not to cast directly on adjoining property, roads, or both;
- 301.4. Satellite Dish Antennas** - Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the (C, RR, R, and V) Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the (C/I) Zone that are used to transmit video format data shall be completely enclosed by an eight-foot-high nonclimbable fence that includes signage warning of dangerous radiation

levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the (C/I) Zone shall comply with all principal use standards.

**301.5. Accessory Wind Energy Facilities (AWEF) -**

1. Accessory Wind Energy Facilities (AWEF) shall be permitted in all Zoning Districts as an accessory use. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations;
2. Number of AWEF permitted on lots with both ground and building mounted AWEF:
  - i) One (1) ground mounted AWEF and one (1) building mounted AWEF is permitted on a lot;
3. All on-site utility, transmission lines, and cables shall be placed underground;
4. No part of any AWEF shall be located within or above the required setbacks of any lot; extend over parking areas, access drives, driveways, or sidewalks;
5. Requirements for Ground Mounted AWEF:
  - A. Ground mounted AWEF may be placed on lots of any size assuming they meet the height and setback restrictions found in this Ordinance.
  - B. Height for Ground Mounted AWEF:  
The minimum ground clearance for the AWEF shall be fifteen (15) feet.
  - C. Setbacks for Ground Mounted AWEF:  
AWEF shall be set back from property lines, occupied buildings, above ground utility lines, railroads, and/or road right-of-ways by a distance equal to no less than 1.5 times the total height;
  - D. Ground mounted AWEF are prohibited in front yards between the principal building and the public street.
6. Requirements for Building Mounted AWEF
  - i) Building mounted AWEF may be located on any lot regardless of size.
  - ii) Height regulations shall not apply to building mounted AWEF, provided the height does not exceed the limitations of the zoning district in which they are located by more than fifteen (15) feet. (This type of regulation is common for steeples, antennas, belfries, silos, etc. Using this option would treat AWEF similarly to these types of structures.)

**301.6. Ornamental Ponds and Wading Pools:**

1. Such structures shall comply with all accessory use setbacks;
2. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects, vermin, or both; and,
3. No such pond(s) shall be used for the commercial hatching of fish or other species.

**301.7. Man-Made Lakes, Dams, Ponds, and Impoundments:**

1. All lakes, dams, ponds, and impoundments may be permitted in any zone, subject to the following:
2. All lakes, dams, ponds, and impoundments located along and connected to a stream, that involve any of the following, shall require the acquisition of a permit from the PA DEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
  - A. The dam, pond or impoundment contains a volume of at least fifty (50) acre feet;
  - B. The dam reaches a height of fifteen (15) feet; or,
  - C. The dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.
3. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, have an embankment within fifty (50) feet of a stream, or any combination

- thereof, shall require the acquisition of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
4. All dams, ponds and impoundments meeting the requirements of Section 301.7.2. of this Ordinance shall be located seventy-five (75) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation. Furthermore, all dams, ponds and impoundments, including storm water management basins shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well;
  5. All other dams, ponds and impoundments require the submission of statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one foot above the water surface elevation occurring during the base flood;
  6. Requirements for Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
  7. Maintenance - All ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

**301.8. Garage/Yard Sales** - Within any zone, an owner, occupant, or both, may conduct up to four (4) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales shall be limited to personal possessions. Only two, six (6) square foot sign shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way, except that parking may occur where permitted. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

**301.9. Accessory Repair of Personal Motor Vehicles** - The routine maintenance, repair and servicing of personal motor vehicles, owned or leased by the person performing such services when performed outside of a completely-enclosed building within the (R and V) Zones, is permitted by an occupant of the residence, but only in compliance with the following:

1. All vehicles shall be maintained with proper licensure;
2. All work shall be performed on the vehicle owner's (lessee's) property of residence;
3. Work shall be limited to the following:
  - A. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
  - B. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
  - C. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
  - D. Repair and replacement of car radios, tape players, amplifiers, and speakers;
  - E. Cleaning and flushing of radiators only when flushed into a water-tight container;
  - F. Repair and replacement of fuel pump, oil pump, and line repairs;
  - G. Minor servicing and adjustment of carburetors;
  - H. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;
  - I. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
  - J. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants.

4. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of;
5. No compressed-air driven tools shall be utilized; and,
6. No vehicle shall be stored in a "jacked-up" position, or on blocks for more than seventy-two (72) continuous hours.

**301.10. Sheds and other Accessory Buildings - Placement** - No Accessory Building constructed for the purposes of storage shed or garage shall be permitted to be constructed within the "Yard-Front" as identified in Section 112 of this Ordinance, or in any area located between a plane described as being parallel to, and fixed upon, the front wall of the principle use structure and the street address, within the (V and R) Zones. The Zoning Officer shall not issue any permit for such placement.

**301.11 Accessory Solar Energy Systems (ASES)** –

1. Regulations Applicable to All Accessory Solar Energy Systems:  
ASES that have a maximum power rating of not more than 15kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 15kW shall comply with the requirements of Section 468.2 – Principal Solar Energy Systems;
2. Exemptions:
  - A. ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from this ordinance.
3. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible;
4. The owner of an ASES shall provide Monaghan Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer’s intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement;
5. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system;
6. Roof Mounted Accessory Solar Energy Systems:
  - A. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
  - B. Solar panels shall not extend beyond any portion of the roof edge.
  - C. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.
7. Ground Mounted Accessory Solar Energy Systems:
  - A. Setbacks:  
The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
8. Height:  
Ground mounted ASES shall not exceed ten (10) feet in height above the ground elevation surrounding the systems.

**301.12 Outdoor Fireplaces and Recreational Fires** – Within any zone, outdoor fireplaces and recreational fires shall be permitted, subject to the following regulation and in accordance with all applicable local, state and federal rules and regulations:

1. Outdoor Fireplaces shall be used in accordance with the manufacturer’s instruction, contain a spark arrester, and shall not be operated within fifteen (15) feet of a structure or other combustible material;
2. Recreational Fires shall not be conducted within twenty-five (25) feet of a structure or

- other combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition;
3. All Outdoor Fireplaces and Recreational Fires shall be constantly attended until the fire is extinguished. Approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or portable fire extinguisher, shall be available for immediate utilization. A minimum of one UL listed portable fire extinguisher with a minimum 4-A rating shall be mounted no more than fifty (50) feet from and within sight of any permanent installation.

## Section 302 Unenclosed Storage

**302.1. Recreational Vehicles, Boats, Campers, Trailers and Trucks** - Within the (R and V) Zones, or upon any property used principally for residential purposes, the storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the residents' recreational vehicle(s) is permitted only according to the following requirements:

1. For purposes of this section, recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) are divided into two separate categories, as follows:  
Class I Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console; and,  
Class II Vehicles - Those recreational vehicles, travel trailers, boats (including trailers), and other trailers used solely for the transport of the residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle, or both. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console;
2. The temporary parking of one Class I or Class II vehicle for periods not exceed seventy-two (72) hours during any seven (7) day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines;
3. The storage of one (1) Class I vehicle shall be permitted per lot behind the front building line, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground;
4. The storage of one (1) Class II vehicle on a residentially-zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:
  - A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle's outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outrigger, fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console;

- B. All vehicles shall be set back a horizontal distance equal to the Zone's principal use setbacks;
  - C. No vehicle shall be stored in front of the front setback line. On vacant lots, the vehicle must be stored behind the required front setback line, as specified for principal uses;
  - D. Screening, as described in Section 313 of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot and stores the vehicle on an adjacent vacant lot that he/she owns. One (1) ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley; and,
  - E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground;
- 5.
- A. In the (R) Zone, the parking or storage of commercial trucks on a lot less than fifteen thousand (15,000) s.f. is expressly prohibited, including within the public or private road right-of-way;
  - B. The parking of one (1) commercial truck is permitted in the (R), (V), (RR), and (C) zones, subject to the following requirements:
    - i) Truck shall be registered to the property owner, or the truck is utilized in the normal course of employment by a property owner;
    - ii) An off-street parking space is provided behind the front setback line sized to accommodate the vehicle and screened from adjacent properties. The parking space shall be located outside of the side and rear setback for accessory structures.
  - C. The parking or storage of any trailer used principally for business activity, other than those accessory to a principal residential use, is expressly prohibited in the (RR), (R), (V), and (C) zones.

- 302.2. Outdoor Stockpiling** - In all zones, no outdoor stockpiling of any material is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.
- 302.3. Trash, Garbage, Refuse, or Junk** - Except as provided in Sections 436 and 445 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- 302.4. Dumpsters** - All trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
- 302.5. Domestic Composts** - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.
- 302.6. Parking and Storage of Unlicensed or Uninspected Motor Vehicles** - Motor vehicles without current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration date, shall not be parked or stored in any zone other than in a completely

enclosed building. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public highways. Nothing contained herein shall be deemed to authorize the parking or storage of any motor vehicle in any zone, unless such motor vehicle is an accessory use to the present use of the lot. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

- 302.7** **Temporary Storage** – The temporary storage of portable dumpsters and bulk materials, including but not limited to stone, mulch, firewood, and building materials, within the public right-of-way shall be prohibited in any zone. Where adequate space does not exist on a lot for the placement of a bulk disposal container, the limited placement of a dumpster within the parking area of a right-of-way shall be permitted for a period not to exceed forty-eight (48) hours.

## **Section 303 Setback Modifications**

- 303.1.** **Front Setback of Buildings on Built-Up Streets** - Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than fifteen (15) feet from any abutting street right-of-way line.
- 303.2.** **Accessory or Appurtenant Structures** - The setback regulations do not apply to:
1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not;
  2. Open fire escapes;
  3. Minor public utility structures, articles of ornamentation or decoration; and,
  4. Fences, hedges and retaining walls.

## **Section 304 Height Limit Exceptions**

- 304.1.** The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance from any property line at least equal to their height from the average level of the ground abutting the structure:
1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures;
  2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
  3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
- 304.2.** In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

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## **Section 305      Corner Lots**

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extend one hundred (100) feet from the centerline intersection of the two intersecting streets.

## **Section 306      Minimum Habitable Floor Area**

All dwelling units must conform to minimum habitable floor areas as follows:

- 306.1.**            Single-family, duplex, and townhouse dwelling units:    seven hundred (700) square feet per dwelling unit.
- 306.2.**            Multi-family dwellings:    four hundred (400) square feet per dwelling unit.

## **Section 307      Erection of More Than One Principal Use On a Lot**

More than one principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

## **Section 308      Required Vehicular Access**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the SLDO, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings shall be via driveways (see Section 309); access to lots containing other uses shall be via access drives (see Section 310).

## **Section 309      Driveway Requirements**

Driveways shall be provided in accordance with Section 602.17 of the SLDO and with the Monaghan Township Driveway and Roads Ordinance (Ord # 78).

## Section 310 Access Drive Requirements

Access drives shall be provided in accordance with Section 602.18 of the SLDO and with the Monaghan Township Driveway and Roads Ordinance (Ord # 78).

## Section 311 Off-Street Parking Requirements

Off-street parking shall be required in accordance with Section 603 of the SLDO, regardless whether or not a subdivision or land development plan is required, and off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	½ Dwelling Unit (i.e. 2 spaces per dwelling unit)
Rooming House	Bedroom
Hotel, Motel, Tourist Home	Guest sleeping room
Office Building	300 sq ft of gross floor area
Retail Store or Shop	100 sq ft of gross floor area
Eating Establishments	4 seats
Bowling Alley	½ lane (i.e. 2 spaces per lane)
Other Recreational Establishments	100 sq ft of gross floor area
Automobile Repair, Service Station	400 sq ft of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings	400 sq ft of gross floor area
Hospital, Sanitarium	½ bed (i.e. 2 spaces per bed)
Auditorium, Church, Theater & Other such places of Public Assembly	4 seats
Industrial & Heavy Commercial Establishments	2 employees on major shift, but at least 1 space for each 5,000 sq ft of gross floor area
Type of Use	Minimum of One Parking Space for Each
Funeral Home	100 sq ft of gross floor area
Clubs, Lodges & Other Similar Places	100 sq ft of gross floor area

## Section 312 Off-Street Loading Facilities

**312.1** Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. The facilities shall be provided whenever:

1. A new use is established;
2. The use of a property or building is changed and thereby requiring more loading space; and,
3. An existing use is enlarged, thereby requiring an increase in loading space.

**312.2** General Requirements:

1. Loading spaces shall be provided that adequately accommodate the maximum sized delivery vehicle anticipated;
2. Loading spaces shall not block any required parking spaces;
3. A minimum of one (1) loading space shall be required, except for residential uses;

4. Any structure in excess of ten thousand (10,000) s.f. of gross floor area shall require one (1) additional loading space; and
5. The number of required loading spaces for office buildings, retail sales and services, shopping centers, or warehousing shall be determined based on the anticipated delivery demand.

## Section 313 Screening and Landscaping Requirements

Where required, screening and landscaping shall be provided in accordance with the following provisions:

For properties in the Village Zone containing a principal nonresidential use, a minimum ten (10) foot wide landscape strip shall be provided along all side and rear property lines, and the street frontage. Such landscape strip may be waived for that portion of the site occupied by a joint parking lot, loading area, access drive, or any combination thereof, shared by adjoining uses, or by two adjoining buildings sharing such joint uses. Any portion of the site not used for buildings, structures, parking lots, loading areas, access drives, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. All parking lots and loading areas shall be screened from any adjoining lands which are either in residential use or residential zoning. Landscaping and screening requirements are set forth in Section 611.05 of the Subdivision and Land Development Ordinance.

In the Commercial Zone a minimum ten (10) foot wide landscape strip shall be provided along all side and rear property lines, and the street frontage. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot shared by adjoining uses. Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas and walkways shall be maintained with a vegetative ground cover and other ornamental plantings. A six foot visual screen must be provided along any adjoining lands within a residential zone. Landscaping and screening requirements are set forth in Section 611.05 of the Subdivision and Land Development Ordinance.

In all situations where screening and landscaping are required, it shall be provided in accordance with the above standards as well as the all requirements of the Subdivision Ordinance, as amended, Section 611. All screening shall be maintained for the entire life of the non-residential use.

## Section 314 Outdoor Signs

### 314.1. General Intent:

The sign regulations, controls and provisions set forth in this part are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Township of Monaghan and are intended to:

1. aid in traffic control and traffic safety;
2. preserve and protect property values;
3. lessen congestion of land and air space;
4. provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow;
5. establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development;
6. recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways;
7. preserve the wholesome and attractive character of the Township; and,

8. recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious as well as clean, and well-balanced in its growth and development.

**314.2. General Regulations for All Signs:**

1. Signs must be constructed of durable material and maintained in good condition;
2. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days;
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply;
5. Each sign shall be removed when the circumstances leading to its erection no longer apply;
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way;
7. Directly illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area;
8. No sign shall be of the intermittent flashing or rotating type, unless located within the (C/I) Zone;
9. No sign shall be located so as to interfere with visibility for motorists at street or driveway intersections;
10. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights, or red, green, or yellow neon tubing;
11. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;
12. Signs must be positioned so that they do not interfere with any clear sight triangle;
13. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
  - A. Any graphic illustration pertaining to specified sexual activities, specified anatomical areas, or both; and,
  - B. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above;
14. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape;
15. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger;
16. No sign shall be permitted which is permanently attached to public utility poles nor trees which are within the right-of-way of any street;
17. No sign located within the Floodplain Zone shall exceed six (6) square feet of area per side;
18. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area;
19. Except for billboards (permitted in the C/I zone by conditional use), only those signs referring directly to services, materials, or products made, sold, or displayed on the premise shall be permitted, except for signs owned and associated with uses operated by the Township and Directional Signs as permitted herein;

20. Except for flat wall signs affixed to bus shelters, no point of any sign, including trim, border and supports, shall be located within ten (10) feet of any property or street right-of-way line;
21. Any sign attached to a building shall not be placed on the roof or be higher than the wall to which it is attached;
22. No point of a wall projecting sign shall be located less than eight and one-half (8½) feet above the grade directly below the sign;
23. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window area for a period not to exceed ten days;
24. Determination of Size of Sign Area - The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than forty-five degrees (45) and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included. See Appendix "C" for determination of size of sign area.

**314.3.** Specific Sign Requirements - The tables on the following pages tabulate requirements imposed upon permanent, temporary, and planned center signs as permitted within the Township:



**PERMANENT SIGN REQUIREMENTS**

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal use	64 square feet	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All		Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	Unlimited	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square foot per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	C, RR, R, and V	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	1 square foot per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	C, RR, V, and C/I	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All		No
Off-premises directional signs for businesses	4	6 square feet per sign	5 feet	Height of wall to which sign is attached	Not Permitted	Not Permitted	All		Yes

See Section 408 of this Ordinance.

