

**Article XVI**  
**SUPPLEMENTAL USE**  
**STANDARDS**

**Section 1601 - Conversion Apartments (Multi-Family Conversions)**

1. Permitted Uses. Conversion of an existing single family detached dwelling to provide one or more additional dwelling units.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - a. The minimum lot area for each dwelling unit when served by on-lot sewer (sewage disposal) shall be as indicated in the prevailing zoning district for a single family detached dwelling.
  - b. The minimum lot area for the first dwelling unit on public sewer, or on public water and public sewer, shall be as indicated in the prevailing zoning district for a single family detached dwelling. Each additional dwelling unit shall require additional lot area equivalent to only one-half the required minimum area.
3. Supplemental Regulations
  - a. Each apartment unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
  - b. There shall be no exterior evidence of change in the building.
  - c. Fire escapes where required shall be located at the rear or an interior side of the building.

**Section 1602 - Multiple Dwellings**

1. Permitted Uses
  - a. Apartment Dwellings
  - b. Row or Attached Dwellings
  - c. Townhouse Dwellings

2. Area and Bulk Regulations

A. Dwellings served by Public Sewer Only

1. In order to ensure sufficient potable water recharge area, the minimum base lot area, prior to calculating the required area per dwelling unit, shall be one (1) acre. In addition to the minimum base lot area, a minimum lot area per dwelling unit shall be provided as follows:

Efficiency Units	2,000 sq. ft.
One Bedroom Units	3,000 sq. ft.
Two Bedroom Units	4,000 sq. ft.
Three or more Bedroom Units	5,000 sq. ft.

2. The total number of units permitted is predicated on the remaining land area remaining after subtracting the one-acre base from the total lot area divided by the minimum lot area required for each type of unit proposed.

**Example: 3-acre tract of land**

3-acres minus one-acre base lot leaves a total developable lot area of two acres.

43,560 sq. ft. X two acres = 87,120 square feet.

87,120 sq. ft. / 5000 sq. ft. = A total of 17.42 three or more bedroom units would be permitted on a three acre tract of land.

3. The minimum lot width for apartment structures shall be 80 feet.

The minimum lot width for row or attached and townhouse dwellings shall be 18 feet except that end units shall have a lot width of 35 feet.

4. The minimum yard requirements shall be as follows:

	<u>Front</u>	<u>One Side</u>	<u>Total Side</u>	<u>Rear</u>
Apartment Dwelling	40	15	30	35
Row or Attached & Townhouse Dwellings				
End Units	25	15	15	35

Other Units	25	-	-	35
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5. The maximum lot coverage permitted shall be 25 percent.

**B. Dwellings Served by Public Water and Public Sewer**

1. The minimum lot area per dwelling unit shall be provided as follows:

Efficiency Units	2,000 sq. ft.
One Bedroom Units	3,000 sq. ft.
Two Bedroom Units	4,000 sq. ft.
Three or more Bedroom Units	5,000 sq. ft.

2. The total number of units permitted is predicated on the total lot area divided by the minimum lot area required for each type of unit proposed.

**Example: 3-acre tract of land**

43,560 sq. ft. X three acres = 130,680 square feet.

130,680 sq. ft. / 5000 sq. ft. = A total of 26.13 three or more bedroom units would be permitted on a three acre tract of land.

2. The minimum lot width for apartment structures shall be 80 feet.
- a. The minimum lot width for row or attached and townhouse dwellings shall be 18 feet except that end units shall have a lot width of 35 feet.
3. The minimum yard requirements shall be as follows:

	<u>Front</u>	<u>One Side</u>	<u>Total Side</u>	<u>Rear</u>
Apartment Dwelling	40	15	30	35
Row or Attached				
Townhouse Dwelling				
End Unit	25	115	158	25
Other Units	25	-	-	35

5. The maximum lot coverage permitted shall be 25 percent.

**B. Dwellings Served by Public Water and Public Sewer**

1. The minimum lot area per dwelling unit shall be provided as follows:

Efficiency Units	2,000 sq. ft.
One Bedroom Units	3,000 sq. ft.
Two Bedroom Units	4,000 sq. ft.
Three or more Bedroom Units	5,000 sq. ft.

2. The total number of units permitted is predicated on the total lot area divided by the minimum lot area required for each type of unit proposed.

**Example: 3-acre tract of land**

43,560 sq. ft. X three acres = 130,680 square feet.

130,680 sq. ft. / 5000 sq. ft. = A total of 26.13 three or more bedroom units would be permitted on a three acre tract of land.

2. The minimum lot width for apartment structures shall be 80 feet.
- a. The minimum lot width for row or attached and townhouse dwellings shall be 18 feet except that end units shall have a lot width of 35 feet.
3. The minimum yard requirements shall be as follows:

Front One Side Total Side Rear

Apartment Dwelling	40	15	30	35
Row or Attached & Townhouse Dwellings				
End Units	25	15	15	35
Other Units	25	-	-	35

4. The maximum lot coverage permitted shall be 20 percent.
3. Supplemental Regulations
- a. All multiple dwelling units shall be served, at a minimum, by public sewer.
- b. The maximum number of dwelling units per row or attached and townhouse buildings shall be twelve (12).

