

ARTICLE XV

EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

1500 APPLICABILITY

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts.

1501 PROCEDURE FOR APPROVAL

1501.1 Approval of Conditional Uses. The Township Supervisors shall hear and decide requests for conditional uses; however, the Township Supervisors shall not approve a conditional use application unless and until:

- (a) A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (1) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - (2) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (3) A list of the names and addresses of all property owners within three hundred (300) feet of the entire perimeter of the property for which conditional use approval is requested taken from the most recent records of the Washington County Tax Assessors Office. At least fourteen (14) days prior to the public hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

- (4) A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed conditional uses:**

 - [a] Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.**
 - [b] Any proposed use in the C-1, C-2, C-3 or HI District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.**
- (5) The application fee required by Section 2009 of this Ordinance.**
- (b) A written recommendation is received from the Township Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.**
- (c) A public hearing is conducted by the Township Supervisors pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application.**
- (d) The Township Supervisors shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.**
- (e) In considering an application for conditional use approval, the Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2001 of this Ordinance.**

If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a conditional use and a land development plan are met.

1501.2 **Expiration of Conditional Use Approval.** Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve month extension.

1501.3 **Approval of Uses by Special Exception.** The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

- (a) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (1) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - (2) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (3) A list of the names and addresses of all property owners within three hundred (300) feet of the entire perimeter of the property for which approval of the use by special exception is requested taken from the most recent records of the Washington County Tax Assessors Office. At least fourteen (14) days prior to the

public hearing, the Board shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

(4) A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed uses by special exception:

[a] Any proposed use in the C-1, C-2, C-3 and HI Districts which involves the construction of any new building or remodeling for a change of use of an existing building having a gross floor area of 10,000 square feet or more.

(5) The application fee required by Section 2008 of this Ordinance.

(b) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Section 2005 of this Ordinance.

(c) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2101 of this Ordinance.

If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a use by special exception and a land development plan are met.

1501.4

Expiration of Approval of a Use by Special Exception. Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless

the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve month extension.

1502 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1403, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- (a) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- (b) The use shall comply with the Performance Standards of Section 1601 of this Ordinance.
- (c) The use shall comply with all applicable requirements of Article XVII governing parking and loading, Article XVIII governing signs, Section 1602 governing screening and landscaping, Section 1601.1 governing steep slopes and Section 1609 governing storage.
- (d) Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- (e) Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- (f) For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

1503 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1502, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

1503.1

Adult Businesses, subject to:

- (a) **Adult businesses shall not be permitted in any Zoning District other than the H-I, Heavy Industrial, District.**
- (b) **An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.**
- (c) **An adult business shall not be located within five thousand (5,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.**
- (d) **No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.**
- (e) **An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or nursery school or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.**
- (f) **Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:**

 - (1) **At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.**

- (2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection shall be by direct line of sight from the manager's station.**
- (3) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.**
- (4) No viewing room shall be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.**
- (5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.**
- (6) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.**
- (7) Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.**

- (8) The applicant shall agree to renew the Certificate of Occupancy annually in accordance with the requirements contained in Section 2006 of this Ordinance.

1503.2 Animal Hospital, subject to:

- (a) In the C-1 District, the minimum lot area required for an animal hospital shall be 20,000 square feet. In the R-D District, the minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two (2) acres. In the R-D District, the minimum lot area for an animal hospital without an outdoor kennel or outdoor runs shall be one (1) acre.
- (b) All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- (c) Outdoor kennels shall be located at least two hundred (200) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.
- (d) In the C-1 District, overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- (e) Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2101 of this Ordinance.
- (f) Odors shall be controlled so as to comply with the Performance Standards of Section 1601 of this Ordinance.

1503.3 Apartment Above Office or Retail, subject to:

- (a) Dwelling units shall not be located on street floor of any commercial building.
- (b) Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.
- (c) Dwelling units in basements or accessory garages shall not be permitted.
- (d) Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.