Yes

**Billboards**

**TEMPORARY SIGN REQUIREMENTS**

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	12 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 ac.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, or other nonresidential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C, RR, V, and C/I, but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	V and C/I	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
<b>Roadside stand signs</b> for the sale of agricultural products upon a principal farm property.	1 per farm	10 square feet	5 feet	Height of wall to which sign is attached.	5 feet	Height of wall to which sign is attached.	No
<b>Garage/yard sale signs</b> upon properties conducting such sales.	2	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	See Section 301.8. for additional requirements.	No
<b>Political signs.</b>	Unlimited	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Such signs may only be displayed between 30 days prior to and 5 days after an election.	No
<b>Off-premises Seasonal Event signs for business; ie: Christmas trees, fruit orchards, etc</b>	6	6 square feet per sign	5 feet	Height of wall to which sign is attached	Not Permitted	Such signs may only be displayed during season for sales of items	No

SIGNAGE FOR PLANNED CENTER SITES CONTAINING LESS THAN 50,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA							
Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
<b>Freestanding center sign</b>	1 per planned center	25 square feet	15 feet	18 inches	V and C/I	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name.	Yes
<b>Anchor tenant sign</b> for one use containing more than 150 lineal feet of storefront.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 75 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 100 square feet.	Height of wall to which sign is attached.	42 inches	V and C/I	These signs shall only be provided as flat wall or wall projecting signs.	Yes
<b>Storefront sign</b> for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of storefront, up to a maximum of 50 square feet	Height of wall to which sign is attached.	20 inches	V and C/I	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes

<p><b>Storefront under-canopy signs</b> for all principal uses.</p>	<p>1 per principal use</p>	<p>4 square feet</p>	<p>To base of canopy, or where no canopy is provided, 10 feet.</p>	<p>8 inches</p>	<p>V and C/I</p>	<p>No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.</p>	<p>Yes</p>
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**SIGNAGE FOR PLANNED CENTER SITES CONTAINING MORE THAN 50,000 SQUARE FEET OF GROSS LEASABLE FLOOR AREA**

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Maximum Permitted Letter Height	Permitted Zones	Other Requirements	Permit Required
<p><b>Freestanding planned center sign</b></p>	<p>1 per street frontage with entrance or exit</p>	<p>50 square feet</p>	<p>15 feet</p>	<p>18 inches</p>	<p>V and C/I</p>	<p>This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name.</p>	<p>Yes</p>
<p><b>Anchor tenant sign</b> for one use containing more than 150 lineal feet of store-front.</p>	<p>1 per side facing a street, with a maximum of 2 signs</p>	<p>If sign is less than 300 feet from facing street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 150 square feet.</p>	<p>Height of wall to which sign is attached.</p>	<p>42 inches</p>	<p>V and C/I</p>	<p>These signs shall only be provided as flat wall or wall projecting signs.</p>	<p>Yes</p>
<p><b>Storefront sign</b> for one use containing up to 150 lineal feet of storefront.</p>	<p>1 per principal use</p>	<p>2 square feet per lineal foot of storefront up to a maximum of 75 square feet</p>	<p>Height of wall to which sign is attached.</p>	<p>20 inches</p>	<p>V and C/I</p>	<p>This sign shall only be provided as a flat wall or a wall projecting sign.</p>	<p>Yes</p>
<p><b>Storefront under-canopy signs</b> for all principal uses.</p>	<p>1 per principal use</p>	<p>4 square feet</p>	<p>To base of canopy, or where no canopy is provided, 10 feet.</p>	<p>8 inches</p>	<p>V and C/I</p>	<p>No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.</p>	<p>Yes</p>

<p>Outparcel signs for principal freestanding uses sharing common ingress and egress to planned center.</p>	<p>2 per principal use, but only 1 per wall</p>	<p>75 square feet per sign, not exceeding 20% of wall area to which sign is attached.</p>	<p>Height of wall to which sign is attached.</p>	<p>28 inches</p>	<p>V and C/i</p>	<p>These signs shall only be provided as flat wall or wall projecting signs.</p>	<p>Yes</p>
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**314.4. Amortization of Nonconforming Signs:**

Any sign that was legally existing as of the effective date of this Ordinance, that does not comply with the provisions listed in Section 314 of this Ordinance, shall be considered a nonconforming sign.

All such nonconforming signs will be required to conform at such time as seventy-five percent (75%) or greater of the sign area is changed in any way, including, but not limited to, wording, logo, design, lighting, material composition, or any combination thereof. Nonconforming signs approved by variance will also be subject to this section.

This section shall precede any requirement listed in Article 5 of this Ordinance;

**314.5. Prohibited Signs - The following types of signs shall not be permitted in the Township:**

1. Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for a traffic signal. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "stop." It shall also include signs in which the colors red and green are used either in direct illumination or in high reflection by the use of special preparation, such as fluorescent paint or glass;
2. Any sign, except those owned or operated by a duly constituted government, which is located in, or extends into, a public right-of-way; and
3. Any freestanding or projecting sign within an area bounded by the intersection of two (2) rights-of-way and twenty (20) feet from such intersection along the rights-of-way, except permanent, on-site directional signs less than three (3) feet in height as permitted by Section 314.3. of this Ordinance.

**314.6. Sign Permits - For signs requiring permits in Section 314.3., the following requirements shall apply prior to the erection of said signs:**

1. Permit Applications:
  - A. Application for a zoning permit shall be made at the Township Office;
  - B. Application shall be made on a form to be provided by the Township and shall contain the following information and documentation:
    - a. The name(s) and address(es) of the sign owner and the landowner;
    - b. An affidavit of title executed by the landowner(s) indicating the date and place of recording of the present title to the land;
    - c. A drawing to scale, showing the location of the sign with reference to the adjoining property lines and streets;
    - d. A drawing to scale, showing all dimensions of the sign. For a directional sign or an on-premise sign advertising activities being conducted on the property, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign; and,
    - e. A description of the construction materials of the sign and its manner of installation.
  - C. Each application shall be accompanied by the appropriate fee, as established by the Board of Supervisors;
2. All applications shall be reviewed, and permits issued, by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance;

3. Permit Issuance - Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of all required fees;
4. If there is any change in location or dimensions of any sign, or in advertising or informative contents of a sign, a new permit shall be required; and,
5. Revocation of Permits:
  - A. All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application; and,
  - B. Revocation of a permit shall not be cause for refund of the permit fee.

## Section 315 Roadway Classifications

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Arterial Roads	Collector Roads	Local Roads
North and South York Road	North Lewisberry Road (from North York to East Siddonsburg Road) South Lewisberry Road West Siddonsburg Road North Grantham Road East Mount Airy Road	All roads not listed as arterials or collectors.

## Section 316 Zoning Requirements for Use of On-Lot Sewage Disposal Systems

**316.1.** As of the effective date of this Ordinance, all future uses that rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one disposal site (field, bed, or trench) and another alternate disposal site. Both disposal sites shall be approved by the Sewage Enforcement Officer. Furthermore, the alternate disposal site shall be perpetually protected from excavation, construction, and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the alternate field is activated due to malfunction of the initial disposal site.

**316.2.** Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwaters. Such determinations will be made by the PA DEP, through its sewer module review process. In those cases where applicable maximum lot area requirements are exceeded to protect groundwater quality, the applicant shall furnish evidence that the amount of land needed to protect local groundwater is the minimum necessary for such protection; and, 316.3. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

**316.3** All subdivided parcels shall test for and delineate a primary and secondary disposal site

on both the subdivided and parent tracts.

### **316.4**

All proposed improvements shall comply with the setback regulations listed in PA Code Title 25, Environmental Protection Chapter 73.13, including but not limited to the following, as measured from the existing or proposed tanks or the perimeter of the aggregate absorption area:

- A. Property Line, Occupied Buildings, Pools or Driveways, Water Supply Lines under Pressure, or Storm water Detention or Recharge facilities: Ten (10) feet.
- B. Water Supply Wells: One Hundred (100) feet.

## **Section 317 Permanent/Temporary Occupancy Requirements**

Temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to thirty (30) days in any calendar year on the property of a friend or relative. No persons or family shall be permitted to reside within any tent, travel trailer, bus, boat, camper, or motor home for periods exceeding thirty (30) days.

## **Section 318 Operations and Performance Standards**

All uses proposed within Monaghan Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

- Pennsylvania Code Title 25 Environmental Resources, Department of Environmental Protection:
  - Land Resources - Chapters 71–90;
  - Water Resources - Chapters 91–111;
  - Air Resources - Chapters 121–143;
  - Hazardous Waste Management - Chapters 260–270;
  - Municipal Waste Management - Chapters 271–285;
  - Residual Waste Management - Chapters 287–299.
- Pennsylvania Uniform Construction Code - The International Building Code and International Residential Code under Act 45 of 1999.
- All other applicable State and Federal regulations regarding land resources; air and water quality; hazardous, municipal and residual waste; and noise.
- The York County Conservation District shall be recognized as having jurisdiction in these matters.
- Handicap Access: The latest version of the Americans With Disabilities Act.

## **Section 319 Common Open Space Requirements**

In those instances where common open space is required elsewhere in this Ordinance, or when an applicant proposes the use of common open space, such common open space shall comply with the following:

**319.1.** Required common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

1. Protection of important natural resources (e.g., productive agricultural soils, streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
2. Protection of important historical sites, archaeological sites, or both;
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township; and,
4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features.

**319.2.** An essential element of the use of common open space is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common open space shall be accomplished through one of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of common open space land, natural resources, or both. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township;
3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. 3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
  - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
  - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
  - C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

## **Section 320 Required Traffic Impact Report**

All uses requiring a traffic study shall provide a study prepared by a professional engineer licensed within PA, or traffic engineer, with demonstrable expertise in traffic, which complies with Section 402.05.5. of the SLDO.

## Section 321 Required Nutrient Management Plans

All intensive agricultural animal operations with more than two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania "Nutrient Management Act" of 1993, as may be amended.

## Section 322 Materials and Waste Handling Requirements

- 322.1.** All commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
1. Listing of all materials to be both used or produced on the site;
  2. Listing of all wastes generated on the site; and,
  3. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within York County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

## Section 323 Outdoor Storage and Display Requirements

- 323.1.** **Shopping Cart Storage** - For grocery stores, other stores containing grocery departments, variety stores, or home improvement and building supply stores, the outdoor storage and collection of shopping carts is permitted under the following conditions:
1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot;
  2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, and loading, nor emergency vehicle access (e.g., fire lanes);
  3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront;
  4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by Section 314 of this Ordinance; and,
  5. The applicant shall submit a working plan for the collection of shopping carts from the parking lot. Also, the applicant shall be required to depict intended shopping cart storage and collection areas upon any permits and/or plans required by the Township. No additional permits shall be required, unless such areas change location or size.

**323.2. Seasonal Sidewalk Displays:**

1. Only seasonal merchandise may be displayed, and shall be limited to the calendar periods between April 1 and October 1, and November 25 and January 5, of each year;
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's storefront. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide;
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking, and loading, nor emergency vehicle access (e.g., fire lanes);
4. In no case shall such sidewalk display area exceed fifty percent (50%) of the lineal storefront dimension. *(For example, a 200-foot long storefront could display no more than 100 lineal feet of a sidewalk display);*
5. No signage, except as authorized by Section 314 of the Ordinance, shall be permitted; and,
6. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permits and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

**323.3. Special Event Sales:**

1. In addition to the above, two special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of 30 days per calendar year;
2. Special event sales displays shall be located no closer than forty-five (45) feet from an adjoining road, nor ten (10) feet from any side or rear lot lines;
3. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by Section 603 of the SLDO;
4. Special event sales shall not be located within the parking lot during the months of November, December, January, February, and March, because of the potential need for snow removal;
5. The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross leasable floor area of the use(s) conducting the special event sale;
6. In planned centers, special event sales shall be jointly held by all of those occupants of the planned center who wish to participate. No individual occupants of a planned center shall be permitted to conduct separate special event sales;
7. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,
8. Signage for special event sales shall comply with the applicable requirements contained within Section 314 of this Ordinance.

## Section 324 Domestic Keeping of Horses

A fifty (50) foot minimum setback (from all property lines) shall be imposed upon the placement of any new structure used to house personal-use horses. Existing structures may be re-purposed for this use if they are set back no less than ten (10) feet from all property lines;

## Section 325 Construction Grade Driveways

Any Zoning Permit issued for a new principle use structure, in which case said use shall require the installation of a new driveway intersecting and abutting any public thoroughfare, and where said new driveway shall be the access to and from the site of the new structure by construction and site preparation vehicles (well-drillers, dump trucks, lumber deliveries, etc); and/or any new timbering, lumbering, clearing or other site-preparation activity, shall also require that a "Construction Grade Driveway" be installed prior to any other activity regarding the site in preparation for construction/activity.

A "Construction Grade Driveway" shall meet the following requirements:

1. Materials required for use in "construction-grade driveway". The "construction grade driveway" shall consist of AASHTO#1 or R-3 placed 8" thick over geotextile fabric at a width of 20' minimum for a distance of 50' minimum from the edge of the road. Additional stone (2A aggregate) shall be placed immediately adjacent to the road pavement as required to protect the shoulder from damage;
2. Weight-bearing standards of "construction-grade driveway". The "construction grade driveway" shall be of suitable thickness to carry the weight of a fully loaded tri-axle dump truck. The contractor shall be required to place additional stone as required to provide a stable base for all vehicular traffic;
3. Maintenance and upkeep of "construction-grade driveway". The thickness of stone shall be constantly maintained to the specified dimensions by adding additional stone. A stockpile shall be maintained on site for this purpose;
4. The "construction-grade driveway" shall be maintained and kept to standards (see above) in order to protect the integrity of the shoulder of the road, and the construction of the cartway, and to be abutted to the cartway so that damage shall not occur due to heavy vehicles and/or machinery causing collapse of the paved surface of the cartway;
5. Further, it shall be the responsibility of the Zoning Permittee, or his/her designee (contractor), to assure that no construction materials or debris, earth (dirt), stones, or any other extraneous material is deposited or abandoned on the cartpath of the public thoroughfare accessed. Upon notification by the Zoning Officer of the need to remove the material/debris by close of the business day (5:00 PM), and failure of the responsible party to comply with said requirement; the Zoning Officer shall cite the responsible party, notifying them that such material/debris has been deposited on the cartpath and not properly removed, and further that the Zoning Officer shall issue a "Stop Work" order to remain in place until the citation is complied with. If compliance has not occurred within twenty four (24) hours of the citation, the Zoning Officer shall be authorized to institute civil enforcement proceedings as a means of enforcement. Any responsible party who violates this provision shall be liable as described in Section 700.4 of this Ordinance.

## **Section 326 Non-Traditional Storage Units**

The use of non-traditional storage units, including those commercially known as “PODS” or the enclosed portion or “container” of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:

1. Units shall be located in the side or rear yard;
2. Units shall be permitted for a maximum period of sixty (60) consecutive days in any one (1) calendar year. This period may be extended upon written request to the Zoning Officer for a period not to exceed one hundred eighty (180) days;
3. The enclosed portion or “container” of a box trailer with wheels may be used for temporary construction storage for the period during which a valid building permit has been issued. Such units shall be licensed and located in accordance with the required accessory use setbacks of the zone in which the property is located; and
4. The enclosed portion or “container” of a box trailer with or without wheels may not be used for permanent storage in the (R) or (V) zones.

## **Section 327 Discharge of Firearms on Private Property**

The discharge of legally owned firearms on private property by a landowner is permitted in all zones, subject to compliance with all applicable local, state, and federal regulations.

## **Section 328 Seasonal (Temporary) Commercial Recreation Activities**

- 328.1.** Within any Zone, Seasonal (temporary) Commercial Recreation Activities are permitted as an accessory use to existing commercial and/or institutional uses upon approval of the Zoning Officer with ratification by the Township Board of Supervisors. Approval of an application for such activity shall be subject to the following criteria:
- 328.2.** The activity shall require an application for, and the issuance of, a Zoning Permit;
- 328.3.** The activity shall not be conducted for a period exceeding ninety (90) days (in the aggregate). The application for the Zoning Permit shall specify the dates, and specific hours, the activity is intended to operate;
- 328.4.** If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 328.5.** Those uses involving extensive outdoor activities shall provide sufficient screening or landscaping measures to mitigate any visual, audible, or both, impacts on adjoining properties;
- 328.6.** No permanent structures may be erected for the purpose of the subject activity, and any temporary structure may not exceed the maximum permitted height specified for the zone in which it is occurring. Furthermore, such structures shall not be used for occupancy. The applicant must provide adequate portable restroom facilities for public use;

- 328.7.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and/or pollution. The Zoning Officer shall be authorized to place reasonable limits and restrictions upon the activity to comply with this provision;
- 328.8.** Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 603 of the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 328.9.** Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival times. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation activity, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion; and,
- 328.10** Any outside pedestrian waiting lines, shall be provided with a means of shade.

## Section 329 Outdoor Wood-Fired Boilers

- Clean Wood – See Section 112.
- Non-Phase 2 Outdoor Wood Fired Boiler – See Section 112.
- Outdoor Wood-Fired Boiler (OWB) – See Section 112.
- Phase 2 Outdoor Wood-Fired Boiler – See Section 112.
- Spark Arrestor – See Section 112.
- Stack – See Section 112.