- c. No building shall have an exterior dimension in excess of 200 feet.
- d. The minimum distance between principal buildings shall be equal to 2 times the height of the highest building and between a principal and an accessory building shall be at least 20 feet.
- e. Any inner court shall have a minimum dimension of 60 feet, any outer court shall have a minimum dimension of 20 feet and its depth shall not exceed its width.
- f. Condominium row, attached, or townhouse dwellings shall be a minimum 18 feet wide, except that end units shall have a minimum building width of 24 feet.

### **Section 1603 - Seasonal Dwellings**

Seasonal dwellings may be approved according to the following requirements:

- 1. An approved PADEP on-site sewage disposal system shall be required.
- 2. All area and bulk requirements of the prevailing zoning district for single family dwellings shall apply.

### **Section 1604 - Mobile Home Parks and Recreational Vehicle Parks (Campgrounds)**

Mobile Home Parks and Recreational Vehicle Parks (Campgrounds) may be approved in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance, as amended.

### **Section 1605 - Bed and Breakfast Inns**

Bed and Breakfast Inns may be approved in single family detached dwellings in existence on the effective date of this Ordinance, according to the procedures and requirements specified below:

- 1. The existing structure shall contain a minimum of 1,500 square feet of gross floor area.
- 2. All Bed and Breakfast units shall be contained within the existing dwelling structure.
- 3. There shall be no more than one Bed and Breakfast unit per 700 square feet of

gross floor area in the dwelling structure.

4. All area and bulk regulations of the prevailing zoning district for single family dwellings shall apply.
5. In addition to the two (2) spaces required for the principal dwelling, there shall be one off-street parking space per Bed and Breakfast unit.
6. Dining and other facilities shall not be open to the public but shall be exclusively for the residents and registered Bed and Breakfast guests.
7. In residential districts, signs shall conform to the standards for home businesses.

### **Section 1606 - Membership Clubs and Camps**

#### **1. Permitted Uses**

- a. Membership Clubs and Camps
- b. Outdoor recreational facilities such as:
  - (1) Private playgrounds
  - (2) Swimming pools
  - (3) Tennis courts

#### **2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.**

#### **3. Supplemental Regulations**

- a. Such club is incorporated pursuant to the provisions of a Membership Corporation or unincorporated associations approved by the Township Supervisors; and catering exclusively to members and their guests.
- b. The use of outdoor public address systems for any purpose shall be approved by the Board of Supervisors.
- c. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- d. A densely planted buffer strip shall be required as set forth in this ordinance.

### **Section 1607 - Public Buildings**

1. The subject property shall front on and gain access from either an arterial or collector road.
2. Public buildings include:
  - a. Community Activity Buildings
  - b. Public Libraries
3. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1608 - Buildings and Structures, Municipal and/or Public Utility**

Municipal and Public Utility buildings and structures with specific locational requirements shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

1. Where feasible, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
2. Height of building or structure, and impervious coverage shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed with a solid fence six (6) feet in height.
4. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
5. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened as required by the Township's Subdivision and Land Development Ordinance.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Storage of Vehicles and Construction Trucks - In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke, odor, or hazardous effect shall be installed.



## **Section 1609 - Educational Institutions**

### **1. Permitted Uses**

- a. Public Schools
- b. Parochial Schools
- c. Private Schools
- d. Colleges and Universities

### **2. Area and Bulk Regulations.** All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- a. The minimum lot size shall be five (5) acres plus one (1) additional acre of land for each 100 students of building design capacity.
- b. The minimum front, side and rear yard shall be 100 feet.
- c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.

### **3. Supplemental Regulations**

- a. Each site shall be landscaped in accordance with a plan approved by the Board of Supervisors.
- b. A planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.
- c. Vehicular parking shall be provided in accordance with Article XIV.
- d. Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
- e. All play areas contiguous to any developed lot shall be fenced.

## **Section 1610 - Health and Welfare Institutions**

### **1. Permitted Uses**

- a. Philanthropic or charitable institutions
- b. Hospitals
- c. Nursing and convalescent homes

- d. Sanitarium for general medical care
  - e. Retirement villages
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
- a. The minimum lot area shall be 5 acres or 800 sq. ft. per patient bed whichever is greater. Minimum lot area for retirement villages shall be as required per dwelling unit for Multiple Dwellings (in Section 1602) but in no case shall total lot area be less than 5 acres.
  - b. The minimum front, side, and rear yards shall be 100 feet.
  - c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.
  - d. The maximum building height shall be 3 1/2 stories, not to exceed 45 feet, unless increased by conditional use.
3. Supplemental Regulations
- a. Each site shall be landscaped in accordance with a plan approved by the Board of Supervisors.
  - b. No parking area shall be located within the required minimum front yard.
  - c. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.
  - d. All buildings shall be of fire-proof construction.
  - e. All permitted uses shall be served by adequate water and sewer systems.