- (e) Two (2) offstreet parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.

1503.4 Billboards, subject to;

- (a) All billboards shall be subject to the express standards and criteria contained in Section 1806 of this Ordinance.

1503.5 Car Wash, subject to:

- (a) All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- (b) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- (c) Standing spaces shall be provided in accordance with the requirements specified in Section 1606 for drive-in businesses.
- (d) The facility shall be connected to public sanitary and storm sewers.
- (e) Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.
- (f) Any car wash which also dispenses gasoline shall meet all applicable requirements of Section 1503.29 governing service stations.

1503.6 Cemetery, subject to:

- (a) A minimum site of ten (10) acres shall be required.
- (b) A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- (c) A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- (d) Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.

- (e) All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §1602.1 of this Ordinance.
- (f) Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Article XVII.
- (g) All maintenance equipment shall be properly stored in an enclosed building when not in use.
- (h) Burial sites or burial structures shall not be located within one (100) feet of any property line adjoining residential use or zoning classification.

1503.7

Churches, Schools, including Post Secondary Schools, Firehouses and Public Buildings, subject to:

- (a) The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
- (b) If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- (c) A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- (d) If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification by Buffer Area "C," as defined by §1602.1 of this Ordinance.
- (e) Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.

- (f) Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- (g) All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- (h) All outside storage shall be screened from public view from streets and adjoining properties by a six (6) foot hedge or opaque fence.
- (i) The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1503.8

Commercial Communications Tower, subject to:

- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
- (b) Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - (1) The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure and reinforcement of the existing building tower or other structure cannot be accomplished at a reasonable cost.
 - (2) The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - (3) Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.

- (4) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
- (c) In the R-D, Rural Development, District, a commercial communications tower shall not be located closer than one thousand (1,000) feet to any other commercial communications tower.
- (d) The applicant shall demonstrate that the proposed height of the commercial communications tower is the minimum height necessary to function effectively.
- (e) The base of the commercial communications tower shall be set back from all property lines a minimum distance which represents twenty percent (20%) of the tower height, measured from the base of the antenna support structure at grade to the highest point of the structure.
- (f) An antenna which is proposed to be mounted on an existing building or structure, other than an existing commercial communications tower, shall not exceed the height of the building or structure by more than twenty (20) feet.
- (g) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
- (h) In the case of a freestanding commercial communications tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (i) The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (j) All guy wires and guyed towers shall be clearly marked so as to be visible at all times.

- (k) Unless the commercial communications tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six (6) foot high chain link fence with self-latching gate to limit accessibility to the general public.
- (l) All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- (m) All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- (n) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- (o) Tower structures supporting antennas shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
- (p) If the commercial communications tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the commercial communications tower is not fully automated, one (1) parking space shall be provided for each employee on peak shift.
- (q) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

1503.9 Commercial Recreation, subject to:

- (a) The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning district in which the property is located.
- (b) The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) The property shall be served by public water and public sewers.
- (d) Adequate sanitary facilities available to the public shall be provided.

- (e) **Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.**
- (f) **Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.**
- (d) **Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.**
- (h) **Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.**
- (i) **Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.**

1503.10

Comparable Uses Not Specifically Listed, subject to:

- (a) **Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:**
 - (1) **The number of employees;**
 - (2) **The floor area of the building or gross area of the lot devoted to the proposed use;**
 - (3) **The type of products, materials and equipment and/or processes involved in the proposed use;**
 - (4) **The magnitude of walk-in trade; and**
 - (5) **The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1601 of this Ordinance.**
- (b) **The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.**

- (c) **The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.**
- (d) **If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan.**
- (e) **If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a conditional use, the Zoning Hearing Board shall forward the application to the Board of Supervisors to conduct a public hearing and act on the development plan in accordance with the requirements of Section 1501.1.**
- (f) **The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.**