Outdoor wood-fired boilers are permitted subject to the following conditions and requirements:

- 329.1** OWBs are permitted as an accessory use in all districts.
- 329.2** **Emissions Standards** – All outdoor wood-fired boilers must meet EPA Phase 2 emission standards. Non-Phase 2 OWBs acquired through real estate transactions are exempt from this requirement.
- 329.3** **Number of OWBs** – The number of OWBs shall be limited to one (1) per lot.
- 329.4** **Lot Size** – OWBs shall only be utilized on lots or parcels of land one (1) acre(s) or larger.
- 329.5** **Setbacks** – OWBs shall be installed in accordance with the following setbacks:

1	Front	50 feet
2	Side	50 feet

3	Rear	50 feet
4	Nearest Residential Structure	10 feet
5	Nearest Residential Structure not on lot where the OWB is located	100 feet

- 329.6** OWBs shall not be located in the front yard between the principal building and public street.
- 329.7** **Stack Height** – OWBs must have a permanently installed stack that extends at least ten (10) feet above the ground and is installed according to manufacturer’s specifications.
- 329.8** **Types of Fuel Permitted** – All OWBs shall operate using only the following fuels:
- A. Clean Wood;
  - B. Wood pellets made from clean wood;
  - C. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired outdoor wood-fired boilers; and
  - D. Other types of fuel approved in writing by DEP upon receipt of a written request.
- 329.9** **Safety** – All OWBs should be equipped with a properly functioning spark arrestor.
- 329.10** Installation, use, and operation of an OWB must comply with manufacturer’s specifications as well as all applicable local, county, state and/or federal laws, regulations, and codes.
- 329.11** Replacement of an existing unit shall comply with all Phase 2 EPA provisions, with the exemption of the setback requirement contained herein if the unit is located in the same location as the previous unit.

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# Article 4

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## Specific Criteria

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### Section 400      **Specific Standards for Special Exception and Conditional Uses**

In addition to the general criteria listed in Sections 604.3. and 704, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

For the purposes of this Article 4, any required setbacks imposed upon special exceptions or conditional uses shall be measured from the boundary line of the site for which the special exception or conditional use is requested, regardless of whether or not this line corresponds to a property line or a lease line.

### Section 401      **Adult-Related Uses**

- 401.1.** Within the (C/I) Zone, adult-related uses are permitted by conditional use, subject to the following criteria:
- 401.2.** An adult-related use shall not be permitted to be located within one thousand (1,000) feet of any other adult-related use;
- 401.3.** No adult-related use shall be located within three hundred (300) feet of any land within the (RR, V or R) Zones;
- 401.4.** No establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
  2. Camp (for minors' activity);
  3. Child-care facility;
  4. Church or other similar religious facility;
  5. Community center;
  6. Museum;
  7. Park;
  8. Playground;
  9. School; or
  10. Other lands where minors congregate;

- 401.5.** The distance between any two (2) adult-related uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each use. The distance between any adult-related use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use;
- 401.6.** No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 401.7.** Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- 401.8.** No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 401.9.** Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 401.10.** No adult-related use may change to another adult-related use, except upon approval of an additional conditional use;
- 401.11.** The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 401.12.** No unlawful sexual activity or conduct shall be permitted; and,
- 401.13.** No more than one (1) adult-related use may be located within one (1) building or shopping center.

## **Section 402 Airports/Heliports**

- 402.1.** Within the (RR) Zone, airports/heliports are permitted by conditional use, subject to the following criteria:
- 402.2.** **Minimum Lot Area:** Airports - Thirty (30) acres;  
Heliports - Five (5) acres;
- 402.3.** All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 402.4.** The applicant shall furnish evidence of the acquisition of a license from the PennDOT Bureau of Aviation, prior to the approval of the conditional use application; and,

- 402.5.** No part of the take-off/landing strip, pad or both shall be located nearer than three hundred (300) feet from any property line.
- 402.6** Personal use airstrips and helicopter pads, as defined in Section 112 of this Ordinance, shall also be permitted by Conditional use, subject to the following criteria:
1. Minimum Lot Area: Five (5) acres;
  2. All such uses shall be required to meet the requirements of this Section, §402.5.

## **Section 403 Amusement Arcades**

- 403.1.** Within the (C/I) Zone, amusement arcades are permitted by conditional use, subject to the following criteria:
- 403.2.** All activities shall take place within a completely enclosed building;
- 403.3.** The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside of the arcade;
- 403.4.** A minimum of one (1) parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 603 of the SLDO; and,
- 403.5.** A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

## **Section 404 Animal Hospitals, Kennels, Pet Cemeteries, and Related Uses**

- 404.1.** Within the (RR and C/I) Zones, animal hospitals, kennels, pet cemeteries, and related uses are permitted by special exception, subject to the following criteria:
- 404.2.** Minimum Lot Area - Within the (RR) Zone, each site shall contain at least five (5) acres;
- 404.3.** All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard and screened from adjoining properties, and shall be a minimum of one hundred (100) feet from all property lines;
- 404.4.** All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines;
- 404.5.** The applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented; and,

- 404.6.** Credible evidence must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

**Section 405 Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities**

- 405.1.** Within the (C/I) Zone, automobile, bus, boat, motorcycle, snowmobile, trailer, manufactured home, truck, farm and excavation machinery, and heavy equipment sales and service facilities are permitted by special exception, subject to the following criteria:
- 405.2.** All service or repair activities shall be conducted within a completely enclosed building;
- 405.3.** All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 405.4.** No outdoor storage nor outdoor display of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 405.5.** All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining properties and roads;
- 405.6.** Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially-zoned property;
- 405.7.** All vehicles and machinery shall be repaired and removed from the premises promptly;
- 405.8.** The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two (2) weeks of arrival; and,
- 405.9.** The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

**Section 406 Automobile Filling Stations (Including Minor Incidental Repair)**

- 406.1.** Within the (C/I) Zone, automobile filling stations (including minor incidental repair) are permitted by special exception, subject to the following criteria:
- 406.2.** In no case shall the subject property have a minimum width of less than one hundred twenty-five (125) feet;

- 406.3.** The subject property shall front on an arterial or collector road;
- 406.4.** The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital, or nursing, rest or retirement home;
- 406.5.** The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 406.6.** All structures (including gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street right-of-way line;
- 406.7.** No outdoor storage nor outdoor display of auto parts shall be permitted;
- 406.8.** Access driveways shall be a minimum of twenty-four (24) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge;
- 406.9.** All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residentially-zoned properties; and,
- 406.10.** The applicant shall furnish evidence that the storage, disposal, or both, of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

## **Section 407      Bed and Breakfasts**

- 407.1.** Within the (RR, V and C) Zones, bed and breakfasts are permitted by special exception, subject to the following criteria:
- 407.2.** Bed and breakfasts shall only be permitted within detached buildings that existed on the effective date of this Ordinance;
- 407.3.** Any modifications to the external appearance of the building (except fire escapes) shall complement its original character;
- 407.4.** All floors above or below grade shall have a direct means of escape to ground level;
- 407.5.** One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 407.6.** A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in the (RR or C) Zones, and nine (9) square feet within the (V) Zone;
- 407.7.** Meals may be offered only to registered overnight guests;

**407.8.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,

**407.9.** The applicant shall furnish proof of acquisition of any needed land development approvals and approval from the PA Department of Labor and Industry, and any other applicable State and Federal agencies.

**Section 408 Billboards**

**408.1.** Within the (C/I) Zone, billboards are permitted by conditional use, subject to the following criteria:

**408.2.** No billboard shall be located within one thousand (1,000) feet of another billboard;

**408.3.** All billboards shall be a minimum of fifty (50) feet from all side and rear property lines;

**408.4.** All billboards shall be set back at least thirty-five (35) feet from any street right-of-way lines;

**408.5.** All billboards shall be set back at least three hundred (300) feet from any land within the (RR, V or R) Zones;

**408.6.** No billboard shall obstruct the view of motorists on adjoining roads;

**408.7.** No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height; and,

**408.8.** All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.

**Section 409 Boarding Houses**

**409.1.** Within the (V) Zone, boarding houses are permitted by conditional use, subject to the following criteria:

**409.2.** The minimum required lot area shall be determined by the table in Section 203.6. of this Ordinance with an additional five hundred (500) square feet of required lot area for each boarder, up to a maximum of ten (10) boarders;

**409.3.** The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;

**409.4.** Boarding houses shall be limited to dwellings that existed on the effective date of this Ordinance. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;

**409.5.** All floors above or below grade shall have a direct means of escape to ground level;

- 409.6.** One (1) off-street parking space shall be provided for each room available for rent;
- 409.7.** One sign, not to exceed nine (9) square feet, shall be permitted;
- 409.8.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design; and,
- 409.9.** The applicant shall furnish proof of acquisition of any needed land development approvals and approval from the PA Department of Labor and Industry, and any other applicable State and Federal agencies.

## Section 410 Campgrounds

- 410.1.** Within the (RR and C) Zones, campgrounds are permitted by conditional use, subject to the following criteria:
- 410.2.** **Setbacks** - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line;
- 410.3.** Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide one (1) ten (10) feet by thirty (30) foot parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- 410.4.** An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted;
- 410.5.** All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties;
- 410.6.** Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels;
- 410.7.** All campgrounds containing more than fifty (50) campsites shall have vehicular access to an arterial or collector street;

- 410.8.** A campground may construct one (1) freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and, at least twenty-five (25) feet from adjoining lot lines;
- 410.9.** A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- 410.10.** All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 410.11.** During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground;
- 410.12.** All water facilities, sewage disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,
- 410.13.** All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

## **Section 411 Car Washes**

- 411.1.** Within the (C/I) Zone, car washes are permitted by special exception, subject to the following criteria:
- 411.2.** Gray water recycling is required;
- 411.3.** For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane;
- 411.4.** All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty-five (25) feet from any side lot line;
- 411.5.** Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- 411.6.** The subject property shall front on an arterial or collector road; and,

- 411.7.** The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

## **Section 412 Cemeteries**

- 412.1.** Within the (RR) Zone, cemeteries are permitted by special exception, subject to the following criteria:
- 412.2.** All burial plots or structures shall be located at least twenty (20) feet from any property line or street right-of-way line;
- 412.3.** Credible evidence must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery;
- 412.4.** No burial plots or facilities are permitted in floodplain or flood fringe areas; and,
- 412.5.** The applicant must demonstrate compliance with all State and Federal regulations.

## **Section 413 Churches and Related Uses**

- 413.1.** Within the (RR and R) Zones, churches and related uses are permitted by special exception, subject to the following criteria:
- 413.2.** **House of Worship:**
1. Minimum lot area - Two (2) acres;
  2. Minimum lot width - Two hundred (200) feet;
  3. All houses of worship shall have vehicular access to an arterial or collector road;
  4. Side yard setback - Fifty (50) feet on each side; and,
  5. All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
- 413.3.** **Church-Related Residences (Rectories and Convents):**
1. Any such residential use shall be accessory to, and located upon the same lot as, or directly adjacent to, a lot containing a house of worship;
  2. All residential structures shall be governed by the location, height and bulk standards imposed upon other residences within the site's Zone; and,
  3. This section expressly permits the use of group quarters for church-related staff, teachers, ministers, priests, nuns, seminarians, and similar church-related persons.
- 413.4.** **Church-Related Educational or Day-Care Facilities:**
1. Any such educational or day-care use shall be accessory to, and located upon the same lot as, or directly adjacent to, a house of worship;
  2. If education or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five

(25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

3. Enrollment shall be defined as the largest number of students, children, or both under day-care supervision at any one time during a seven-day period;
4. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
5. All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone; and,
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and one (1) off-street parking space for each three (3) students, grades ten and above; and,

**413.5.** Any such cemetery must comply with the requirements of Sections 412.2. through 412.4. of this Ordinance.

## **Section 414 Cluster Developments**

**414.1.** Within the (R) Zone, cluster developments are permitted by conditional use, subject to the following standards:

**414.2.** **Purpose** - This conditional use is intended to blend various residential development types amid substantial areas of the Township that are characterized by severe development constraint and natural sensitivity. It is the express purpose to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural-cultural features and the provision of public accessible common open space;

**414.3.** The minimum lot area devoted to a cluster development shall be two (2) acres;

**414.4.** All proposed dwellings shall be connected to and served by both alternative or public sewer, and public water utilities;

**414.5.** **Delineation of Required Common Open Space** - In accordance with the purpose of this section, proposed common open space shall only include those areas characterized by features listed in this Section 414.5. Any proposed common open space that is not comprised of these features shall not be considered to be part of the cluster development. As part of the site planning process for the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

- 100-year floodplains;
- steep slopes [greater than fifteen percent (15%)];
- wetlands, streams, ponds, or other water bodies;

- sinkholes, caves, vistas, or other significant geologic features;
- threatened or endangered species habitats;
- archaeological resources;
- historic resources; and,
- significant stands of mature trees.

In addition, the applicant may include proposed parklands within required common open space if such parkland complies with the following:

1. The site shall be located and designed so that safe and convenient access shall be provided to, at a minimum, all existing and proposed inhabitants of the cluster development. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width;
2. The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided as an expansion of the existing facility;
3. The site shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities, slopes exceeding three percent (3%), or any combination thereof. Any unimproved site shall be provided with a healthy and vibrant grass ground cover;
4. The site shall be located and designed to conveniently access proximate public utilities (e.g, sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility is permitted in active play areas of the site; and,
5. No part of the site shall be calculated as part of any required setback, yard, open space, or any combination thereof, for adjoining lots or uses as regulated by the Zoning Ordinance;

**414.6.** The ownership and maintenance of common open space shall be governed by Section 319 of this Ordinance;

**414.7.** **Required Ratio and Permitted Densities of Housing Types** - The following tabulates permitted residential structure types and densities within cluster developments based upon the extent of proposed common open space.

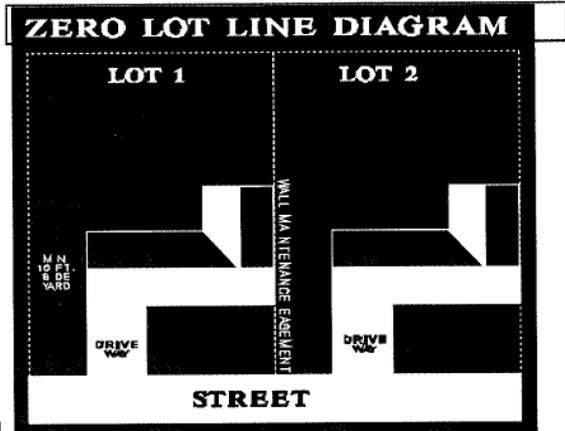
Proposed Common Open Space (Percent of Total Site Area)	Percentage of Dwelling Units Permitted by Structural Type		
	Single-Family Detached	Duplex	Townhouses or Multiple-Family Dwellings
Minimum 30 to 50%	At least 65%	No more than 35%	No more than 35%
51 to 65%	At least 30%	No more than 70%	No more than 70%
65% or more	No more than 100%	No more than 100%	No more than 100%

**414.8. Required Design Standards** - Within cluster developments, the maximum permitted residential density is five (5) units per net acre of the site, including common open space. The following table and its footnotes present applicable design standards applied to the various dwellings/lots:

Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback/(Frontage)		Maximum Lot Coverage	Minimum Required Yards			
						Front <sup>1</sup>	One Side	Both Sides	Rear
Single-Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft.	(50 ft.)	50%	25 ft.	6 ft. <sup>1</sup>	12 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft.	(40 ft. per unit)	60%	25 ft.	10 ft.	N/A	15 ft.
Townhouses <sup>2</sup>	1,800 sq. ft. per unit	35 ft.	18 ft.	(18 ft.) per unit	75%	25 ft.	15 ft.	(End Units)	20 ft.
Multiple-Family <sup>3</sup>	43,500 sq. ft.	35 ft.	200 ft.	(150 ft.)	60%	35 ft.	30 ft.	60 ft.	35 ft.

<sup>1</sup> Within a cluster development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

1.
  - a. Minimum lot width shall be forty-five (45) feet at the building setback, and thirty-five (35) feet at the lot frontage, respectively.
  - b. One side wall of the structure may be located no less than one (1) inch from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten (10) feet wide.
  - c. A perpetual six (6) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
  - d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
  - e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight (8) feet above grade, and have translucent panels.
2. No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.
3. In those instances where several multiple-family dwelling buildings, townhouse buildings, or both, are located on the same lot, the following separation distances will be provided between each building:
  - a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above



distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.
4. If the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

## **Section 415 Commercial Conversions**

- 415.1.** Within the (V) Zone, commercial conversions are permitted by special exception, subject to the following criteria:
- 415.2.** Commercial conversions shall be solely limited to the types of uses allowed in Sections 203.2. through 203.4. of the (V) Zone;
- 415.3.** No commercial conversion shall result in an increase in floor area of the existing building as of the effective date of this Ordinance;
- 415.4.** The applicant shall demonstrate that any exterior alternations will be the minimum necessary to accommodate the proposed use and will be compatible with the historic rural character of the area;
- 415.5.** The applicant shall obtain any necessary land development approvals;
- 415.6.** The applicant shall furnish evidence of an approved means of water supply and sewage disposal;
- 415.7.** Required off-street parking and loading will be determined based on the type of commercial activity proposed and the schedule listed in Section 603 of the SLDO;
- 415.8.** One (1) sign, not to exceed nine (9) square feet, shall be permitted; and,
- 415.9.** All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties.