## **Section 1611 - Places of Worship**

1. Permitted Uses
- a. Places of worship including churches, synagogues, temples, chapels, halls and the like.

- b. Religious education building but not parochial schools.
  - c. Recreation buildings when accessory to worship activity.
  - d. Residences when related to worship activity, such as parish house, manor, convent and the like.
  - e. Cemeteries associated with a Place of Worship when located on the same lot or a contiguous lot.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
- a. The minimum lot size shall be one and one-half acre for structures with on-lot sewage disposal systems. For structures with public sewer, minimum lot
  - b.
    - (1) If the sanctuary shall have space for more than 500 persons one additional acre shall be required for each additional 100 persons or portion thereof.
    - (2). When a cemetery is associated with a Place of Worship and is located on the same lot as the principal building, the minimum lot area shall be three acres.

When a cemetery is associated with a Place of Worship and is located on a contiguous lot, the minimum lot area of the cemetery shall be two acres. The minimum front, side and rear yard shall be 50 feet each.
  - c. The minimum front, side and rear yards shall be 50 feet.
  - d. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.
  - e. The minimum open area shall be 30 percent.
  - f. The maximum building height shall be 3 stories, not to exceed 45 feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one foot in height for each two feet the building is set back from the street or front property line.

## **Section 1612 – Cemeteries not affiliated with a Place of Worship**

1. Permitted Uses

- a. Cemeteries
- b. Mausoleums
- c. Crematories
- d. Caretaker Residence
- e. Chapels

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- a. The minimum size of a cemetery shall be 5 acres.
- b. The minimum front, side and rear yards shall be 25 feet.
- c. The maximum lot coverage (building, driveways, parking areas and other paved surfaces) shall be 10 percent.

3. Supplemental Regulations

- a. Landscaping shall be required and set in place according to a plan approved by the Board of Supervisors.
- b. An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residential use or a residential zoning district. Said requirement may be eliminated where a written agreement to waive the requirement has been executed by all adjoining property owners.

**Section 1613 - Home Occupations and Home Businesses**

- 1. Purpose. It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- 2. General Regulations. All dwellings containing a home occupation or home business shall comply with the following:

- a. The person primarily responsible for the home occupation/business shall be a full-time resident of the premises.
  - b. No more than thirty-three (33%) percent of the gross floor area of the dwelling unit and existing accessory buildings may be used for the practice of a home occupation/business. This 33% limitation may be increased only through the approval as a Conditional Use by the Board of Supervisors. In considering a Conditional Use for an increase beyond the 33% limitation, the Board of Supervisors shall consider the minimum required to lessen the impact on neighboring properties.
  - c. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
  - d. Storage of materials, products, or machinery used for the home occupation or home business shall be wholly enclosed by the dwelling or accessory building(s), within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
  - e. A home occupation or home business shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, or smoke detectable to normal sensory perception on any adjacent lots or streets or electrical interference.
  - f. The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of Penn Township and all other applicable government codes.
  - g. Home occupations/businesses utilizing, or proposing to utilize, explosive or highly flammable materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.
3. Additional Requirements for Home Occupations. Home occupations shall be subject to the following additional restrictive requirements in addition to the requirements of 1613.2:
- a. There shall be no visitations by non-residents for business purposes.
  - b. There shall be no retail sales of goods on the premises.

- c. All persons involved in the home occupation shall be full-time residents.

There shall be no evidence from the exterior that the dwelling is being used for purposes other than a dwelling.

- a. No signs shall be utilized.
  - b. Traffic generated by the home occupation shall not exceed volumes than would normally be expected in a residential neighborhood.
4. Additional Requirements for Home Businesses. Home businesses shall be subject to the following additional restrictive requirements in addition to the requirements of 1613.2:
- a. A home business shall limit any external evidence of said business to one (1) sign, not exceeding four (4) square foot in sign area, subject to the sign regulations of this Ordinance.
  - b. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
  - c. The requirement for additional parking facilities shall be determined by the Board of Supervisors.
  - d. Deliveries shall not restrict traffic circulation.
  - e. The Board of Supervisors shall approve the permitted hours of operation to avoid land use conflicts.

#### **Section 1614 - Child or Adult Day Care Facilities**

- 1. Recognizing the growing need for child and adult day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations or home businesses contained elsewhere in This Ordinance.

2. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This Section does not apply to activities excluded by the definition of "child or adult day care" in this Ordinance or child day care service furnished in places of worship during religious services.
3. The following general provisions apply to all child or adult day care facilities.
  - a. All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
  - b. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
  - c. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
  - d. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
  - e. Adequate water and sewer service shall be provided to the site.
  - f. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
  - g. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.
  - h. The expansion of a day care home to a day care center shall require a conditional use.
  - i. Adult and child day care facilities shall not provide medical or personal

care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed by the DPW to provide such services.