1503.11 Conversion Apartment, subject to:

- (a) **Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.**
- (b) **Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.**
- (c) **Each dwelling unit shall have a separate entrance directly to the outside.**
- (d) **The maximum number of dwelling units in the same residential building shall be four (4) units.**
- (e) **Conversion of detached garages or other accessory structures to dwelling units shall not be permitted.**
- (f) **One and one-half (1-1/2) offstreet parking spaces shall be provided for each dwelling unit. The paving and design of the offstreet parking spaces shall be in accordance with the requirements of Section 1701 of this Ordinance.**

- (g) Where three (3) or more offstreet parking spaces are provided, the parking area shall be screened from adjoining single family dwellings by a six (6) foot high compact evergreen hedge.
- (h) All dwelling units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry and the Township Building Code.

1503.12 Day Care Center or Pre-School Facility, subject to:

- (a) The facility shall be registered with or licensed by the Commonwealth, if applicable.
- (b) In the R-D, R-1 and R-2 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- (c) Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- (d) Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C," as defined by §1602.1 of this Ordinance.
- (e) The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children.
- (f) Offstreet parking shall be provided in accordance with the requirements of Article XVII of this Ordinance.

1503.13 Family Day Care Home, subject to:

- (a) An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- (b) Outdoor play areas shall have a minimum area of six hundred (600) square feet.
- (c) A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.

- (d) The family day care home shall be licensed by, or approved by, the Commonwealth, as required by the laws of the Commonwealth, and continued compliance with the license or approval and all applicable laws of the Commonwealth shall be maintained throughout the operation of the family day care home.
- (e) All applicable criteria of Section 1503.39 governing home occupations shall be met.

1503.14 Funeral Home, subject to:

- (a) The minimum lot area shall be 40,000 square feet.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (c) All off-street parking areas which adjoin residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.
- (d) Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

1503.15 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

- (a) The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.
- (b) In the R-3 District, a Group Care Facility or Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- (c) No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within 1,000 feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- (d) Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.

- (e) **Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.**
- (f) **Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.**
- (g) **Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.**

1503.16 Hospital, Clinic or Nursing Home, subject to:

- (a) **The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.**
- (b) **The property shall be served by public water and public sewers.**
- (c) **All hospitals and nursing homes shall be licensed by the Commonwealth.**
- (d) **Water pressure and volume shall be adequate for fire protection.**
- (e) **Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.**
- (f) **The parking and circulation plan shall be referred to the Township police department and volunteer fire company for comments regarding traffic safety and emergency access.**
- (g) **Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.**
- (h) **All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by §1602.1 of this Ordinance.**
- (i) **A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:**
 - (1) **Helipads shall be located at least two hundred fifty (250) feet from any property line or public street.**

- (2) **Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.**
- (3) **Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.**
- (4) **The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.**
- (5) **The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.**
- (6) **An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.**
- (7) **Lighting shall be shielded away from adjacent properties and streets.**
- (j) **Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).**

1503.17 Landfill, Fly Ash Dumps, and Slate Dumps, subject to:

- (a) **The minimum site required for a Landfill shall be one hundred (100) acres. The minimum site required for Slate Dumps and Fly Ash Dumps shall be 40 acres.**
- (b) **The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.**
- (c) **The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.**
- (d) **A tire washing station shall be located on the site to service trucks exiting the facility.**

- (e) Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of one hundred thousand dollars (\$100,000) for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.**

Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.

- (f) Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classification.**
- (g) All property lines adjoining residential use or zoning district classification shall be screened by Buffer Area "A," as defined by §1602.1 of this Ordinance.**
- (h) Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.**
- (i) The applicant shall show compliance with all applicable Federal and State laws regulating landfills.**
- (j) The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.**
- (k) The required Federal or State permits shall be maintained throughout the duration of all operations.**
- (l) Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.**

- (m) In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and the required State or Federal permits.