## **Section 416 Commercial Day-Care Facilities**

- 416.1.** Within the (V) Zone, commercial day-care facilities are permitted by conditional use, subject to the following criteria:
- 416.2.** Where a building capable of being converted to commercial day-care facilities use exists on site, the applicant shall also comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on site, the floor area of any new building shall be limited to two thousand (2,000) square feet;

- 416.3.** An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zone, neighborhood, or both. Outdoor play areas shall be completely surrounded by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 416.4.** Enrollment shall be defined as the largest number of persons children under day-care supervision at any one time during a seven-day period;
- 416.5.** Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 416.6.** One (1) off-street parking space shall be provided for each six (6) persons enrolled;
- 416.7.** One (1) sign, not to exceed nine (9) square feet, shall be permitted;
- 416.8.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design; and,
- 416.9.** All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

## **Section 417 Commercial Livestock Operations**

- 417.1.** Within the (RR and C) Zones, commercial livestock operations are permitted by conditional use, subject to the following criteria:
- 417.2.** **Minimum Lot Area** - Twenty (20) acres;
- 417.3.** Any area used for the housing, feeding and watering of livestock shall be set back at least three hundred (300) feet from all property lines, and at least five hundred (500) feet from any land within the (R and V) Zones;
- 417.4.** The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the Pennsylvania “Nutrient Management Act” of 1993. All subsequent operations on the site shall be required to strictly adhere to an approved manure management plan; and,
- 417.5.** The applicant shall furnish evidence from the York County Conservation District that the proposed use has an approved conservation plan.

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## Section 418 Commercial Recreation Facilities

- 418.1.** Within the (C/I) Zone, commercial recreation facilities are permitted by special exception, subject to the following criteria:
- 418.2.** If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 418.3.** Those uses involving extensive outdoor activities shall provide sufficient screening or landscaping measures to mitigate any visual, audible, or both, impacts on adjoining properties;
- 418.4.** Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy;
- 418.5.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution;
- 418.6.** Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 603 of the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 418.7.** Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival times. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion; and,
- 418.8.** Any outside pedestrian waiting lines, shall be provided with a means of shade.

## Section 419 Commercial Schools

- 419.1.** Within the (C/I) Zone, commercial schools are permitted by special exception, subject to the following criteria:
- 419.2.** Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site; and,

- 419.3.** Any outdoor activity areas shall be located in the side or rear yards, set back twenty-five (25) feet from all property lines, and screened from adjoining properties. Any outdoor activity areas intended for the use of persons under eighteen (18) years of age shall be completely enclosed by a minimum four (4) foot high fence. Any vegetative materials located within the outdoor activity area shall be of a nonharmful type (not poisonous, thorny, allergenic, etc.). All outdoor activity areas shall provide a means of shade, such as a shade tree(s) or pavilion(s).

## Section 420 Communication Antennas, Towers and Equipment

- 420.1** **Purpose:** In recognition of the quasi-public nature of personal wireless service facilities, the purposes of this section are:
- A. To regulate the placement, construction and modification of Communication Antennas and Communication Towers to protect the public safety and welfare;
  - B. To minimize adverse effects of Communication Antennas and Communication Towers through proper design and siting;
  - C. To encourage Co-Location of Communication Antennas and the use of existing structures to reduce the number of such structures needed in the future;
  - D. To avoid potential damage to adjacent properties from Communication Tower failure and falling ice or debris, through engineering and proper siting of Communication Towers; and
  - E. To ensure that Communication Antennas and Communication Towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.

- 420.2** **Definitions:** The following words and phrases shall have the particular meaning assigned as applicable to this Section of the Ordinance:
- Co-Location:** The act of placing two or more Communication Antennas on one Communication Tower or other structure.
- Communication Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, page, commercial mobile radio service or any other wireless communication signal, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.
- Communication Equipment Building:** An accessory structure used to house communication equipment associated with a communication antenna or tower.
- Communication Tower:** A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.

- 420.3** **General Regulations:** Within the (RR, C and C/I) Zones, communication antennas, towers and equipment shall be permitted by Special Exception, subject to all of the criteria contained in this Section (420).
- A. Any applicant proposing construction of a new Communication Tower, in addition to providing a written list of existing Communication Towers in the desired service area, shall demonstrate to the satisfaction of the Zoning Hearing Board, by a written submission, that a good faith effort has been made to obtain

permission to mount the Communication Antenna on an existing building, structure or Communication Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half (½) mile radius of the proposed Communication Tower site be contacted and that the applicant certifies in writing to the Zoning Hearing Board that one (1), or more, of the following reasons for not selecting such structure apply:

- 1) The proposed Communication Antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost;
  - 2) The proposed Communication Antenna and related equipment would cause radio frequency interference with other existing equipment for that existing structure and such interference cannot be prevented at a reasonable cost;
  - 3) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function;
  - 4) Addition of the proposed Communication Antenna. and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation; and/or
  - 5) A commercially reasonable agreement cannot be reached with the owner(s) of such structure, notwithstanding bona fide negotiation and good faith effort to reach such agreement. The Zoning Hearing Board may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- B. Any applicant proposing construction of a new Communication Tower shall demonstrate in writing that a good faith effort has been made to obtain permission to place such a tower on lands or rights-of-way owned or under control of the Federal, State or Local Government which would meet their needs.
- C. The applicant shall prove that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antenna, and that the proposed Communication Tower and Communication Antenna proposed to be mounted thereon will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation, and with all applicable Federal Aviation Administration and Commonwealth of Pennsylvania Bureau of Aviation regulations, and any applicable building codes adopted by the Township.
- D. All structures shall be designed and constructed in accordance with the latest edition of the Pennsylvania Uniform Construction Code (UCC) and its latest supplements. Detailed plans and calculations must be signed and sealed by a Pennsylvania licensed professional engineer, and submitted as part of the Special Exception application. In addition, the applicant shall furnish expert testimony regarding the construction methods or other measures which will be used to prevent (1) the toppling of any structure onto adjoining properties, roads, or both, and (2) the wind-borne scattering of ice onto adjoining properties, roads or both.
- E. Inspection - Beginning in December of 2007 and no later than December of each odd-numbered year thereafter, the owner of the Communication Tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of Communication Towers and has demonstrated his/her expertise to the satisfaction of the Township. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA)

Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report and certification of continued use shall be provided to the Township by March 1 following the inspection. Any repairs recommended by such report shall be effected by the owner within sixty (60) calendar days after the report is filed with Township.

- F. The applicant shall submit and keep on file with Monaghan Township a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas, and naming Monaghan Township and the lessor of the tower premises as additional insureds under the policy.
- G. Building mounted Communications Antennas shall not be located on any single-family or two-family dwelling.
- H. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- I. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township staff and/or Township engineer for compliance with the Monaghan Township ordinances.
- J. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.

#### **420.4**

##### **Yard Regulations:**

- A. Communication Towers shall be set back from all property lines or lease lines the greater of a distance equal to one hundred fifty percent (150%) of the height of the structure (including Communication Antennas) or to the yard setbacks applicable to the zoning district in which the structure is to be located.
- B. No Communication Tower shall be located within two hundred (200) feet of any part of a residential or occupied structure except with the written consent of all owners of such structure.
- C. All Communication Towers or Equipment Buildings shall be completely enclosed by an eight (8) foot high non-climbable security fence and self-locking gate.
- D. All ground-mounted satellite dish antennas that are used to transmit video format data shall be completely enclosed by an eight (8) foot high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
- E. The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

**420.5****Height Regulations:**

- A. Communication Towers, including attached Communication Antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In case of Co-Location, the Communication Tower height may be adjusted to account for other users. In no case shall any Communication Tower exceed a maximum height of two hundred (200) feet.
- B. Communications equipment buildings shall comply with building height requirements in the zoning district in which they are located.
- C. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- D. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.

**420.6**

**Access:** Access shall be provided to the lot or leased parcel on which the Communication Tower or Communication Equipment Building is located by means of a public street and/ or easement to a public street. The easement shall be a minimum of twenty feet (20) feet in width and (the access) shall be paved with concrete or macadam to a width of at least ten (10) feet throughout its entire length.

**420.7**

**Removal:** If a Communication Tower remains unused for a period of twelve (12) consecutive months or becomes structurally unsafe, the owner, licensee, (or) operator and/or landowner shall dismantle and remove the Communications Tower and any associated buildings within six (6) months of the expiration of such twelve (12) month period.

At the time of approval of the application, the applicant shall file with the Township a bond in an amount equal to the cost of removal or demolition of said tower and buildings as determined by the Township's engineer which bond shall be held by the Township, to be used in the event the owner, licensee, operator and/or landowner shall fail to dismantle the abandoned Communications Tower within said six (6) month time period. If the owner, licensee, operator or landowner shall dismantle said tower in accordance with this section, the bond shall be returned to the applicant or his assigns.

**420.8****Procedures:**

- A. Any applicant proposing construction of a new Communication Tower shall submit plans to the Township for review by the Township staff and Planning Commission and for approval by the Board of Supervisors, following approval of the required Special Exception, in accordance with the requirements of Subdivision and Land Development Ordinance Section 304. No such plans are required for a Communication Antenna to be Co-Located on an existing building, structure or tower.
- B. Any applicant proposing a Communication Antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the Antenna will be mounted on the structure for review by the Monaghan Township Building Code Official for compliance with the Monaghan Township Building Code and other applicable law.

## **Section 421 Drive-Thru or Fast-Food Restaurants**

- 421.1.** Within the (C/I) Zone, drive-thru or fast-food restaurants are permitted by conditional use, subject to the following criteria:
- 421.2.** The subject property shall front on an arterial or collector road;
- 421.3.** Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 421.4.** All drive-thru window-lanes shall be clearly delineated from the parking lot's interior driveways. Such lanes shall contain no less than two hundred (200) feet of vehicle stacking area preceding the first service window;
- 421.5.** Any exterior speaker/microphone system shall be arranged or screened to prevent objectionable noise impact on adjoining properties;
- 421.6.** All exterior seating/play areas shall be completely enclosed by a three (3) foot high fence; and,
- 421.7.** No part of the subject property shall be located within two hundred (200) feet of any land within the (RR, V or R) Zones.

## **Section 422 Dry Cleaners, Laundries and Laundromats**

- 422.1.** Within the (C/I) Zone, dry cleaners, laundries and laundromats are permitted by special exception, subject to the following criteria:
- 422.2.** Alternative or public sewer and public water facilities shall be utilized;
- 422.3.** All activities shall be conducted within a completely enclosed building;
- 422.4.** During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed;
- 422.5.** Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property; and,
- 422.6.** Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

## Section 423 ECHO Housing

- 423.1** Within the (RR), (R), and (C) Zones, ECHO housing is permitted by special exception, subject to the following criteria:
- 423.2** The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- 423.3** The total building coverage for the principal dwelling, any existing accessory structures, and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- 423.4** The elder cottage shall be occupied by no more than two (2) people, at least one (1) of whom must be both related to the occupants of the principal dwelling by blood, marriage, or adoption and is either (a) fifty (50) years of age or older, (b) handicapped, or (c) disabled;
- 423.5** **Utilities:**
1. For sewage disposal, water supply, and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and,
  2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capabilities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;
- 423.6** A minimum of one (1) all-weather, off-street parking space with unrestricted ingress and egress to the street shall be provided for the elder cottage in addition to that required for the principal dwelling;
- 423.7** The elder cottage shall be installed and located only in the side or rear yards and shall adhere to all side and rear yard setback requirements for principal uses;
- 423.8** The elder cottage shall be removed from the property or converted to an accessory structure within six (6) months after it is no longer occupied by a person who qualifies for the use unless a special exception is granted for the continued use of the dwelling unit, subject to the same criteria as set forth in Section 504;
- 423.9** Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit; and
- 423.10** A deed restriction shall be recorded prior to the issuance of an occupancy permit which

limits the use of the elder cottage for those individuals provided for under the ECHO Housing definition and provides for the removal or conversion of the accessory dwelling unit in the event those individuals are no longer living on the property.

## **Section 424 Family Day-Care Facilities**

- 424.1.** Within the (RR) Zone, family-day care facilities are permitted by special exception, and within the (V) Zone, family day-care facilities are permitted by conditional use, both subject to the following criteria:
- 424.2.** All family day-care facilities shall be conducted within a detached single-family dwelling;
- 424.3.** A family day-care facility shall offer care and supervision to no more than four (4) different persons during any calendar day;
- 424.4.** All family day-care facilities with enrollment of more than three (3) persons shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 424.5.** An outdoor play area no less than two hundred sixty (260) square feet in area shall be provided. Such play area shall not be located within the front yard nor any vehicle parking lot. A minimum four (4) foot high fence shall completely enclose the outdoor play area. Any vegetative materials located within the outdoor area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must include a means of shade such as a tree(s) or pavilion(s); and,
- 424.6.** Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

## **Section 425 Farm Occupations**

- 425.1.** Within the (RR) Zone, farm occupations are permitted by special exception, subject to the following:
- 425.2.** Only one farm occupation is permitted per farm which must be conducted as an accessory use to the farm;
- 425.3.** No more than the equivalent of three (3) nonresidents shall be employed by the farm occupation, and at least one (1) owner of the farm occupation must reside on the site. For the purposes of this section, “employed” shall be defined as involved in the on-site conduct of the farm occupation;
- 425.4.** The use must be conducted within one (1) completely enclosed building. No external activities and/or storage shall be permitted. Where practicable, the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties;

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- 425.5.** Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- 425.6.** No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any land within the (R) or (V) Zones. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- 425.7.** The farm occupation shall occupy no more than two thousand (2,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation. Vehicular access to the farm occupation shall be limited to the existing cartways of the farm;
- 425.8.** No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- 425.9.** Any sign used for a farm occupation shall not exceed twelve (12) square feet in size, and shall be set back a distance at least equal to its height from every lot line;
- 425.10.** For farm parcels of up to fifty (50) acres in size, while any farm occupation exists, no nonfarm subdivision of the site shall be permitted;
- 425.11.** Retail sales shall be limited to goods and materials that are incidental to production on the site. In no case shall the area devoted to retail sales comprise more than twenty percent (20%) of the gross floor area; and,
- 425.12.** Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within York County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner of the farm operation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

## **Section 426 Farmers or Flea Markets**

- 426.1.** Within the (C/I) Zone, farmers or flea markets are permitted by special exception, subject to the following criteria:
- 426.2.** The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls,

plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and outdoor areas as listed above;

- 426.3.** The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- 426.4.** Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 603 of the SLDO;
- 426.5.** Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Section 603 of the SLDO;
- 426.6.** All outdoor display and sales of merchandise shall cease no less than one (1) hour prior to dusk and commence no sooner than dawn;
- 426.7.** Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- 426.8.** Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

## **Section 427 Flag-Lot Residences**

- 427.1.** Flag-lots shall be permitted within the (RR and C) Zones by conditional use, subject to the following:
- 427.2.** Flag-lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques; and further, flag-lots shall only be permitted on a ratio of one flag-lot for each contiguous twenty acres, or portion thereof;
- 427.3.** For the purposes of this section a flag-lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;
- 427.4.** **Requirements for the Flag:**
  - 1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
  - 2. For purposes of determining required yards and setbacks, the following shall apply:
    - A. Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the

front yard;

- B. Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,
- C. Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram attached hereto as Appendix "D" for a graphic depiction of the yard locations);

**427.5.** The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from, the lot is in the forward direction.

**427.6. Requirements for the Pole:**

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
3. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
4. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
5. No pole shall be located within one hundred fifty (150) feet of another on the same side of the street.

## **Section 428 Funeral Homes, Mortuaries and Crematoriums**

**428.1.** Within the (V) Zone, funeral homes, mortuaries and crematoriums are permitted by conditional use, and within the (C/I) zone, funeral homes, mortuaries and crematoriums are permitted by special exception, both subject to the following criteria:

**428.2.** Within the (V) Zone, where a building capable of being converted to a funeral home, mortuary or crematorium exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any new funeral home, mortuary or crematorium shall be limited to two thousand (2,000) square feet;

**428.3.** The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations;

**428.4.** Alternative or public sewer, and public water utilities shall be utilized;

**428.5.** No vehicular access to the site shall be from an arterial road. Parking shall be designed to prevent traffic back-ups onto adjoining roads;

**428.6.** One (1) sign, not to exceed nine (9) square feet in the (V) Zone shall be permitted; signage for the (C/I) Zone is as permitted in Section 314 of this Ordinance; and,

- 428.7.** Within the (V) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 429 Golf Courses**

- 429.1.** Within the (RR and C) Zones, golf courses are permitted by conditional use, subject to the following criteria:

- 429.2.** In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;

- 429.3.** **Golf Paths** - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with an all-weather surface at points of concentrated use.