- j. When applying for a conditional use, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

4. Day Care Homes: In addition to the provisions of 3. above, day care homes shall comply with the following:

- a. If care is provided to more than six (6) adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Township every year.
- b. Signs in accordance with Section 1501 of this Ordinance.
- c. Day care homes shall only be permitted in single-family dwellings and shall not be permitted in accessory buildings.
- d. The person primarily responsible for the day care home shall be a full-time resident.
- e. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

5. Day Care Centers: In addition to the provisions of 3. above, day care centers shall comply with the following:

- a. The facility must have an approved and currently valid DPW license. Proof of DPW annual license renewal must be supplied to the Township every year.
- b. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers



functionally contain children or adults.

- c. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
  - d. Play equipment shall be located at least ten (10) feet from an abutting property line.
  - e. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
  - f. Day care centers may be permitted as an accessory use to churches, schools, recreation centers, and similar uses by conditional use. Accessory day care centers must comply with all other requirements for day care centers. In addition, evidence must be submitted to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.
6. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1615 - Commercial Kennels**

- 1. Kennels shall be permitted by conditional use in indicated zoning districts, subject to the following:
  - A. All area and bulk requirements of the prevailing zoning district shall apply with the following exceptions:
    - 1. The minimum lot size shall be three (3) acres.
    - 2. Adequate parking shall be required.
    - 3. All areas used for exercise shall be securely fenced.
    - 4. All animals shall be kept within a completely enclosed building that shall be a minimum of one hundred (100) feet from any property line.
    - 5. Animals shall be permitted to exercise daily between the hours of 8 A.M. and 8 P.M. (prevailing time). All outdoor exercise areas

shall be located at least two hundred (200) feet from any property line.

6. Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
7. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

#### **Section 1616 - Animal Hospitals and Veterinary Clinics**

1. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. Boarding areas shall be within wholly-enclosed buildings, and any outdoor animal pens, stalls, or runways shall be located within the rear yard area.
3. Animals shall be permitted to exercise daily between the hours of 8 A.M. and 8 P.M. (prevailing time). All outdoor exercise areas shall be located at least two hundred (200) feet from any property line.
4. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.
5. All area and bulk requirements of the prevailing zoning district shall apply.

#### **Section 1617 - Commercial Riding Academies and Stables**

1. Commercial riding academies and stables shall be permitted by conditional use, subject to the following:
  - a. Adequate off-street parking shall be provided in accordance with the requirements of Article XIV.
  - b. All areas used for exercise and pasturing shall be securely fenced.
  - c. All animals except while exercising or pasturing shall be kept within a completely enclosed building erected or maintained for that purpose which shall be a minimum of two hundred (200) feet from any property

- line.
- d. No storage of manure or other odor or dust-producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.
- e. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1618 - Golf Courses**

1. No golf hole shall be designed which requires any shot to cross a street, driveway, building, or parking lot.
2. At any point where the golf course crosses a public or private road or a private drive, the road or drive shall be signed to identify a golfer's crossing and the golfer's crossing shall be signed to identify the road or drive crossing.
3. All buildings and accessory uses of the golf course, including but not limited to the club house, parking facilities, driving range, storage sheds, pro shop, snack bar, restaurant, and swimming pool, shall be setback at least one-hundred (100) feet from all property lines and seventy-five (75) feet from all street right-of-way lines.
4. Outdoor storage of maintenance equipment or golf carts is not permitted.
5. All lighting facilities for night play on a par 3 course or driving range shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
6. There shall be a minimum setback of one hundred (100) feet from the field of play to any adjacent residential structure.
7. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1619 - Commercial Resorts**

1. Permitted Uses. A site to be used for a commercial resort establishment may include such accessory uses as restaurants, coffee shops, cafeteria dining halls providing food and drink, amusement and recreation facilities such as a

swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.

2. Area and Bulk Regulations. All area and bulk regulations of the prevailing Zoning District shall apply with the following exceptions:
  - a. The minimum lot area shall be ten (10) acres not less than 500 feet deep with at least 500 feet fronting on a State or Federal highway.
  - b. The minimum front, side and rear yards shall be 200 feet.
  - c. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site. There shall be no more than one (1) dormitory, resort or dwelling unit for every 2,000 square feet of lot area, or one second story unit for every 1,750 square feet of first story units.

3. Supplemental Regulations

A densely planted buffer strip shall be required where the site abuts an existing residential use or residential zoning district.

## **Section 1620 – Indoor or Outdoor Commercial Recreation Facilities**

Commercial recreation facilities are subject to the following criteria:

1. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road.
2. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. Any 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 structure shall not be used for occupancy.
4. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to,

hours of operation, noise, light, litter, dust, pollution and traffic congestion.

5. Required off-street parking will be determined upon the types of activities proposed. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Zoning Officer determines that traffic backups are occurring on adjoining road, and such backups are directly related to the means of access to the subject property, the Zoning Officer can require the applicant to revise means of access to relieve the undue congestion.
7. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1621 - Business Conversions**

Business Conversions shall be subject to the procedures and requirements specified below:

1. Permitted Uses. Conversion of an existing residential structure to a non-residential use. The conversion can be a total conversion from residential use or a conversions of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.
3. Parking Requirements. Off-street parking spaces shall be provided on said lot for each distinct use located on it, in accordance with Article XIV.
4. Supplemental Regulations

- a. If apartment units are proposed, each unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
- b. Fire escapes where required shall be located on the rear and/or the interior side of the building. A sketch of the proposed fire escape location shall be supplied as part of the application for zoning approval.