1503.18 **Light Manufacturing, subject to:**

- (a) All activities shall comply with the Performance Standards specified in §1601.2 of this Ordinance.
- (b) All materials and equipment shall be stored within a completely enclosed building.
- (c) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (d) Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- (e) Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

1503.19 **Mini-Warehouses or Self-Storage Buildings, subject to:**

- (a) The minimum site area required shall be two (2) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
- (d) All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
- (e) Parking shall be provided in accordance with the following:
 - (1) Two (2) spaces for manager's quarters, if any;

- (2) One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;**
 - (3) One (1) space for each ten (10) storage units equally distributed throughout the storage area to be used by the customers.**
- (f) Buffer Area "A" shall be provided in accordance with the requirements of §1602.1 of this Ordinance along all property lines which adjoin residential use or zoning classification.**
- (g) The perimeter of the site shall be fenced with a minimum eight foot high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.**
- (h) Maximum building height shall be twenty (20) feet.**
- (i) The maximum length of any storage building shall be two hundred (200) feet.**
- (j) The minimum distance between storage buildings shall be twenty (20) feet.**
- (k) Maximum lot coverage by all buildings shall be forty percent (40%).**
- (l) Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.**
- (m) Storage units shall not be equipped with water or sanitary sewer service.**
- (n) No business activity other than rental of storage units shall be conducted on the premises.**
- (o) Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.**
- (p) Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.**
- (q) No sign shall be placed on the buildings or on their rooftops.**

- (r) Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- (s) A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Township. The facility shall comply with the Township Fire Code.

1503.20 Mineral Removal, subject to:

- (a) Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.
- (b) There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- (c) Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- (d) No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- (e) No mineral removal shall be conducted within one hundred (100) feet of the outside right of way line of any public street, except where access roads or haulage roads join the right of way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.

- (f) No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- (g) No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
- (h) No mineral removal shall be conducted within three hundred (300) feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
- (i) The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

 - (1) Lawful existing or permitted use of adjacent properties.
 - (2) The quality or adequacy of any public or private water supply source.
 - (3) Any flood-prone or landslide-prone areas within the Township.
- (j) The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- (k) If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- (l) The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- (m) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.

- (n) The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.
- (o) Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- (p) The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.
- (q) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six (6) months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.
- (r) Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.
- (s) During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. the cost of inspection by the Township Engineer shall be borne by the operator.

1503.21 Mobile Home Park, subject to:

- (a) The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.

- (b) The minimum site required for a mobile home park shall be five (5) acres.
- (c) The site shall be served by public sewers.
- (d) The minimum mobile home lot shall be six thousand (6,000) square feet.
- (e) The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- (f) Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- (g) Each mobile home lot shall provide two (2) offstreet parking spaces.

1503.22 Planned Residential Development, subject to:

- (a) Planned Residential Development shall be subject to all express standards and criteria contained in Article XIV of this Ordinance.

1503.23 Private Club, subject to:

- (a) Any establishment which includes a restaurant or tavern shall be subject to the offstreet parking requirements of Article XVII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- (b) Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- (c) Activities on the site and within the building shall comply with the noise standards specified in Section 1601 of this Ordinance.
- (d) All offstreet parking which adjoins residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

1503.24 Public or Private Parking Lot or Parking Garage, subject to:

- (a) All public or private parking lots or parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance.

- (b) All public or private parking lots or parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- (c) The design of any parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas which are compatible with the residential character of adjoining properties.
- (d) Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

1503.25

Public Recreation and Noncommercial Recreation, subject to:

- (a) A minimum lot area of one (1) acre shall be required; however, the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no offstreet parking is proposed for the facility.
- (b) All principal structures shall be located at least thirty (30) feet from any property line.
- (c) Buffer Area "C," as defined by §1602.1 of this Ordinance shall be provided where parking for the use or other intensively used facilities such as ball fields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
- (d) The use shall comply with the Performance Standards of Section 1601 of this Ordinance.
- (e) All lighting shall be shielded away from adjoining streets and properties.
- (f) Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