1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
  - A. Each crossing shall be perpendicular to the traffic movements;
  - B. Only one (1) street, access drive or driveway may be crossed at each location;
  - C. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection;
  - D. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area;
  - E. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 608 of the Monaghan Township Street Access Ordinance;
  - F. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing;
  - G. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
  - H. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

**429.4.** All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels;

**429.5.** Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of
  - A. Restaurant, snack bar, lounge, and banquet facilities;
  - B. Locker and rest rooms;
  - C. Pro shop;
  - D. Administrative offices;
  - E. Golf cart and maintenance equipment storage and service facilities;
  - F. Guest lodging for those using the golf course, provided:
    - no lodging units have separate exterior means of ingress/egress;
    - all lodging units shall be contained within the main clubhouse; and,
    - such guest lodging shall have a total occupancy of no more than twenty (20) persons;
  - G. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steamrooms;
  - H. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
  - I. Babysitting rooms and connected fence-enclosed playlots.
2. Accessory recreation amenities located outside of a building, including:
  - A. Driving range, provided that no lighting is utilized;
  - B. Practice putting greens;
  - C. Swimming pools;
  - D. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
  - E. Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
  - F. Picnic pavilions, picnic tables, park benches, and barbecue pits;
  - G. Hiking, biking, horseback riding, and cross-country ski trails; and,
  - H. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.

**429.6.** All outdoor storage of maintenance equipment or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads; and,

**429.7.** All dumpsters and off-street parking or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

## **Section 430 Home Improvement and Building Supply Stores**

**430.1.** Within the (C/I) Zone, home improvement and building supply stores are permitted by special exception, subject to the following criteria:

- 430.2.** If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
- 430.3.** The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;
- 430.4.** Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 430.5.** All exterior retail sales areas shall include a dust-free surface and a completely enclosed six (6) foot high fence and gate;
- 430.6.** All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 430.7.** The applicant shall furnish expert evidence that any exterior amplified public address system and exterior lighting has been arranged and designed so as to prevent objectionable impact off of the site;
- 430.8.** Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building; and,
- 430.9.** The applicant shall submit a traffic study as governed by Section 402.05.5 of the SLDO.

## **Section 431 Home Occupations**

- 431.1.** Within the (RR, R, V, and C) Zones, home occupations are permitted by special exception, subject to the following criteria:
- 431.2.** The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes;
- 431.3.** Only residents of the dwelling may be engaged in the home occupation use;
- 431.4.** No more than one (1) home occupation may be located in any dwelling unit;
- 431.5.** The home occupation shall not alter the appearance of the building as a dwelling unit;
- 431.6.** No mechanical equipment shall be employed in a home occupation which shall be perceptible beyond the building (i.e., noise, light, dust, odor, appearance, electromagnetic interference);
- 431.7.** No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises, except that limited sales of

products incidental to the home occupation shall be permitted (e.g., shampoo, accessories, etc.);

- 431.8.** No goods shall be displayed so as to be visible from the exterior of the premises;
- 431.9.** Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit, or five hundred (500) square feet, whichever is less;
- 431.10.** No accessory building or structure shall be utilized for any aspect of a home occupation;
- 431.11.** In addition to the required parking spaces for the dwelling unit, one (1) parking space per potential patron on site at one time shall be provided and designed in accordance with the provisions of Section 603 of the SLDO;
- 431.12.** Only one (1) sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to four (4) square feet in display area, including all sides of the sign; and,
- 431.13.** The applicant shall submit evidence of all applicable State approvals.

## Section 432

### Hospitals and Related Uses

- 432.1.** Within the (C/I) Zone, hospitals and related uses are permitted by conditional use, subject to the following criteria:
- 432.2.** **Minimum Lot Area** - Five (5) acres;
- 432.3.** The subject property shall have frontage along an arterial or collector road;
- 432.4.** Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment;
- 432.5.** Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned properties or separated by at least three hundred (300) feet from residentially-zoned properties;
- 432.6.** The applicant shall submit a traffic study as governed by Section 402.05.5 of the SLDO;
- 432.7.** Alternative or public sewer, and public water utilities shall be utilized;
- 432.8.** Adequate provision shall be made for the collection, disposal and recycling of garbage, trash and medical and hazardous waste;
- 432.9.** Where more than one (1) of the following uses are proposed, either at one time or separately over time, integrated site function and design shall be required consistent with the creation of a campus-like environment;
  - 1. Hospitals and hospices;

2. Intermediate care and skilled nursing facilities;
3. Medical and dental offices;
4. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities;
5. Health and fitness clubs;
6. Commercial day-care facilities;
7. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
  - A. Administrative offices;
  - B. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
  - C. Automobile parking lots and parking garages;
  - D. Housing for students, employees and their families in accordance with the standards of the (R) Zone;
  - E. Lodging facilities for patients and their families;
  - F. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within this Zone;
  - G. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;
  - H. Helistop; and,
  - I. Incinerators and autoclaves (see Section 432.11.2.).

**432.10. Specific Requirements for Selected Accessory Uses:**

1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

- 432.11.** **Maximum Permitted Height** - Sixty (60) feet for hospitals, provided all structures are set back a horizontal distance equal to their height from each property line and street right-of-way line; thirty-five (35) feet for all other uses.

## **Section 433 Hotels, Motels and Similar Lodging Facilities**

- 433.1.** Within the (C/I) Zone, hotels, motels and similar lodging facilities are permitted by special exception, subject to the following criteria:
- 433.2.** The subject property shall front on an arterial or collector road;
- 433.3.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used;
- 433.4.** The following accessory uses may be approved as part of the special exception application:
1. Auditorium;
  2. Barber and beauty shops;
  3. Gift shop;
  4. Meeting facilities;
  5. Recreational uses and swimming pools;
  6. Restaurants;
  7. Sauna, spa or steam room;
  8. Solarium;
  9. Valet shop; and,
  10. Other similar retail sales and personal services;
- 433.5.** The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building, except as provided in subsection 433.6.; and,
- 433.6.** One (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
1. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or fast-food service shall be permitted;
  2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted; and,
  3. Sufficient off-street parking spaces shall be provided and located to conveniently serve the freestanding restaurant without interfering with required off-street parking associated with the hotel use.

## **Section 434 Hunting, Fishing or Skiing Lodges**

- 434.1.** Within the (C) Zone, hunting, fishing or skiing lodges are permitted by special exception, subject to the following criteria:
- 434.2.** A hunting, fishing or skiing lodge shall be defined as a facility catering exclusively to members and their guests, including buildings and premises intended for outdoor

recreational purposes which are not conducted for profit, and excluding any vending stands, merchandizing or commercial activities. Such facility may offer overnight accommodations and meals to no more than twenty (20) guests;

**434.3.** Outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line;

**434.4.** All parking is to be set back thirty (30) feet from any adjoining lot lines; and,

**434.5.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

## **Section 435 Intensive Commercial or Industrial Uses**

**435.1.** Within the (C/I) Zone, intensive commercial or industrial uses are permitted by conditional use, subject to the following criteria:

**435.2.** The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size. For retail uses exceeding one hundred thousand (100,000) square feet of gross floor area, that the market for such use does not pose ruination of existing commercial areas within the Township or its surrounding municipalities;
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Section 318 of this Ordinance; and,
4. A traffic study prepared by a professional traffic engineer, according to Section 402.05.5 of the SLDO.

## **Section 436 Junkyards**

**436.1.** Within the (C/I) Zone, junkyards are permitted by conditional use, subject to the following criteria:

**436.2.** Minimum Lot Area - Ten (10) acres;

- 436.3.** The outdoor area devoted to the storage of junk shall be completely surrounded by an eight (8) foot high, sight-tight fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from properties within the (RR, V or R) Zones;
- 436.4.** The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth;
- 436.5.** All buildings used to store junk shall be completely enclosed and set back at least fifty (50) feet from all property lines;
- 436.6.** No material may be stored or stacked so that it is visible from adjoining properties and roads;
- 436.7.** All additional Federal and State laws shall be satisfied;
- 436.8.** All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet;
- 436.9.** No material shall be burned at any time;
- 436.10.** Junkyards shall be maintained in such a manner to not be conducive to public or private nuisance, nor to be conducive to the generation of any offensive or noxious sounds or odors, nor to be conducive to the breeding or harboring of rats, flies, or other vectors; and,
- 436.11.** No storage of junk shall be located on land with a slope in excess of five percent (5%).

## **Section 437 Medical or Dental Offices**

- 437.1.** Within the (V) Zone, medical or dental offices are permitted by conditional use, subject to the following criteria:
- 437.2.** Where a building capable of being converted to medical or dental office use exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any single new medical or dental office building shall be limited to two thousand (2,000) square feet;
- 437.3.** The applicant shall furnish evidence that approved means of sewage and medical waste disposal and water supply shall be utilized;
- 437.4.** At least ten percent (10%) of required parking spaces for medical offices shall be designed for handicapped persons;
- 437.5.** One (1) sign, not to exceed nine (9) square feet, shall be permitted; and,

- 437.6.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 438 Mini-Warehouses**

- 438.1.** Within the (C/I) Zone, mini-warehouses are permitted by special exception, subject to the following criteria:
- 438.2.** Off-street parking spaces shall be provided according to the schedule listed in Section 603 of the SLDO;
- 438.3.** Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane;
- 438.4.** Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreational or other vehicles, so long as such external storage area is screened from adjoining land and roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of junk, nor partially dismantled, wrecked or inoperative vehicles;
- 438.5.** Mini-warehouse units may be used for the storage of personal automobiles and recreation vehicles only if expert testimony is provided that such units have been designed and constructed utilizing fire-resistant methods;
- 438.6.** Exclusive of the above-described vehicular storage, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- 438.7.** An on-site manager shall be required to be on the site on a full-time basis and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the (R) Zone;
- 438.8.** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- 438.9.** No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (RR, V or R) Zones; and,

- 438.10.** Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
1. Auctions, commercial, wholesale or retail sales, or garage sales;
  2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
  3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
  4. The establishment of a transfer and storage business; and,
  5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all mini-warehouse use contracts shall specifically prohibit these uses.

## **Section 439                      Manufactured Home Parks**

- 439.1.** Within the (R) Zone, manufactured home parks are permitted by conditional use, subject to the following criterion:
- 439.2.** All manufactured) home parks shall comply with the provisions of the Monaghan Township Manufactured Home and Manufactured Home Parks Ordinance of 1992 (as revised and amended).

## **Section 440                      Nightclubs and Taverns**

- 440.1.** Within the (C/I) Zone, nightclubs and taverns are permitted by conditional use, subject to the following criteria:
- 440.2.** No part of the subject property shall be located within three hundred (300) feet of any land within the (RR, R or V) Zones;
- 440.3.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, litter, or any combination thereof;
- 440.4.** The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside of the building; and,
- 440.5.** A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

## **Section 441                      Noncommercial Keeping of Livestock**

- 441.1** Within the (R) and (V) Zones, Noncommercial Keeping of Livestock is permitted by special exception subject to the following criteria:

- 441.2.** **Minimum Lot Area** - Two (2) acres. The following list specifies additional minimum lot area requirements by size of animal kept. The keeping of a combination of animal types (Group 1, 2 or 3) shall require an animal density equal to the ratio of the number of animals, by type:  
GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre;  
GROUP 2 - Animals whose average adult weight is between ten (10) and two hundred (200) pounds shall be permitted at an animal density of two (2) per acre; and,  
GROUP 3 - Animals whose average adult weight is greater than two hundred (200) pounds shall be permitted at an animal density of one (1) per acre.
- 441.3.** The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;  
GROUP 1 Animals – Twenty-five (25) feet  
GROUP 2 Animals – Fifty (50) feet  
GROUP 3 Animals – One hundred (100) feet
- 441.4.** All structures used to house livestock shall be prohibited from placement in the front yard;
- 441.5.** All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least ten (10) feet from all property lines; and,
- 441.6.** All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

## **Section 442 Nursing, Rest or Retirement Homes**

- 442.1.** Within the (R) Zone, nursing, rest or retirement homes are permitted by special exception, and within the (V) Zone, nursing, rest or retirement homes are permitted by conditional use, both, subject to the following criteria:
- 442.2.** Within the (R) Zone the site shall contain at least two (2) acres;
- 442.3.** Within the (V) Zone, where a building capable of being converted to a nursing, rest or retirement home exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any new nursing, rest or retirement home shall be limited to three thousand six hundred (3,600) square feet;
- 442.4.** Within the (R) Zone all parking areas shall be set back a minimum of twenty-five (25) feet from all property lines;

- 442.5.** A nursing, rest or retirement home may erect one (1) sign no larger than twenty-four (24) square feet within the (R) Zone, and nine (9) square feet within the (V) Zone;
- 442.6.** The applicant shall furnish proof of any needed land development approvals;
- 442.7.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 442.8.** At least twenty percent (20%) of required parking spaces shall be designed for handicapped persons;
- 442.9.** No more than eighteen (18) occupants per acre shall be permitted, excluding the staff of the facility; and,
- 442.10.** In the (V) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 443**

### **Offices**

- 443.1.** Within the (V) Zone, offices are permitted by conditional use, subject to the following criteria:
- 443.2.** Where a building capable of being converted to office use exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any new single office building shall be limited to two thousand (2,000) square feet;
- 443.3.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 443.4.** One (1) sign, not to exceed nine (9) square feet, shall be permitted; and,
- 443.5.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 444**

### **Off-Track Betting Parlors**

- 444.1.** Within the (C/I) Zone, off-track betting parlors are permitted by conditional use, subject to the following criteria:

- 444.2.** An off-track betting parlor shall not be permitted to be located within one thousand (1,000) feet of any other off-track betting parlor;
- 444.3.** No off-track betting parlor shall be located within three hundred (300) feet of any land within the (RR, V or R) Zones;
- 444.4.** No off-track betting parlor shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
  2. Camp (for minors' activity);
  3. Child-care facility;
  4. Church or other similar religious facility;
  5. Community center;
  6. Museum;
  7. Park;
  8. Playground;
  9. School; or
  10. Other lands where minors congregate;
- 444.5.** The distance between any two off-track betting parlors shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor to the closest point on the property line of said land use;
- 444.6.** No more than one (1) off-track betting parlor may be located within one building or shopping center;
- 444.7.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, litter, or any combination thereof;
- 444.8.** The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside of the building;
- 444.9.** A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 444.10.** Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 444.11.** All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein.

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## Section 445 Principal Waste Handling Facilities

- 445.1.** Within the (C/I) Zone, principal waste handling facilities are permitted by conditional use, subject to the following criteria:
- 445.2.** All principal waste handling facilities for “municipal and residual wastes,” as defined by the PA DEP, shall be operated by the York County Solid Waste and Refuse Authority;
- 445.3.** Any processing, treatment, or both, of waste (including, but not limited to, incineration, composting, steaming, shredding, compaction, material separation, refuse-derived fuel, pyrolysis, etc.) shall be conducted within a completely enclosed building;
- 445.4.** No waste shall be deposited, stored or disposed of, and no building or structure shall be located within two hundred feet (200) of any property line, and three hundred (300) feet of any land within the (RR, V or R) Zones;
- 445.5.** Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely surrounded by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction;
- 445.6.** The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 445.7.** The use shall be screened from all adjoining properties;
- 445.8.** All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed, unloaded, or both, will not back-up onto public roads;
- 445.9.** All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- 445.10.** In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Access to the site shall be limited to those posted times when an attendant is on duty;
- 445.11.** Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 445.12.** The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;
- 445.13.** Any waste that is to be recycled or transferred shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building;

- 445.14.** All storage of waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;
- 445.15.** A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 445.16.** Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a public or alternative sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- 445.17.** All structures shall be set back at least a distance equal to their height;
- 445.18.** The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a public system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells;
- the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
- the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;
- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table;
- and,
- a statement of the qualifications and the signature(s) of the person(s) preparing the study;

- 445.19.** The applicant shall provide a qualified traffic analysis, as described in Section 402.05.5 of the SLDO;
- 445.20.** A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip;
- 445.21.** The applicant shall furnish expert testimony regarding emergency preparedness measures provided or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and,
- 445.22.** No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

## **Section 446 Private Clubs**

- 446.1.** Within the (RR and C) Zones, private clubs are permitted by special exception, and within the (V) Zone private clubs are permitted by conditional use, both, subject to the following standards:
- 446.2.** Within the (V) Zone, where a building capable of being converted to a private club exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any new private club shall be limited to two thousand (2,000) square feet;
- 446.3.** Within the (RR and C) Zones, off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Such parking lots must also be set back thirty (30) feet from any adjoining lot lines;
- 446.4.** Within the (RR and C) Zones all outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line. Within the (V) Zone no outdoor activities are permitted;
- 446.5.** Within the (RR and C) Zones, screening shall be provided along any adjoining property;
- 446.6.** Within the (V) Zone, all lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties;
- 446.7.** The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the clubhouse; and,
- 446.8.** In the (V) Zone, the applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or

impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 447 Public and Private Schools**

- 447.1.** Within the (R) Zone, public and private schools (excluding vocational and mechanical trade schools) are permitted by special exception, subject to the following criteria:
- 447.2.** All height, area, setback, and coverage standards within the Zone shall apply;
- 447.3.** All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;
- 447.4.** All buildings shall be set back at least one hundred (100) feet from any adjoining land;
- 447.5.** If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period;
- 447.6.** Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

## **Section 448 Quarries and Other Extractive-Related Uses**

- 448.1.** Within the (C) Zone, quarries and other extractive-related uses are permitted by conditional use, subject to the following criteria:
- 448.2.** **General - Quarry Operations:**
1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
  2. May not adversely affect any public or private water supply source;
  3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township;
  4. May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners;
  5. May not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation; and,
  6. Must demonstrate compliance with all applicable State regulations at all times.