### **Section 1622 - Auction House for Household and Other Goods**

Auction Houses for Household and Other Goods shall be subject to the procedures and requirements specified below:

- 1. An Auction House for Household and Other Goods shall be permitted as either a principal use or an accessory use to the principal use of the lot.
- 2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - a. The minimum lot area (principal and accessory uses) shall be 5 acres.
  - b. The building setback shall be at least 50 feet from any lot or street line.
  - c. The maximum lot coverage (principal and accessory buildings) shall be 20 percent.
- 3. Supplemental Regulations
  - a. Vehicular parking shall be provided in accordance with Article XIV.
  - b. The auction house site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
  - c. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

### **Section 1623 - Farm or Construction Equipment or Lawn and Garden Equipment Sales and Service**

1. Farm equipment or lawn and garden sales and service shall be permitted as a principal use or as an accessory use to the principal agricultural use of the lot.
2. Permitted Uses
  - a. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
  - b. Distribution, sales and/or servicing of lawn and garden equipment and supplies.
3. Area and Bulk Regulations. All area and bulk requirements of the appropriate zoning district shall apply with the following exceptions:
  - a. The minimum lot area and building setbacks shall be in accordance with the Use Schedule.
  - b. No building utilized in connection with the farm equipment or lawn and garden sales and service shall be located within any required minimum front or side yard building setbacks.
  - c. No accessory building shall project nearer to the street on which the principal building fronts than such principal building.
4. Supplemental Regulations
  - a. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
  - b. Exterior lighting shall comply with the requirements of Section 1312.
  - c. Signs shall comply with the requirements of Section 1501.
  - d. No outdoor displays of goods for sale or rental shall be located within any required minimum front or side yard building setbacks.
  - e. Except as provided above, all other pertinent provisions of Article XVI, Supplementary Regulations, shall apply.

#### **Section 1624 - Vehicle Sales and Services**

1. Permitted Uses

- a. Service stations
- b. Repair garages
- c. Automotive supply shops
- d. New and Used Vehicle Dealers

2. Supplemental Regulations

- a. All area and bulk requirements of the prevailing zoning district shall apply.
- b. All driveways shall comply with the requirements of Section 1307.
- c. Vehicle lifts or pits shall be located within completely enclosed buildings. Dismantled and disabled automobiles in the process of repair and all parts or supplies shall be stored in a neat and orderly manner. Dismantled and disabled automobiles and all parts and supplies stored on the lot for more than three (3) months shall be in a screened-in area, and not visible to the public.
- d. All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in completely enclosed building. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- e. The storage of gasoline or flammable products in bulk for retail sale shall be located not nearer than fifty (50) feet from any property line other than the street line. Such storage shall also comply with all applicable state and federal regulations.
- f. No gasoline pumps shall be located nearer than 25 feet to any street line.
- g. A motor vehicle service station shall not be permitted within a distance of 300 feet of any school, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons: the said distance to be measured in a straight line between the nearest points of each of the buildings, regardless of the District where either of the buildings are located.



### **Section 1625 - Vehicle Washes**

1. Private on-lot recycled wash water systems are required.
2. Each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane.
3. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.
4. The subject property shall front on an arterial or collector road.
5. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1626 - Hotels and Motels**

1. A site to be used for a hotel or motel establishment shall include an office and lobby and may include such accessory uses as restaurants, coffee shops, cafeteria-dining halls providing food and drink; amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.
2. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site.
3. Distance between buildings shall not be less than 25 feet except that this distance may be reduced to 15 feet where no driveway passes between buildings.
4. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1627 - Drive-Thru Service Facility**

1. The subject property shall front on and gain access from either an arterial or collector road.
2. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.
3. All drive-thru lanes shall be at least 180 feet in length to accommodate

vehicles waiting to transact business.

4. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impacts on adjoining properties.
5. All area and bulk requirements of the prevailing zoning district shall apply.

#### **Section 1628 – Mortuaries and Funeral Homes**

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.
2. Off-street parking and loading shall comply with the requirements of Article XIV.
3. All area and bulk requirements of the prevailing zoning district shall apply.

#### **Section 1629 - Wholesaling, Storing and Warehousing, including Lumber Yards, Building Contractors, and Building Material Yards**

The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with

State and Federal regulations.

- b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.
- 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  - 2. All area and bulk requirements of the prevailing zoning district shall apply.
  - 3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
    - a. The nature of the on-site processing activities and operations, the types of materials used in the process products produced, and the generation and methods for any disposal of any wastes and/or by-products, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
    - b. The general scale of the operation, the total number of employees on each shift and an overall needed site size.