1503.26 Public Utility Installation, subject to:

- (a) **The minimum lot area required shall be 20,000 square feet.**
- (b) **Maintenance vehicles shall be stored within a completely enclosed building.**
- (c) **Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot fence with locking gate and is screened by 100% opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.**
- (d) **Any area of the building which is used for business offices shall comply with the parking requirements of Article XVII of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.**

1503.27 Retirement Community, subject to:

- (a) **The minimum site required for a Retirement Community shall be twenty (20) acres.**
- (b) **The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Chapter as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Township street, if approved by the Township.**
- (c) **A Retirement Community may include one (1) or more of the following dwelling types:**
 - (1) **Single family dwellings.**
 - (2) **Two family dwellings.**
 - (3) **Townhouse buildings containing no more than five (5) dwelling units per building.**
 - (4) **Garden apartment buildings containing no more than fifty (50) dwelling units per building.**

- (d) **In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:**
 - (1) **Common leisure and/or recreational areas.**
 - (2) **Common dining area.**

- (e) **In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Township:**
 - (1) **Postal station for use of the residents and staff only;**
 - (2) **Banking facility for use of the residents and staff only;**
 - (3) **Pharmacy and/or medical offices for use of the residents only;**
 - (4) **Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;**
 - (5) **Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;**
 - (6) **Personal care boarding home, provided the use meets all the conditional use criteria contained in §1503.15 of this Ordinance;**
 - (7) **Nursing home licensed by the Commonwealth;**
 - (8) **Elderly day care center licensed by the Commonwealth;**
 - (9) **Taxi, van or similar transportation services for the residents.**

- (f) **The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.**

- (g) **No principal structure shall be less than fifty (50) feet from any property line adjoining property in an R-D, R-1 or R-2 District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.**

- (h) **Buffer Area "B," as defined by §1602.1 of this Ordinance shall be provided along all property lines adjoining property in an R-D, R-1 or R-2 District.**

- (i) **There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Section 1702 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.**

Junk Yard, subject to:

- (a) The minimum site required shall be twenty (20) acres.
- (b) The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- (c) No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- (d) The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2101 of this Ordinance.
- (e) The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- (f) The salvage yard operation shall comply with the Performance Standards of Section 1602 of this Ordinance.
- (g) No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling or within forty (40) feet of any property line or public street.
- (h) The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (j), below.
- (i) The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- (j) Buffer Area "A," as defined by §1602.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
- (k) The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.

- (l) **The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.**

1503.29 Service Station, Automobile, subject to:

- (a) **All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.**
- (b) **All car washing areas shall discharge into public sanitary sewers.**
- (c) **All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.**
- (d) **All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right of way.**
- (e) **Canopies over gasoline pumps shall be subject to the requirements of §1603.3(h) of this Ordinance.**
- (e) **Gasoline pumps shall be located at least thirty (30) feet from the edge of the right of way of a public street.**
- (f) **All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.**
- (g) **The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2101 of this Ordinance.**
- (h) **Buffer Area "B," as defined by §1602.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.**

1503.30 Shopping Center, subject to:

- (a) The minimum site required shall be five (5) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (c) Once the improvements are completed in an approved shopping center, lots within the approved and recorded shopping center may be sold and developed as independent entities for any authorized use in the District.
- (d) Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the shopping center is located shall be permitted in the shopping center.
- (e) Buffer Area "A" shall be provided along all property lines which adjoin the R-D, R-1, R-2 or R-3 District.
- (f) The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.
- (g) The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

1503.31 Slaughterhouse, subject to:

- (a) In the R-D District, the primary purpose of the slaughterhouse shall be to slaughter and dress farm animals raised on-site for sale.
- (b) Non-farm animals killed in hunting season may be butchered at the slaughterhouse.
- (c) In the H-I District, the slaughter and dressing of farm animals raised off-site shall be permitted.
- (d) In the H-I District, a perimeter setback of two hundred (200) feet shall be provided along all property lines.
- (e) In the H-I District, Buffer Area "A" as defined in §1602.1 of this Ordinance shall be provided along all property lines adjoining an R-D, R-1, R-2 or R-3 District.