**448.3. Site Plan Requirements** - As a part of each application the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2400, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the area;
2. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area;
3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected, and the names and addresses of the owners and present occupants;
4. The purpose for which each building is used; and,
5. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the county;

**448.4. Minimum Lot Area** - Fifty (50) acres;

**448.5. Fencing** - A fence measuring at least eight (8) feet in height must surround the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the quarry;

**448.6. Setback** - The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining or nearby uses:

Quarry-Related Feature	Existing Residence	Existing Nonresidential Building	RR, V or R Zone	Adjoining Road	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Property
stock piles or spoil piles	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g., rishers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
quarry pit	300 ft.	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment, structures and improvements	300 ft.	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.

**448.7. Access** - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.

1. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface;

Speed Limitation on Public Street (mph)	Required Sight Distance (feet)
25	240
30	275
35	315
40	350
45	425
50	475
55	550

2. All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two-hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels; and,
3. In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of the street to the centerline of the access drive;

**448.8. Traffic Impact** - The applicant shall furnish a traffic study prepared by a professional traffic engineer, as outlined in Section 402.05.5 of the SLDO;

**448.9. Reclamation** - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

**448.10. Screening** - Where the proposed use adjoins a residential zone, an existing residence, a public road, or any combination thereof, screening shall be provided. Such screening shall be comprised of an earthen berm at least ten (10) feet in height. Such berm shall be located on the quarry site and placed so as to maximize the berm's ability to absorb and block views of, noise, dust, smoke, or any combination thereof, generated by the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. In addition, a landscape screen shall consist of evergreen shrubs and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of ten (10) feet. The high level screen shall consist of evergreen trees of not less than five (5) feet in height at the time of planting that shall be planted at intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs of not less than three (3) feet in height at the time of planting that shall be planted at intervals of not more than five (5) feet. The landscape screen shall be permanently maintained;

- 448.11. Operations Progress Report** - Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all of the following:
1. The name or number of the operation;
  2. The location of the operation with reference to the nearest public road;
  3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
  4. The name and address of the landowner or his duly authorized representative;
  5. An annual report of the type and quantity of mineral produced;
  6. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
  7. A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and maintenance and that such needed repairs and maintenance has been performed; and,
  8. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and any notices of violation issued by the PA DEP.

## **Section 449      Recycling Facilities for Paper, Plastic, Glass, and Metal Products**

- 449.1.** Within the (C/I) Zone, recycling of paper, glass and metal products is permitted by special exception, subject to the following criteria:
- 449.2.** All operations, including collection shall be conducted within a completely enclosed building;
- 449.3.** Outdoor storage is prohibited;
- 449.4.** The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter; and,
- 449.5.** The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

## **Section 450      Restaurants, Excluding Drive-Thru or Fast-Food Restaurants**

- 450.1.** Within the (V) Zone, restaurants, excluding drive-thru or fast-food, are permitted by conditional use, subject to the following criteria:
- 450.2.** Where a building capable of being converted to restaurant use exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no building exists on-site, the floor area of any new restaurant shall not exceed two thousand (2,000) square feet;

- 450.3.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 450.4.** One (1) sign, not to exceed nine (9) square feet, shall be permitted;
- 450.5.** All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties; and,
- 450.6.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 451 Retail Sale, Rental, or Both, of Goods**

- 451.1.** Within the (V) Zone, retail sales, rental, or both, of goods are permitted by conditional use, subject to the following criteria:
- 451.2.** Where a building capable of being converted to retail sale or rental use exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the total sales area, display area, or both, of any new retail sale or rental use shall be limited to two thousand (2,000) square feet;
- 451.3.** One (1) sign, not to exceed nine (9) square feet, shall be permitted;
- 451.4.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 451.5.** Retail sale, rental, or both, of goods shall be limited to the following items:
  - 1. Card, stationery, magazine, book, or newspaper shops (excluding adult-related uses);
  - 2. Prerecorded music, video, or spoken word products (excluding adult-related uses);
  - 3. Wine and cheese shops;
  - 4. Sporting goods stores;
  - 5. Musical instrument shops;
  - 6. Tobacco and smoking accessories supplies;
  - 7. Photographic, video, audio, and electronic components and accessories;
  - 8. Clothing and shoe boutiques;
  - 9. Flower, balloon and gift shops;
  - 10. Jewelry, watches and clocks;
  - 11. Art and drafting supplies and studios;
  - 12. Computers, software and other office supplies;
  - 13. Craft supplies; baskets, fabrics, and other notions;
  - 14. Toy and hobby stores;
  - 15. Telephone, vacuum cleaner and other small domestic appliance centers;

16. Prosthetic devices;
17. Perfumes, soaps, lotions, powders, and similar items;
18. Draperies, paint and wallpaper showrooms;
19. Bed and bath supplies;
20. Kitchenware, cookware and dinnerware;
21. Eyeglass and hearing aid showrooms and offices;
22. Drugstores;
23. Grocerettes and specialty food stores, excluding automobile filling facilities; and,
24. Religious articles and artifacts;
25. Equestrian-related Tack Shops and Pet Supply Stores; and,
26. Lawn & Garden Equipment

- 451.6.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 203.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 452 Retail Services**

- 452.1.** Within the (V) Zone, retail services are permitted by conditional use, subject to the following criteria:
- 452.2.** Where a building capable of being converted to retail service use exists on-site, the applicant shall comply with the provisions of Section 415 for Commercial Conversions. Where no such building exists on-site, the floor area of any new retail service use shall be limited to two thousand (2,000) square feet;
- 452.3.** Retail services shall be limited to barber/beauty salons, music, dance, art and photographic studios, and repair of shoes, clocks and small appliances;
- 452.4.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized;
- 452.5.** One (1) sign, not to exceed nine (9) square feet, shall be permitted; and,
- 452.6.** The applicant shall demonstrate those measures employed to incorporate the design features listed in Section 206.18. of this Ordinance. If the applicant cannot incorporate said features, the applicant shall describe what steps were taken to attempt such design, and the specific reasons why the design is impossible or impractical. The applicant shall also suggest what measures could be taken by the Township to facilitate such a design.

## **Section 453 Riding Stables**

- 453.1.** Within the (RR and C) Zones, riding stables are permitted by special exception, subject to the following criteria:

- 453.2. Minimum Lot Area** - Five (5) acres;
- 453.3.** Any structure used for the boarding of horses shall be set back at least one hundred (100) feet from any property line;
- 453.4.** All stables shall be maintained so to minimize odors perceptible at the property line;
- 453.5.** All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot high fence, which is located at least twenty-five (25) feet from all property lines; and,
- 453.6.** All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and movement of vehicles across neighboring properties.

**Section 454 Rural Clusters**

- 454.1.** Within the (RR) Zone, rural clusters are permitted by conditional use, subject to the following criteria:
- 454.2. Purpose** - This section is intended to accommodate the clustering of rural residences, while reducing the loss of significant natural features (e.g., steep slopes, woodlands, wetlands, floodplains, etc.). It is the express purpose of this section to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural features and the provision of public accessible common open space;
- 454.3.** The minimum lot area devoted to a cluster development shall be five (5) acres. The minimum lot area for all individual dwelling lots shall be one (1) acre;
- 454.4. Design Requirements** - The following table lists design requirements:

Use	Maximum Lot Width <sup>1</sup>	Maximum Lot Coverage	Minimum Yard Setbacks			
			Front	One Side	(Both Sides)	Rear
SFDs	100 ft.	20%	30 ft.	20 ft.	(40 ft.)	30 ft.
Accessory Uses	N/A	N/A	N/A	10 ft.	(10 ft.)	10 ft.

<sup>1</sup>Minimum lot width shall be measured at the building setback line; in no case shall a lot's width as measured at the street right-of-way line be less than one hundred (100) feet.

- 454.5.** Within rural clusters, the use of flag lots is permitted where the applicant can demonstrate compliance with the review criteria of Section 426 of this Ordinance. Where the use of flag lots is proposed as part of a rural cluster, the two review processes shall be combined as one;

**454.6. Delineation of Required Common Open Space** - In accordance with the purpose of these provisions, proposed common open space shall only include those areas characterized by features listed in this Section 454.6.; any proposed common open space that is not comprised of these features shall not be considered to be part of the cluster development, except where such open space links such features together. As part of the site planning process for the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

- 100-year floodplains;
- steep slopes (greater than fifteen percent [15%]);
- wetlands, streams, ponds, or other water bodies;
- sinkholes, caves, vistas, or other significant geologic features;
- threatened or endangered species habitats;
- archaeological resources
- historic resources; and,
- significant stands of mature trees;

**454.7.** The amount of land required to be devoted to common open space shall be that amount identified as possessing the above-noted features. Permitted densities applicable to the remaining developable portions of sites shall be determined based on the following table:

Percent of Site Within Required Common Open Space	Permitted Density in Developable Areas
Up to 10%	1 DU/1.50 AC
10.1–25%	1 DU/1.25 AC
25.1% & Over	1 DU/1.00 AC

**454.8.** To the extent possible, common open space areas shall be contiguous and publicly-accessible, excepting threatened or endangered species habitats, archaeological resources, sinkholes, and caves; and,

**454.9.** The ownership and maintenance of common open space shall be governed by Section 319 of this Ordinance.

## Section 455 Home Based Business

**455.1 Home-Based Business, Minor Use:** Within the (R) and (V) Zones, Minor Use Home Based Businesses are permitted by conditional use, subject to the following criteria:

1. The parking area or accessory building used for business purposes or employees shall be screened from adjacent properties.

2. One (1) business related sign shall be permitted not to exceed nine (9) square feet. Illumination of the sign will not be permitted.
3. An accessory structure used for business purposes shall be setback a distance equal to the principal use setbacks in the zone.
4. Outdoor storage of any kind shall be prohibited.
5. Hours of operation shall be limited to 7:00 am to 7:00 pm. Applicant shall submit a detailed commercial operations plan describing all business activity to be conducted on the site, addressing how any adverse impacts to adjacent properties will be mitigated.
6. Deliveries by tractor trailers will be prohibited. Adequate access for straight delivery vehicles shall be provided on the property.
7. Only one (1) Home Based Business shall be permitted per lot.
8. Minimum Lot Size: One (1) Acre.
9. Applicant shall provide proof of review of any proposed structures or modifications to existing for compliance with the PA Uniform Construction Code, and identify improvement necessary for compliance.

**455.2** **Home-Based Business, Heavy Use:** Within the (RR) and (C/I) Zones, Heavy Use Home Based Businesses are permitted by conditional use, subject to the following criteria:

1. Applicant shall meet conditions set forth in Section 455.1.
2. Property shall be located within one thousand five hundred (1,500) feet of an arterial or collector road.
3. Applicant shall submit a Traffic Impact Study performed in accordance with the Monaghan Township Subdivision and Land Development Ordinance.
4. Applicant shall present an Architectural Compatibility Assessment prepared by a registered architect, identifying the compatibility of existing or proposed principal or accessory structures used for business purposes with adjacent properties.

## **Section 456 Sawmills**

**456.1.** Within the (C) Zone, sawmills are permitted by conditional use, subject to the following criteria:

**456.2.** Vehicular access to the sawmill shall be via a minimum twelve (12) foot wide access drive that includes a fifty (50) foot paved apron adjacent to the street, beyond which the access drive can have a stone surface;

**456.3.** All aspects of the sawmill operation (except access drives) shall be set back no less than two hundred (200) feet from all property lines, and three hundred (300) feet from any property within the (RR, R or V) Zones; and,

**456.4.** All sawmill by-products shall be routinely disposed of.

## **Section 457 Septage and Spent Mushroom Compost Processing, Commercial Mushroom Operations, or Both**

- 457.1.** Within the (C/I) Zone, septage and spent mushroom compost processing, commercial mushroom operations, or both are permitted by conditional use, subject to the following criteria:
- 457.2.** Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof;
- 457.3.** The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations:
- 457.4.** The use shall be screened from all roads and adjoining properties;
- 457.5.** All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back-up onto public roads;
- 457.6.** All driveways onto the site must be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- 457.7.** The unloading, processing and transfer, of septage and spent mushroom compost shall be continuously supervised by a qualified facility operator;
- 457.8.** Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations;
- 457.9.** The applicant shall submit an analysis of raw water needs (groundwater or surfacewater) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

A water feasibility study shall include the following information:

- calculations of the projected water needs;
- a geologic map of the area with a radius of at least one mile from the site;
- the location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution;
- based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
- a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
- a statement of the qualifications and the signature(s) of the person(s) preparing the study;

**457.10.** A minimum one hundred (100) foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site, must not be located within this buffer strip;

**457.11.** The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road; and,

**457.12.** Any structure used for the storage, loading, processing or packaging of septage and spent mushroom compost shall be set back at least three hundred (300) feet from all property lines, and three hundred (300) feet from any land within the (RR, V or R) Zones. In addition, any ventilation outlets must be oriented away from any land within a residential zone.

## **Section 458 Shooting Ranges**

**458.1.** Within the (C) Zone, shooting ranges are permitted by conditional use, subject to the following criteria:

**458.2. Shooting Range Operations:**

1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
2. May not substantially damage the health, safety or welfare of the Township or its residents or property owners;
3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access;
5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan;
6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association, or have a valid hunting

license. Anyone under the age of sixteen (16) shall be accompanied by an adult who has a valid hunting license or has satisfactorily completed the above-described orientation safety program before they are allowed to discharge firearms;

7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations; and,
8. Shall limit firing to the hours between one (1) hour after dawn and one (1) hour preceding dusk;

**458.3.** A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;

**458.4.** The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!";

**458.5.** Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;

**458.6.** All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;

**458.7.** All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way;

**458.8.** No shooting range shall be located within one-quarter ( $\frac{1}{4}$ ) mile of any land within the (R, RR or V) Zones. The applicant shall present credible evidence that the sound of shooting in the residential zone does not exceed the ambient noise level; and,

**458.9.** Off-street parking facilities shall be provided with a ratio of one and one-half ( $1\frac{1}{2}$ ) spaces per firing station, but not less than one (1) space for each four (4) seats.

## **Section 459 Shopping Centers or Malls**

**459.1.** Within the (C/I) Zone, shopping centers or malls are permitted by conditional use, subject to the following:

**459.2.** All shopping centers shall comply with the following design standards:

<b>SHOPPING CENTER DESIGN STANDARDS</b>			
	<b>USE</b>		
	Shopping center, as defined herein, with up to 50,000 square feet of gross floor area.	Shopping center, as defined herein, with between 50,000 & 100,000 square feet of gross floor area.	Shopping center, as defined herein, with over 100,000 square feet of gross floor area.
<b>MINIMUM REQUIRED LOT AREA</b>	1 acre	6 acres	14 acres
<b>MINIMUM REQUIRED LOT WIDTH</b>	150 ft. at the building setback line	300 ft. at the building setback line	600 ft. at the building setback line
<b>MINIMUM REQUIRED LOT DEPTH</b>	100 ft.	600 ft.	600 ft.
<b>REQUIRED MINIMUM YARD SETBACKS:</b>			
<u>Front</u>	50 ft. for buildings & structures (except permitted signs) from the street right-of-way; 20 ft. for off-street parking. No off-street loading nor outdoor storage is permitted in the front yard.	150 ft. from the street center-line for buildings; 25 ft. from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.	200 ft. from the street center-line for buildings; 30 ft. from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
<u>One Side</u>	30 ft. for ends of building; 10 ft. for parking & loading	50 ft. for ends of building; 20 ft. for parking & loading	50 ft. for ends of building; 25 ft. for parking & loading
<u>Both Sides</u>	60 ft. for ends of building; 20 ft. for parking & loading	100 ft. for ends of building; 40 ft. for parking & loading	100 ft. for ends of building; 50 ft. for parking & loading
<u>Rear</u>	30 ft. for buildings; 10 ft. for parking & loading	50 ft. for buildings; 20 ft. for parking & loading	50 ft. for buildings; 25 ft. for parking & loading
<b>MINIMUM REQUIRED SETBACK FROM RESIDENTIAL DISTRICT</b>	30 ft. for buildings; 10 ft. for off-street parking & loading	100 ft. for buildings; 50 ft. for off-street parking & loading	150 ft. for buildings; 75 ft. for off-street loading & parking
<b>MAXIMUM PERMITTED IMPERVIOUS LOT COVERAGE</b>	60%	55%	50%
<b>MAXIMUM PERMITTED BUILDING HEIGHT</b>	40 ft.	40 ft.	40 ft.

- 459.3.** The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines;
- 459.4.** All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials;
- 459.5.** The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used;
- 459.6.** A traffic study shall be submitted by the applicant, in accordance with Section 402.05.5 of the SLDO; and,
- 459.7.** Signage will be provided in compliance with the applicable Planned Center Table, as listed in Section 314 of this Ordinance.