- c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

### **Section 1630 - Self-Service Storage Facility (Mini-Warehouse)**

Self-service storage facilities are subject to the following criteria:

1. Minimum lot size shall be one and one half (1.5) acres with a minimum width of one hundred fifty (150) feet for facilities with on-lot sewage disposal. For facilities with public sewer, minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
2. Minimum yard size shall be as follows:  
  
Front Yard - 50 feet  
One Side - 15 feet  
Total of both Side Yards - 30 feet  
Rear Yard - 35 feet  
  
Yard size shall remain the same for lots served with on-lot sewer, public sewer, or public water and sewer.
3. Off-street parking shall be provided in accordance with the requirements of this Ordinance.
4. 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 where cubicles open onto both sides of the lane.
5. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of

operable and properly licensed/registered privately-owned vehicles, travel trailers and/or boats, so long as such external storage area is screened from adjoining residential properties and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

6. Self-service storage facilities shall be used solely for the dead storage of property, including properly licensed/registered privately-owned vehicles. The following lists examples of uses expressly prohibited on the site:
  - a. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - b. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - c. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self-service storage facilities' rental and/or use contracts shall specially prohibit these uses.

**Section 1631 - Industrial Activities Involving Processing, Production, Repair, or Testing of Materials, Goods, and/or Products, involving those Industries primarily performing Conversion, Assembly, or Non-toxic Chemical Operations**

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.

**Section 1632 - Dry Cleaners, Laundries, and Laundromats**

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2. Public sewer shall be utilized.
3. All activities shall be within completely enclosed buildings.
4. All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.
5. Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.
6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations shall be expressly prohibited.
7. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1633 – Trucking Terminals**

Truck or motor freight terminals are subject to the following criteria:

1. Access shall be via an arterial road.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical

disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.

4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

#### **Section 1634 - Caretaker Dwelling**

Caretaker dwellings are subject to the following criteria:

1. Caretaker dwelling shall be accessory and incidental to the principal use of the lot on which they are located.
2. One caretaker dwelling unit per lot shall be permitted.
3. Occupancy of a caretaker dwelling shall be limited to bonafide caretakers or watchmen and their families. In no instance shall the caretaker dwelling be offered for rent to the general public.
4. The caretaker dwelling shall be served with approved water and sewage disposal facilities.
5. In the Industrial District a caretaker dwelling shall be attached to the principal use.

#### **Section 1635 - Nurseries and Greenhouses**

1. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
2. In the FC and AR Districts, the display and sale of items not grown on the property shall be incidental to the nursery/greenhouse operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
3. All area and bulk requirements of the prevailing zoning district shall apply.

### **Section 1636 - On-farm Occupations**

1. The primary economic activity of the subject tract shall be agricultural and shall be at least ten (10) acres in area.
2. The land area of the proposed on-farm occupations shall not utilize more than ten (10) percent of the total land area inclusive of buildings and parking facilities.
3. The occupation shall be owned and operated by the property owner.
4. The applicant shall acknowledge as part of the conditional use application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.
5. In the case where the proposed on-farm occupation requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
6. The land area of the on-farm occupation shall not, at any time, be permitted to be subdivided from the farm.
7. The applicant shall demonstrate that the proposed on-farm occupation and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.
8. When the on-farm occupation is located adjacent to a residential structure, suitable buffering shall be provided if deemed necessary by the Board of Supervisors.
9. The owner and/or occupant of the on-farm occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the on-farm occupation shall be conducted in a manner that does not allow the accumulation of trash and debris.

### **Section 1637 - Commercial Communication Tower**



Refer to Ordinance 2014-04 known as the Wireless Ordinance to found at Appendix G.

### **Section 1638 - Convenience Store**

Convenience stores are subject to the following criteria:

1. Access shall be via an arterial or collector road.
2. Vehicle fuel dispensing facilities are permitted in conjunction with convenience stores, but only with a Conditional Use from the Board of Supervisors. Such dispensing facilities shall conform to the relevant requirements of this Ordinance and State Codes.

### **Section 1639 - Outdoor Sales and Service**

The outdoor display and retail sale of merchandise shall be permitted in the C and I Districts provided that such display does not extend into any required setbacks and does not interfere with the safe and efficient flow of pedestrian or vehicular traffic.

1. All exterior retail sales areas shall include a dust-free surface and completely enclosed six (6) feet high fence and gate.
2. All exterior retail sales areas (exclusive of nursery and garden stock shall be screened from adjoining roads and properties.
3. All exterior lighting and/or exterior amplified public address systems shall be designed and arranged so as to prevent objectionable impact off the site.

### **Section 1640 - Intensive Agricultural Operations**

Within the FC and AR Districts, intensive agricultural operations are permitted by conditional use, subject to the following criteria:

1. Intensive agricultural operations shall include the following:

Any farm building, mushroom house, structure and/or facility specially designed, constructed and/or operated for the intensive and accelerated raising of poultry, animal or agricultural produce and/or byproducts of the same for commercial sale including, but not limited, an environmentally controlled house or other confined housing for poultry, animals, mushrooms and/or byproducts which structure is five

thousand (5,000) square feet or larger, or

- a. The keeping of more than two (2) animal equivalent units (AEU) per acre of land. The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land on the lot.