1503.32

Supporting Commercial Uses in the A-P District, subject to:

- (a) The applicant shall demonstrate that the proposed use is related to aviation or to the needs of persons utilizing the airport.
- (b) The proposed supporting commercial uses shall be limited to no more than twenty-five percent (25%) of the total area devoted to airport use in the A-P District.
- (c) Ingress, egress and traffic circulation for the supporting commercial uses shall be carefully coordinated with the overall pattern of traffic circulation for aviation uses to minimize congestion and potential traffic hazards.

1503.33

Temporary Uses or Structures, other than Construction Trailers, subject to:

- (a) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
- (b) Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
- (c) A transient merchant license as required by Township Ordinance shall be obtained.
- (d) In the C-1, C-2 or C-3 Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:

[1] The preparation and serving of food which is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, an occupancy permit shall be obtained from the Township Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this Subsection 1503.33.

- [2] Evidence of an approved permit from the PA DEP or its successor agency.
- [3] The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
- [4] The area used for preparing and serving the food shall not obstruct any sidewalk or public right of way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
- [5] No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
- [6] The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
- [7] The activity shall comply with all applicable requirements of the Township Fire Code.
- [8] The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
- [9] The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.

- (e) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
- (f) All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
- (g) All temporary uses or structures which are proposed to be accessible to the public shall provide offstreet parking in accordance with the requirements of Section 1702 for the proposed use.
- (h) Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- (i) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
- (j) Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- (k) Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

1503.34 Truck and Heavy Equipment Rental, Sales and Service, subject to:

- (a) The minimum site required shall be one (1) acre.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

- (c) No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right of way.
- (d) No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

1503.35

Vehicle Rental, Sales and Service, subject to:

- (a) New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.
- (b) The minimum lot area required shall be one (1) acre.
- (c) The property shall have frontage on and direct vehicular access to an arterial or collector street.
- (d) The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Township Engineer.
- (e) The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 2101 of this Ordinance.
- (f) All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- (g) Customer car washing areas shall discharge into public sanitary sewers.
- (h) No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right of way.

- (i) **No vehicle shall be displayed or offered for sale which does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.**
- (j) **All lights and light poles shall be located at least ten (10) feet from any street right of way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.**
- (k) **No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.**
- (l) **All required offstreet parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.**
- (m) **Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot dense, compact evergreen hedge or opaque fence.**
- (n) **Buffer Area "B," as defined by §1602.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.**

1503.36 Vehicle Repair Garage, subject to:

- (a) **Such use shall not be located within one hundred (100) feet of any property line adjoining residential use or zoning classification.**
- (b) **Buffer Area "B," as defined by §1602.1 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.**
- (c) **Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence.**
- (d) **There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.**

- (e) All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the Township Building Code.
- (f) All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- (g) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- (h) Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

1503.37 Private Use Helipad, subject to:

- (a) A private use helipad shall be located at least five hundred (500) feet from any property line or public street.
- (b) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted.
- (c) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
- (d) The use of the helipad shall be limited to helicopters owned by the landowner.
- (e) Maintenance of the helicopter, other than emergency maintenance, and permanent storage of the helicopter shall not be permitted on the private use helipad.
- (f) Storage of fuel at the private use helipad shall not be permitted.
- (g) Clear areas for emergency landings of the helicopter in the event of mechanical failure on approach or departure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved takeoff or landing lane from the private use helipad.
- (h) The operation of the private use helipad shall comply with the noise standards of Section 1601.4.

1503.38 **Private Garages and Storage Structures exceeding 800 Square Feet of Gross Floor Area, subject to:**

- (a) Accessory storage structures and private garages in excess of 800 square feet shall comply with the front, rear and side yard requirements for principal structures in the Zoning District. All other applicable requirements for accessory structures in the Zoning District shall apply.
- (b) All principal and accessory structures on the lot shall comply with the maximum permitted lot coverage.
- (c) The use of the accessory storage building or private garage shall be limited to storage of personal and household property and/or personal or business vehicles of the owner or lessee of the lot.
- (d) No portion of the accessory storage structure or private garage shall be leased, nor shall any person not resident on the lot utilize the storage structure or private garage.
- (e) The accessory storage structure or private garage shall not be used for the conduct of a business or for any temporary or permanent dwelling purposes.