## **Section 460 Temporary Farm Employee Housing**

- 460.1.** Within the (RR) Zone, temporary farm employee housing is permitted by special exception, subject to the following criteria:
- 460.2.** For each farm, one (1) manufactured home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner;
- 460.3.** All manufactured homes shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings;
- 460.4.** The applicant shall furnish evidence that an approved system of water supply and sewage disposal shall be utilized;
- 460.5.** All manufactured homes shall be securely anchored to a manufactured home stand; a six (6) inch thick poured concrete slab over a six (6) inch stone base, the length and width of which shall be at least equal to the dimensions of the manufactured home. Each manufactured home pad shall include properly-designed utility connections; and,
- 460.6.** The manufactured home shall be occupied at least one hundred twenty (120) days a year by at least one person who is employed on the farm where the manufactured home is located. If this condition is not satisfied, the manufactured home shall be removed within one hundred twenty (120) days.

## **Section 461 Truck Stops or Motor Freight Terminals**

- 461.1.** Within the (C/I) Zone, truck stops or motor freight terminals are permitted by conditional use subject to the following criteria:
- 461.2.** The subject property shall have a minimum of three hundred (300) feet of road frontage along an arterial road;
- 461.3.** The subject property shall be located no closer than three hundred (300) feet from any (RR, R or V) Zone, and any property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 461.4.** All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be setback at least fifty (50) feet from any street right-of-way line;
- 461.5.** Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be setback at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;

- 461.6.** Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be setback and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods;
- 461.7.** Trash receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;
- 461.8.** All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- 461.9.** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 461.10.** The outdoor storage of unlicensed vehicles is prohibited;
- 461.11.** All vehicles and machinery shall be repaired and removed from the premises promptly;
- 461.12.** The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;
- 461.13.** Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- 461.14.** The applicant shall submit a traffic study as governed by Section 402.05.5 of the SLDO; and,
- 461.15.** The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

## **Section 462 Two-Family Conversions**

- 462.1** Within the C, R, RR, V Zone, a detached single-family dwelling that existed on the effective date of this Ordinance and contained (at that time) at least two thousand (2,000) square feet of floor area on a property no less than 1.5 times the minimum lot area prescribed in the underlying zone may be converted into two (2) dwelling units by special exception, subject to the following criteria:
- 462.2.** The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;

- 462.3.** No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 462.4.** All floors above and below grade shall have a direct means of escape to ground level; and,
- 462.5.** Four (4) off-street parking spaces shall be provided.

## **Section 463 Vocational/Mechanical Trade Schools**

- 463.1.** Within the (C/I) Zone, vocational/mechanical trade schools are permitted by special exception, subject to the following criteria:
- 463.2.** Any maintenance, repair, rebuilding, testing or construction or mechanical devices shall be conducted within a completely enclosed building;
- 463.3.** No outdoor storage shall be permitted;
- 463.4.** The applicant shall furnish evidence that approved systems of sewage disposal and water supply will be utilized; and,
- 463.5.** All ventilation outlets shall be located at least one hundred (100) feet and oriented away from adjoining residentially-zoned properties.

## **Section 464 Athletic and Recreation Facilities Associated With a Private School**

- 464.1.** Within the (C) Zone, athletic and recreation- related facilities associated with a private school are permitted by conditional use, subject to the following:
- 464.2.** Uses shall be limited to the following:
1. Fields, tracks and courts;
  2. Buildings associated with athletic/recreation purposes (e.g., rest rooms, locker rooms, athletic offices, training facilities, concessions, meeting rooms, shelters, and etc.);
  3. Seating, parking lots, driveways, and walkways associated with athletic/recreation facilities; and,
  4. Related signage, lighting and utilities;
- 464.3.** As part of the site planning process and review for this conditional use, the applicant shall be required to prepare and submit a detailed natural and cultural features inventory of the site. Qualified experts must identify, describe, plot, and discuss those specific measures used to conserve each of the following contained upon the site:
1. 100-year floodplains;
  2. steep slopes (> 15%);
  3. wetlands and bodies of water;
  4. sinkholes, caves, vistas, or other significant geologic features;

5. threatened or endangered species habitats;
6. archeologic resources;
7. historic resources; and,
8. significant stands of mature trees and significant specimens;

**464.4.** The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining or nearby properties due to hours of operation, noise, light, and litter. Those uses involving extensive outdoor activity shall provide sufficient screening or landscaping to mitigate any visual, audible, or both, impacts;

**464.5.** Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 603 of the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods (athletic events, tournaments, etc.) may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads; and,

**464.6.** Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.

## **Section 465 Greenhouses or Nurseries**

**465.1.** Within the (RR) Zone, greenhouses or nurseries are permitted by special exception, subject to the following criteria:

**465.2.** **Minimum lot area** - Five (5) acres;

**465.3.** All agricultural areas shall be set back at least fifty (50) feet from all property lines;

**465.4.** Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 603 of the SLDO;

**465.5.** The display and sale of items not grown on the premises shall be incidental to the greenhouse/nursery operation. The display and sales area for those items shall be limited to not more than twenty five per cent (25%) of the total gross display and sales area on the property;

**465.6.** The display, sale and/or repair of power tools or motorized nursery, lawn or garden equipment shall not be permitted;

- 465.7.** All outdoor display and sales of merchandise shall cease no less than one (1) hour prior to dusk and commence no sooner than dawn;
- 465.8.** Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- 465.9.** Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter;
- 465.10.** Outdoor display areas shall be set back at least twenty five (25) feet from the street right-of-way line.

## **Section 466 Joint-Use Driveways**

- 466.1** New Joint-Use Driveways shall not be permitted on any subdivision or land development plan submitted to the Township thirty (30), or more, days following the adoption of this amendment. Existing Joint-use Driveways within the (R, RR, C and V) Zones may be expanded to their maximum allowable capacity by Conditional Use subject to the following criteria:
- 466.2** A joint-use driveway may serve up to four (4) lots containing single-family dwellings;
- 466.3** All joint-use driveways shall have a minimum cartway width of sixteen (16) feet;
- 466.4** Joint-use driveways shall be provided in accordance with Section 602.17 of the SLDO, with the exception of the criteria of 466.3, above; and
- 466.5** Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.

## **Section 467 Seasonal Workers' Housing**

- 467.1** Within the (C) Zone, Seasonal Workers' Housing is permitted by Special Exception, subject to the following criteria:
- 467.2** For each commercial agricultural or horticultural principal use, one (1) dormitory [housing no more than twelve (12) workers] is permitted for seasonal workers employed by the owner of the principal use entity, for such time as the employee(s) provide(s) services to the principal user, however, such occupancy shall not exceed ten (10) months in any calendar year;

- 467.3** All such proposed structures shall be required to have an approved Land Development Plan addressing location of the dormitory, stormwater management controls, sewage disposal and water source previous to receiving the required Permits to erect and/or occupy said structure; and
- 467.4** The applicant shall furnish evidence that an approved system of water supply and sewage disposal shall be utilized.
- 467.4** The structure shall maintain a minimum of 100 square feet of space for each occupant of the structure at all times.

## **Section 468 Principal Solar Energy Systems (PSES)**

Accessory Solar Energy System – See Section 112.  
Flicker – See Section 112.  
Glare – See Section 112.  
Principal Solar Energy System – See Section 112.

- 468.1** PSES shall be permitted by conditional use in the (RR) Zoning District.
- 468.2** The PSES layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- 468.3** All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- 468.4** The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer’s intent to install a grid connected system and approved of such connection.
- 468.5** No portion of the PSES shall contain or be used to display advertising. The manufacturer’s name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
- 468.6** **Glare:**
  - A. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - B. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

- 468.7** A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed fifty (50) dBA, as measured at the property line.
- 468.8** The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- 468.9** **Decommissioning:**
- A. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
  - B. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owners expense.
- 468.10** The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- 468.11** **Ground Mounted Principal Solar Energy Systems:**
1. Minimum lot size: Five (5) acres
  2. **Setbacks:**  
PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
  3. **Height:**  
Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
  4. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 313.
  5. **Security:**
    - A. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
    - B. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
  6. **Access:**
    - A. At a minimum, a twenty-five (25) foot wide access road must be provided from a state or township roadway into the site.
    - B. At a minimum, a twenty (20) foot wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles, including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

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

**468.12** Roof and Wall Mounted Principal Solar Energy Systems:

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

## **Section 469 Principal Wind Energy Facilities (PWEF)**

Ground Clearance – See Section 112.

Hub Height – See Section 112.

Shadow Flicker – See Section 112.

Total Height – See Section 112.

Wind Energy Facility – See Section 112.

Wind Turbine – See Section 112.

**469.1** Principal Wind Energy Facilities (PWEF) shall be permitted by conditional use in the (RR) and (C) Zoning District(s). Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.

**469.2** The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations, and comply with all applicable building and electrical codes. The manufacturer specifications shall be submitted as part of the application.

**469.3** Applicants shall submit land development and/or subdivision plans which shall be compliant with all land development/subdivision ordinance requirements of the Township.

**469.4** The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.

**469.5** The PWEF shall provide the Township written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.

**469.6** All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

**469.7** Visual Appearance:

1. All on-site utility, transmission lines, and cables shall be placed underground.

2. PWEF shall be painted a non-reflective, flat color, such as white, off-white, or gray, unless required to be colored differently from FAA or BOA regulations.
3. PWEF shall not be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
4. The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner, and operator.
5. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.
6. Accessory Buildings, Structures, Mechanical Equipment.
  - A. Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.
  - B. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend the structures into the natural setting and existing environment.

**469.8****Warnings and Safety Measures:**

1. All access doors to PWEF, including electrical equipment, outbuildings, and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
2. Wind Turbines shall not be climbable up to (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.

**469.9****Lot size:**

1. In order for a tract(s) of land to be eligible for a PWEF, it must have a minimum lot size derived as follows: (2 acres x number of Wind Turbines) + 18 acres = minimum lot size.
2. Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

**469.10****Setbacks:**

1. Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or 1.5 times its total height, whichever is greater.
2. Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than 2 times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
3. Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or 2 times its total height, whichever is greater, as measured from the right-of-way line to the center of the Wind Turbine base.
4. Wind Turbines shall be set back at least two thousand five hundred (2,500) feet from Important Bird Areas as identified by Pennsylvania Audubon and at least two thousand (2,000) feet from identified wetlands or the Yellow Breeches Creek.

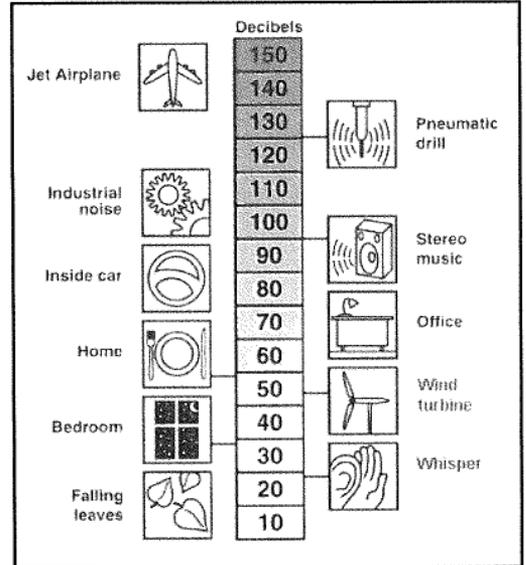
**469.11****Maximum Height: 150 feet**

1. The minimum Ground Clearance shall be thirty (30) feet.

**469.12**

**Noise:**

1. Audible sound from a PWEF shall not exceed fifty-five (55) dBA, as measured at the property line between participating and non-participating landowners.
2. Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms.
3. Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



**469.13**

A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

**469.14**

**Shadow Flicker:**

1. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
2. A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.
3. The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.

**469.15**

Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet, or similar signals, and shall mitigate any harm caused thereby.

**469.16**

The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.

**469.17**

A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least One Million Dollars (\$1,000,000.00) per occurrence and One Million Dollars (\$1,000,000.00) in the aggregate. A certificate of insurance shall be made available to the Township upon request.

**469.18**

**Decommissioning:**

1. The facility owner or operator shall, at his expense, complete decommissioning of the PWEF and all related improvements within twelve (12) months of the date when the use of the particular PWEF has been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same.

- The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such PWEF for a continuous period of twelve (12) months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
  3. Disturbed earth shall be graded and re-seeded unless the land owner requests in writing that the access roads or other land surface areas not be restored.

## **Section 470 Medical Marijuana Facilities**

Within the (C/I) Zone, Medical Marijuana Facilities are permitted by conditional use, subject to the following criteria:

Certified Medical Marijuana Use – See Section 112.

Clinical Registrant – See Section 112.

Dispensary – See Section 112.

Grower/Processor – See Section 112.

Medical Marijuana – See Section 112.

Medical Marijuana Organization or Facility – See Section 112.

### **470.1 Medical Marijuana Grower/Processor.**

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
6. Grower/processors may not locate within one thousand (1,000) feet of the property line of a public, private, or parochial school or day-care center.
7. Loading and off-loading areas within the structure are required.
8. A water supply report prepared in accordance with Section 614 of the Monaghan Township Subdivision and Land Development Ordinance shall be submitted.

### **470.2 Medical Marijuana Transport Vehicle Service.**

1. A traffic impact study is required where the office is operated.
2. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

3. Loading and off—loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

**470.3 Medical Marijuana Dispensary.**

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Department of Health.
2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
5. A medical marijuana dispensary shall be a maximum of one thousand five hundred (1,500) gross square feet, of which no more than seven hundred fifty (750) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) percent of the gross floor area.
6. A medical marijuana dispensary shall:
  - A. Not have a drive-through service;
  - B. Not have outdoor seating areas;
  - C. Not have outdoor vending machines;
  - D. Prohibit the administering of or the consumption of medical marijuana on the premises; and
  - E. Not offer direct or home delivery service.
7. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
8. A medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of a public, private or parochial school, or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building, or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
9. Loading and off-loading areas within the structure are required. If an external loading dock arrangement is designed, it should be from within a secure environment.

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# Article 5

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## Nonconformities

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### Section 500 Continuation

Except as otherwise provided in this section of this Ordinance, any use, building, or structure lawfully existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

### Section 501 Abandonment

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of one (1) year, or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

### Section 502 Extension of a Nonconforming Use of Land

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and the design standards of this Ordinance and to the percentage limitation as set forth in Section 503.1.2. of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

### Section 503 Expansion or Alteration

#### 503.1.

Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.3:

1. Expansion of the nonconformity shall be confined to the lot on which it was located at the time the use became nonconforming;
2. The total of all such expansions or alterations of use shall not exceed an additional thirty-five percent (35%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;
3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;

4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure, or a nonconforming use located outside of a structure, existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or floodproofed. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

**503.2** Any dimensional nonconformity may be reduced by permitted use. The extension or enlargement of a dimensional nonconformity may also be permitted by right; however, such extension or enlargement shall be limited to a total of a ten percent (10%) increase of the dimensional nonconformity when it was originally created.

**503.3** Where a dimensional non-conforming setback exists, expansion of the structure may occur to the face of the dimensional non-conformity by right, subject to the overall dimension of the non-conformity not being reduced.

**504.4** The construction of an accessory structure to an existing non-conforming residential use is permitted by right, subject to the area dedicated to the accessory use being no greater than fifty (50%) percent of the area of the existing principal dwelling unit and meeting the requirements for accessory structures in the nearest residential zone.

## **Section 504 Substitution or Replacement**

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

## **Section 505 Restoration**

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- 505.1.** The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities; and,
- 505.2.** Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

## **Section 506      Previously Expanded Nonconforming Uses and Structures**

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign, or land shall be authorized. In the event a nonconforming building, structure, sign, or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

## **Section 507      Nonconforming Lots**

Subject to the provisions of Section 508(4) of the Act, the following shall apply:

- 507.1.** In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met.
- 507.2.** If a lot consists of two or more lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Ordinance, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this provision that no portion of any lot consisting of two or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Ordinance or which shall result in the creation of a lot with a lot width, lot area or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Ordinance.

## **Section 508      Identification and Registration**

Nonconforming uses and nonconforming structures shall be identified and registered by the zoning officer.

# Article 6

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## Zoning Hearing Board

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### Section 600 Establishment and Membership

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601 of this Ordinance.