For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. The number of AEUs on the agricultural operation shall be calculated according to the steps detailed in Appendix B as may be revised or amended by the Commonwealth.

2. Special setback requirements. Any new structure in which animals comprising an intensive animal operation are kept shall be located a minimum distance of:

- a. Seventy-five (75) feet from any street right-of-way line, or
- b. One hundred fifty (150) feet of any deeded lot line;

Except that the minimum distance shall be five hundred (500) feet from (1) any off-lot residential building, school, or other building in which people are employed or work, or (2) the boundary of any R-1 or R-2 zoning district.

3. A minimum lot area of ten (10) acres is required.
4. Where applicable, evidence of an approved Nutrient Management Plan in compliance with the requirements of PADEP and the Soil Conservation Service shall be required.

## **Section 1641 – Open Space Development**

1. Purpose

It is the intent of this Section to implement the Penn Township Comprehensive Plan and promote desirable community development by:

- a. Maintaining a healthy residential environment with adequate open space and recreational amenities;

- b. encouraging land use and development patterns which complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, and scenic views;
- c. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- d. Providing for a more varied, innovative, and efficient development pattern; and
- e. Promoting new development that is compatible with existing uses, architecture, landscapes and community character.

2. Eligibility

a. Areas Permitted

Open space development shall be permitted in the FC, AR and R-1 Districts. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors, compliance with all design standards and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

b. Water Supply

Open space developments shall be served by water supply systems in accordance with the provisions of the governing subdivision and land development ordinance and any state or federal regulations. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors that an adequate water supply exists for the intended residential and open space uses. The Board of Supervisors may also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water system.

c. Sewage Disposal

- (1) As a condition of approval, the applicant shall demonstrate to the satisfaction of the Board of Supervisors, that adequate sewage disposal services exist for the intended residential and open space uses.

- (2) Development under the open space development option shall be served by sewage disposal systems consistent with the Penn Township Sewage Facilities (Act 537) Plan and in accordance with the provisions of the governing subdivision and land development ordinance, subject to demonstration of compliance with all applicable regulations of the Pennsylvania Department of Environment Protection (DEP).
- (3) Any proposed wastewater disposal system which requires a permit issued by the DEP and is not owned or operated by a municipal authority shall be required to comply with specific conditions which ensure the long-term proper operation and maintenance of such facilities. Such requirements shall be established by the Board of Supervisors to ensure consistency with PA Code Title 25, Chapter 71, Section 71.72 relating to the establishment of the legal entity responsible for such systems and financial assurances for the completion, maintenance, and operations of such facilities.
- (4) Where individual or community on-lot sewage disposal systems are provided, such systems may be located within common open space areas where approved at the discretion of the Board of Supervisors. Such systems shall require adequate deed restrictions and legal agreements between the owner of such system and the owner of the common open space, which specify ownership, operation, and maintenance responsibilities.

d. Plan Processing

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the Penn Township Planning Commission and to discuss community development and open space resource conservation objectives with the Planning Commission prior to the preparation of a preliminary plan.

3. General Regulations

a. Permitted Uses

The following uses are permitted within an open space development:

- (1) Within the FC and AR Districts:
  - (a) Single family detached dwelling units.
  - (b) Seasonal dwellings.
  - (c) Home occupations.
  - (d) Day care homes.
  - (e) Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
  - (f) Open space uses as set forth in Subsection 6.a. (5) of this Section.
- (2) Within the R-1 District:
  - (a) Single family detached dwelling units.
  - (b) Home occupations.
  - (c) Day care homes.
  - (d) Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
  - (e) Open space uses as set forth in Subsection 6.a. (5) of this Section.

4. Area and Bulk Regulations

a. Minimum Restricted Open Space

The minimum restricted open space shall not be less than the following percentage of the gross acreage of the tract, as stipulated for the appropriate zoning district. Designated restricted open space shall comply with all standards and criteria for restricted open space established in this Section.

<u>Zoning District</u>	<u>Minimum Restricted Open Space</u>
FC	60%
AR	45%
R-1	35%

b. Permitted Density Calculation

To determine the potential number of dwelling units permitted for

open space developments, the applicant shall prepare a conceptual "yield plan" depicting the conventional development of the parent tract according to the design standards of the base zoning district. The yield plan shall comply with the minimum requirements for sketch plans as stated in the governing subdivision and land development ordinance as well as any other applicable Township ordinances. The applicant shall then prepare a conceptual open space development plan with a maximum number of dwellings not to exceed the number of dwellings depicted on the yield plan. The Township Planning Commission shall review the yield plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the yield plan to the Planning Commission as early as possible to obtain input regarding the calculation of the number of dwellings permitted in the open space development.

c. Residential Area and Bulk Regulations

The following lot and yard area regulations shall apply to any principal residential structure or any other building. The minimum lot size for proposed lots that will be utilizing individual or community on-lot sewage disposal systems shall be one and one half (1.5) acres. Proposed lots that will be utilizing public sewer facilities are not subject to minimum lot size:

- (1) The minimum separation between principal structures at any point shall be 20 feet, except that the minimum separation measured perpendicularly from the rear wall of any dwelling to any point on any other building not accessory to such residential structure shall be 50 feet.
- (2) Accessory structures shall be setback at least five feet from any property line and shall be permitted only in rear yards.
- (3) Where any portion of any principal or accessory structure is located less than five feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to lot lines that separate two-family or multi-family dwelling units on the interior of the same principal structure. The minimum setback of principal buildings from the

right-of-way shall not be less than 10 feet except as provided under Section 1642.4.c. (5).