1503.39 **Home Occupations, subject to:**

- (a) The home occupation shall be carried on by a member of the family residing in the dwelling unit. No one who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- (b) In the R-1, R-2 and R-3 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure. In the R-D District, the home occupation may be carried on in an accessory structure.
- (c) No more than twenty-five percent (25%) of the gross floor area of a single floor in the principal dwelling shall be devoted to the conduct of the home occupation. Where the floor area of one (1) or more of the several floors of the dwelling differs, the area of the smallest floor shall be used to calculate the twenty-five percent (25%).

- (d) There shall be no on-site production of articles for sale in the home occupation, other than customary handicrafts made by the resident, which may be produced for sale off the premises. Such articles shall not be displayed in quantity for sale on the premises, except that samples may be kept for the purpose of accepting orders.
- (e) There shall be no display on the premises of merchandise available for sale which has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business.
- (f) There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than two (2) square feet in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
- (g) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- (h) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1601 of this Ordinance.
- (i) The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- (j) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- (k) The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- (l) In the R-1, R-2 and R-3 Districts, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.

- (m) There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
- (n) Any home occupation where customers, clients or students routinely visit the premises shall provide a paved offstreet parking area in accordance with the requirements of Article XVII for the specific use in addition to the spaces required for the dwelling.
- (o) The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:

 - (1) Beauty shops or barber shops containing more than two (2) chairs;
 - (2) Blacksmith or metal working;
 - (3) Boarding stables;
 - (4) Clinics, hospitals or nursing homes;
 - (5) Funeral homes;
 - (6) Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
 - (7) Kennels, veterinary offices and clinics;
 - (8) Private clubs;
 - (9) Private instruction to more than five (5) students at a time;
 - (10) Restaurants or tea rooms;
 - (11) Retail or wholesale sales; flea markets;
 - (12) Tanning or massage salon;
 - (13) Tourist or boarding home, other than Bed and Breakfast;
 - (14) Vehicle or equipment rental, repair or sales in the R-1, R-2 and R-3 Districts;
 - (15) Vehicle repair garages in the R-1, R-2 and R-3 Districts.
- (p) The following are examples of permitted home occupations, provided all of the foregoing criteria are met:

 - (1) Artist, photographer or handicrafts studio;
 - (2) Catering off the premises;
 - (3) Contracting business;
 - (4) Computer programmer, data processor, writer;
 - (5) Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
 - (6) Dressmaker, tailor;

- (7) Professional offices which involve routine visitation by customers or clients;**
 - (8) Housekeeping or custodial services;**
 - (9) Interior designer;**
 - (10) Jewelry and/or watch repair, not including wholesale or retail sales;**
 - (11) Lawnmower and small engine repair in the R-D District only;**
 - (12) Locksmith;**
 - (13) Mail order business;**
 - (14) Manufacturer's representative;**
 - (15) Repair of small household appliances that can be hand carried in the R-D District only;**
 - (16) Telemarketing;**
 - (17) Travel agent;**
 - (18) Tutoring or any other instruction to no more than five (5) students at any one time;**
 - (19) Word processing, typing, secretarial services.**
- (q) The acceptability of a home occupation not specifically listed in §1503.39(p) shall be determined by the Board of Supervisors, in accordance with the express standards and criteria specified in Subsections 1503.39(a) through 1503.39(o). Any person aggrieved by the decision of the Board of Supervisors may appeal that decision to the Township Zoning Hearing Board within thirty (30) days of the date of the decision of the Board of Supervisors approving or denying the conditional use application for the home occupation.**