### Section 601 Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 603. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full

public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

## **Section 602 Expenditures for Services**

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

## **Section 603 Hearings**

- 603.1.** The Board shall conduct hearings and make decisions in accordance with the following requirements:
1. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, Township Secretary, each member of the Board of Supervisors, Secretary of the Township Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
  2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs;
  3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time;
- 603.2.** The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
- 603.3.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;

- 603.4.** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
- 603.5.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- 603.6.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 603.7.** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;
- 603.8.** The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
- 603.9.** The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Section 603.1 of this Ordinance. If the Board shall fail to provide such notice, the applicant may

do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,

- 603.10.** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

## Section 604 Board's Functions

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

- 604.1.** Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to Section 703.6. of this Ordinance.
1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
    - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Zoning Map;
    - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
    - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
    - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
  2. Public notice of the hearing shall be provided as specified in Section 703.2.2. of this Ordinance;
  3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
  4. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
- 604.2.** Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;

- 604.3.** Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
1. Filing Requirements - In addition to the required zoning permit information (See Section 701) each special exception application shall include the following:
    - A. Ground floor plans and elevations of proposed structures;
    - B. Names and address of adjoining property owners including properties directly across a public right-of-way;
    - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
    - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
  2. General Criteria - Each applicant must demonstrate compliance with the following:
    - A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
    - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
    - C. The proposed use will not substantially change the character of the subject property's neighborhood;
    - D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
    - E. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 206 of this Ordinance;
    - F. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
    - G. The proposed use will not impair the integrity of the Township's Comprehensive Plan;
  3. Conditions - The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,
  4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 604.3.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval;

- 604.4.** VariANCES - The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer, which shall at least include the following:

1. Filing Requirements - In addition to the required zoning permit information (see Section 701), each variance application shall include the following:
  - A. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
  - B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
  - C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
2. General Criteria - The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
  - B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
  - C. That such unnecessary hardship has not been created by the appellant;
  - D. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue; and,
  - F. That variances within the Floodplain Zone shall comply with Section 206 of this Ordinance;
3. Conditions - The Zoning Hearing Board in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 7; and,
4. Site Plan Approval - Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan;

**604.5.** Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;

**604.6.** Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;

- 604.7.** Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 604.8.** Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 604.9.** Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, storm water management, or both, for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

## **Section 605 Parties Appellant Before the Board**

Appeals under Sections 604.5., 604.6., 604.7., 604.8. and 604.9. and proceedings to challenge this Ordinance under Sections 604.1. and 604.2. may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 604.4. and for special exception under Section 604.3. may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- 605.1.** The name and address of the appellant and applicant;
- 605.2.** The name and address of the landowner of the real estate to be affected;
- 605.3.** A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;
- 605.4.** A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- 605.5.** A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

## **Section 606 Time Limitations**

- 606.1.** If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
- 606.2.** Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the

appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;

- 606.3.** Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified;
- 606.4.** As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 606.1.–606.3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project;
- 606.5.** No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest; and,
- 606.6.** The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2. of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

## **Section 607 Stay of Proceeding**

Upon filing of any proceeding referred to in Section 605 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be

presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

## **Section 608      Appeal**

Any person, taxpayer, or the Township aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

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# Article 7

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## Administration

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### Section 700 Administration and Enforcement

#### 700.1.

#### Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at each Annual Reorganization Meeting of the Board of Supervisors to serve until the next Reorganization Meeting, or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his Assistant, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties - The duties of the Zoning Officer shall be:
  - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
  - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
  - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
  - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations;
  - E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
  - F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
  - G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development;

- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration);
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act; and,
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;

**700.2. Enforcement** - This Ordinance shall be enforced by the Zoning Officer of the Township. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

**700.3. Violations** - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Township that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

- 1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;
- 2. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Township intends to take action;
  - B. The location of the property in violation;
  - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
  - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance; and,
  - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described;

**700.4. Enforcement Remedies** - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted

under the Act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township;

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

## Section 701

### Permits

#### 701.1. General Requirements for Zoning Permits:

1. A zoning permit shall be required prior to (a) a change in use of land or structure, (b) the erection or construction of a structure, (c) the improvement or alteration of any existing structure where such improvement or alteration increases the amount of space which the structure encloses, or (d) the demolition or removal of any structure. A zoning permit shall also be required prior to the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations or the erection or alteration of any signs specified in Section 314 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.

Exemptions - No zoning permit shall be required for the following activities, provided such activities do not change the use or the exterior dimension of the structure, alter the elevation of the final grade, or otherwise violate the provisions of this Ordinance:

- A. Incidental Repairs;

- B. Maintenance Activities including roofing, siding, and window replacement;
  - C. Installation of trees, shrubs, and other landscaping materials;
  - D. Concrete pad or sidewalks less than one hundred fifty (150) square feet in total area.
2. Application for zoning permits shall be made in writing to the Zoning Officer on a form specified for such purpose;
  3. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;
  4. Applications for a permit shall be accompanied by a fee as prescribed by the Township Board of Supervisors pursuant to resolution. No application shall be considered complete or permit issued without payment of the required fee. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by another ordinance or law;
  5. The Zoning Officer may call upon other Township Staff, Township-appointed consultants, or both, in the review of submitted materials for applications;
  6. No zoning permit shall be issued except in conformity with:
    - A. all applicable regulations of this Ordinance;
    - B. any conditions imposed upon the site by the Zoning Hearing Board or the Board of Supervisors; and,
    - C. any recorded subdivision or land development plan;
  7. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied;
  8. Zoning permits shall be granted or refused within ninety (90) days from date of submission of evidence showing compliance with all applicable local, State and Federal requirements;
  9. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance;
  10. Where a permit is required by this Ordinance, but the work is repeatedly commenced or the use is repeatedly commenced or repeatedly changed prior to obtaining such permit, the fees set by ordinance or resolution of the Township Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, process the application as soon as it is received, or any combination thereof. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act;
  11. Issuance of Permits - Upon receiving the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township regulations. The Zoning Officer shall determine if any applicable conditional use, special exception

or variance approvals have been obtained. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision approval, land development approval, or both, has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a Highway Occupancy Permit from the Department of Transportation has been issued if applicable, and all other required Township, State and Federal approvals and permits have been granted or issued. In addition, no zoning permit shall be issued for any property with an existing zoning violation.

No zoning permit shall be issued for any activity that is required to have an improvement guarantee, until an improvement guarantee is accepted by resolution of the Board of Supervisors. The definitions, requirements and procedures of the improvement guarantee shall be in compliance with the prevailing Subdivision and Land Development Ordinance.

If the application or plans do not conform to the provisions of all pertinent laws, the Zoning Officer shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work, use, or both, conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor;

12. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met;
13. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer;
14. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board;
15. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan. The property owner shall bear the responsibility for the establishment of the location of the property lines and approval of a permit, plot plan, or field inspection by the Zoning Officer shall not constitute acceptance of improvements that do not meet the criteria set forth in the Ordinance;
16. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy; and,
17. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance.

If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

- A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or
- B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months;

**701.2. Application for All Zoning Permits:**

- 1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate with sufficient detail to demonstrate compliance with this Ordinance which may include:
  - A. Actual dimensions, shape and acreage of lot to be developed;
  - B. Exact location and dimensions of any structures to be erected, constructed and altered or uses to be established;
  - C. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate;
  - D. Off-street parking and loading spaces and outdoor display or storage areas;
  - E. Utility systems affected and proposed, including, but not limited to, any alternate on-lot sewage disposal system sites as required under Section 316 of this Ordinance;
  - F. Other proposed alteration of any improved or unimproved real estate;
  - G. The number of anticipated employees;
  - H. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance; and,
  - I. Copies of any applicable approved subdivision or land development plans; and,
  - J. For the construction of principal use structures, a grading plan prepared by a professional engineer or surveyor illustrating existing and proposed grades through the use of topographic contours and/or spot elevations. Elevations of existing watercourses, drainage ways, storm sewer facilities, and general land topography and elevations of proposed finished floors of structures and door locations shall be identified.
- 2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications, as prepared by a licensed professional engineer:
  - A. The accurate location and elevation of the floodplain and floodway;
  - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
  - C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated; and,
  - D. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 206.10.3. of this Ordinance.
- 3. Where the proposed construction is located on a lot created by a subdivision and/or land development plan which is subject to the provisions of the Monaghan

Township Stormwater Management Ordinance, the applicant shall establish a performance guarantee in the amount approved by the Township to cover the cost of constructing on-lot stormwater management facilities and the fee for the Township Engineer to examine and approve the completed facility. Such guarantee shall be released upon the request of the applicant and approval of the Township in accordance with the provisions of Section 502.2 of the Subdivision and Land Development Ordinance.

**701.3. Application for Zoning Permits for Uses in the Commercial/Industrial Zone:**

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries;
2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;
3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within York County which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section;
5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
7. The proposed number of shifts to be worked and the maximum number of employees on each shift;
8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and,

**701.4. Certificate of Use and Occupancy:**

1. It shall be unlawful to use or occupy any structure, building, sign, land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such structure, building, sign, land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein;

2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as it required for a zoning permit;
3. The application shall contain the intended use, occupancy, or both, of any structure, building, sign, land or portion thereof for which a zoning permit is required herein;
4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit, meets safety requirements for residential structures, and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application;
5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times;
6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months;
7. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course;
8. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards; and,
9. The Zoning Officer may delay the issuance of a Certificate of Use and Occupancy where such certificate is utilized as a performance guarantee to insure work is completed to satisfy the provisions of a related permit, such as a Sewage or Stormwater Management Permit.

## Section 702

### Fees

#### 702.1.

**Determination** - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

## Section 703 Amendments

**703.1. Power of Amendment** - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party;

**703.2. Hearing and Enactment Procedures for Zoning Amendments**

1. Public Hearing - Before enacting Zoning Ordinance amendments, Zoning Map amendments, or both, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
2. Public Notice - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
  - A. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
    - a. A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
    - b. An attested copy of the proposed Ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances;
  - B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing;
  - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance, Map, or both, is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public; and,
  - D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment;
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a

charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection A.;

4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment at least thirty (30) days prior to public hearing to the Township Planning Commission for review and comment. The Township Planning Commission shall submit a report of its review, together with any recommendations, to the Board of Supervisors within forty-five (45) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Township. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the Township Planning Commission; however, should the Township Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation;
5. York County Planning Commission Referrals - All proposed amendments shall be submitted to the York County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The York County Planning Commission may submit recommendations to the Board of Supervisors within forty-five (45) days of such referral. The Board of Supervisors cannot act upon the amendment until it has received a recommendation from the York County Planning Commission; however, should the York County Planning Commission fail to submit its recommendation within forty-five (45) days, the Board of Supervisors may proceed without its recommendation;
6. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, render a decision, or any combination thereof, it may adjourn the public hearing to a specific time and place; and,
7. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the York County Planning Commission;

**703.3. Amendments Initiated by the Township Planning Commission** - When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission;

**703.4. Amendment Initiated by the Board of Supervisors** - When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 703.2;

**703.5. Amendment Initiated by a Petition from an Interested Party** - A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information

presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials;

**703.6. Curative Amendment by a Landowner** - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1. and 916.1. of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and York County Planning Commissions as provided for in Section 703.2. and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
  - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
  - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
  - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
2. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing;
3. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;
5. The challenge shall be deemed denied when:
  - A. The Board of Supervisors, fails to commence the hearing within sixty (60) days;
  - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;

- C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
  - D. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply; and,
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

**703.7. Curative Amendment by the Board of Supervisors:**

- 1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
  - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
    - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
    - b. references to a class of use or uses which require revision; or
    - c. references to the entire Ordinance which requires revisions;
  - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
- 2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance;
- 3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section

604.1. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment; and,

4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any Court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation; and,

- 703.8. Authentication of Official Zoning Map** - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

## Section 704

### Conditional Uses

- 704.1. Filing of Conditional Use** - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:
1. Names and addresses of adjoining property owners including properties directly across a public right-of-way;
  2. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
  3. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
- 704.2. General Criteria** - Each applicant must demonstrate compliance with the following:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
  2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
  3. The proposed use will not effect a change in the character of the subject property's neighborhood;
  4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
  5. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 206 of this Ordinance;
  6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,

7. The proposed use will not impair the integrity of the Township's Comprehensive Plan;

**704.3. Conditions** - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;

**704.4. Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 704.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval;

**704.5. Hearing Procedures:**

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;
2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
3. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose;
5. The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid by the person appealing the decision of the Board of Supervisors if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof; and,
9. The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present; and,

**704.6.****Time Limitation:**

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors;
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified; and,
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 704.6.1.–3. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time-frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

**Section 705 Severability**

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

**Section 706 Repealer**

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed.

**Section 707 Effective Date**

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Monaghan Township, County of York, Commonwealth of Pennsylvania.

This Ordinance, ordained, revised and enacted this \_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF SUPERVISORS OF MONAGHAN TOWNSHIP

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

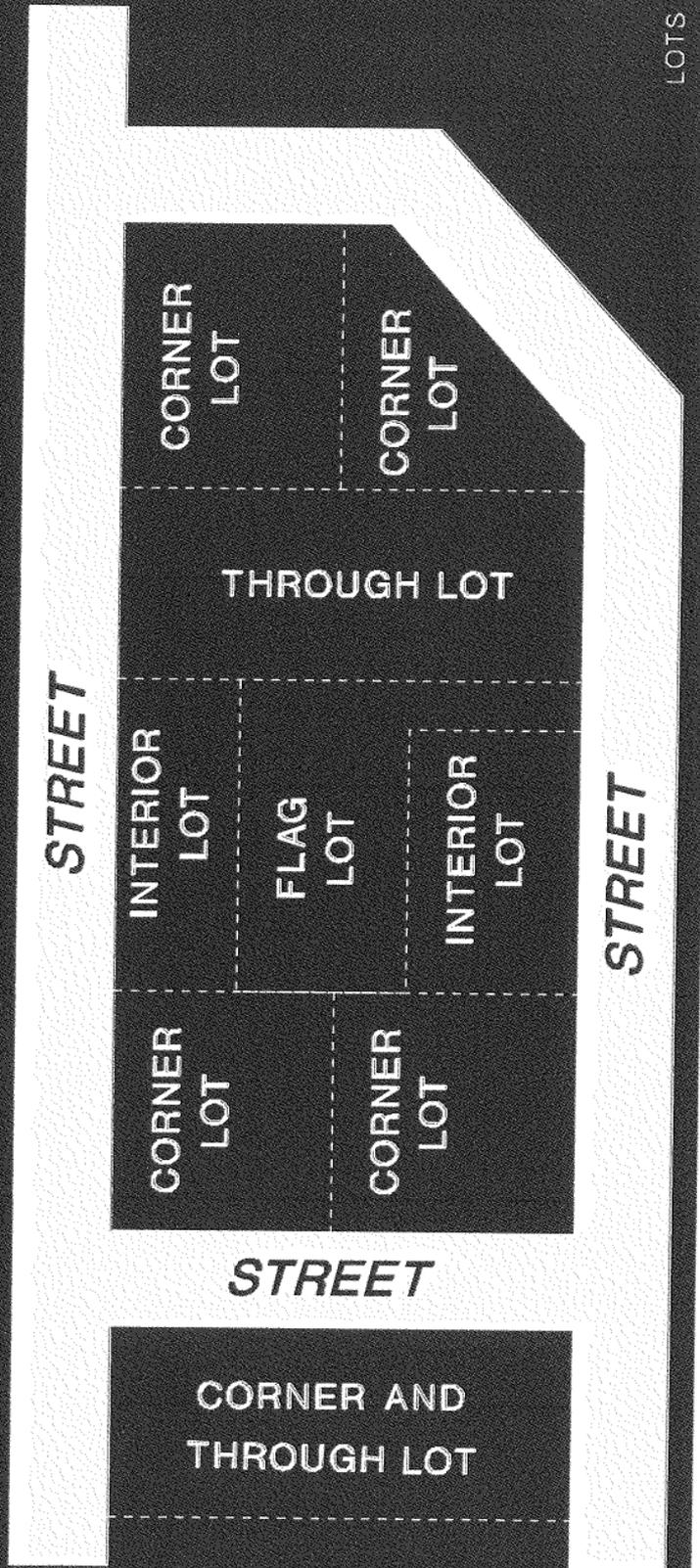
\_\_\_\_\_  
Supervisor

ATTEST:

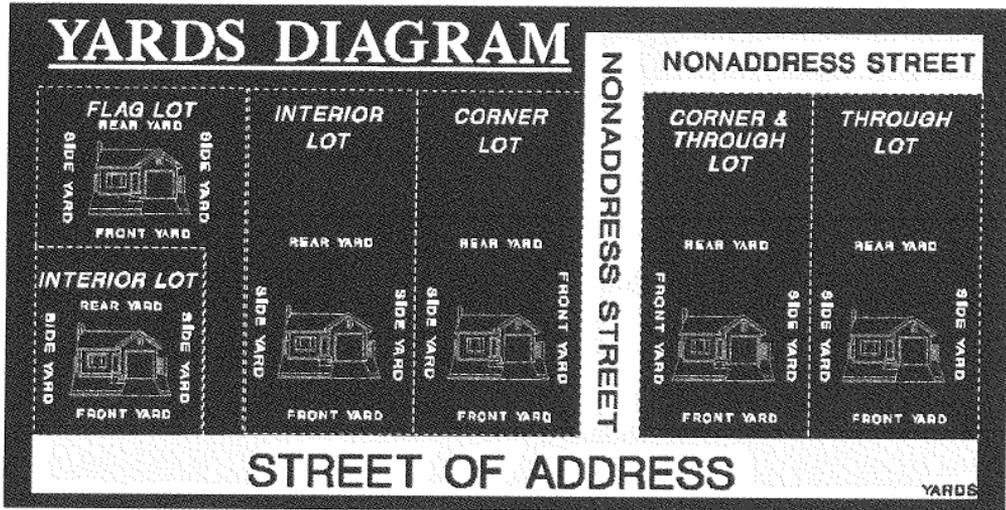
\_\_\_\_\_  
Secretary

(SEAL)

# LOT TYPES DIAGRAM









**FREESTANDING  
LETTERS**

5 FEET

**SIGN**

2 FEET

**TOTAL SIGN AREA:  
TEN (10) SQUARE FEET**

**LETTERS ON  
SIGN PANEL**

5 FEET

**SIGN**

2 FEET

**TOTAL SIGN AREA:  
TEN (10) SQUARE FEET**