- (4) All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.
- (5) The maximum length of any residential building, including rows of single family attached dwellings or buildings containing multiple family dwellings, shall not exceed 160 feet.
- (6) The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
- (7) The maximum lot coverage (including all impervious surfaces) for all building lots shall be 20% greater than the base zoning district according to the dwelling type. The maximum lot coverage for all restricted open space parcels shall be 30%.
- (8) While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to demonstrate to the satisfaction of the Board of Supervisors that all lots established under the provisions of this Section are of appropriate size and shape relative to provide for the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
- (9) Flag lots may be utilized where appropriate; however, no more than 10% of the total number of lots may be designed as flag lots and each flag lot shall have a minimum area of 10,000 square feet.
- (10) No dwelling units within the open space development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street

systems as designed for the project.

- (11) All open space developments with single family attached dwellings or multi-family dwellings shall include adequate parking for visitors. Such visitor parking areas shall provide a minimum of one (1) parking space per two (2) dwellings or fraction thereof. On-street parking will be permitted provided that such parking spaces are painted and designed in accordance with the Governing subdivision and land development ordinance.
- (12) Where adjacent curb cuts accessing separate residential properties are separated by less than 25 feet, one additional off-street parking space shall be provided on each property that abuts the curb cut or in an off-street common parking area.

As a condition of approval, the Board of Supervisors at its sole discretion may agree to vary any of the standards stipulated in this Section where the Applicant has demonstrated to the satisfaction of the Board that the purposes of this Section are better served through such variation.

## 5. Conservation and Development Design Standards

### a. General Development Standards

- (1) Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
- (2) The placement of buildings and design of internal circulation systems shall minimize the number of intersections on Township and State roads.
- (3) The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit application or mitigation plan to the Pennsylvania Department of Environmental Protection (DEP) and/or US Army Corps of Engineers or successive agencies, a copy of all such



documentation shall be submitted to Penn Township by the applicant.

b. Architectural Design

It is not the intention of the Township neither to govern specific architectural design nor to link approval to any specific architectural design criteria. Open space developments proposing residential buildings other than single family detached and two-family dwellings shall comply with the following:

- (1) The applicant shall provide drawings illustrating the general character of the intended exterior design of all principal structures.
- (2) Where the Board determines that the architectural design as presented by the applicant is an essential means by which the proposed development complies with the objectives of this Section, the Board may require, as a condition of approval, the establishment of appropriate means to guarantee general adherence to the intended architectural character.

(c) Special Provisions for Conservation of Historic Resources

Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features. Applicants are encouraged to contact the Perry County Historical Society and/or the Pennsylvania Historical Museum Commission for information regarding historic resources.

6. Open Space Designation and Management Standards

a. General Standards for Open Space Designation

- (1) Areas designated as restricted open space shall be consistent with the goals and strategies of the Penn Township Comprehensive Plan. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the

following resources to the greatest extent practicable.

- (a) Any area designated for "Conservation/Open Space" on the Future Land Use Map in the Penn Township Comprehensive Plan;
  - (b) Prime agricultural soils;
  - (c) Scenic views from public roads and neighboring residential properties;
  - (d) Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence rows, rock outcroppings, steep slopes (in excess of 25%) and other noted landscape features;
  - (e) Lands adjoining and within 150 feet of any historic structure listed on the National Registration of Historic Places.
- (2) Within the designated restricted open space area, the total area of all areas comprised of the Flood Plain District, wetlands, and slopes in excess of 25% shall not exceed 15% of the gross tract area.
- (3) No portion of the designated restricted open space shall be measured as contributing to the minimum required restricted open space area or to any open space utilized in the calculation of any density bonus where:
- (a) Within 25 feet of any structure except structures devoted to permitted open space uses;
  - (b) Extending less than 100 feet in the narrowest dimension at any point;
  - (c) Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to stormwater management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:

- (i) Promote recharge of the groundwater system;
- (ii) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
- (iii) Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to: 1) blend into the scenic landscape; 2) permit passive recreational use over the top of it; while 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

- (4) Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.
- (5) Areas designated for open space purposes may be used for any of the following:
  - (a) Crop or pasture land, subject to submission of conversation plan approved by the Perry County Conservation District;
  - (b) Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area;
  - (c) Public, common, or private park or outdoor recreation area;
  - (d) Sewage disposal facilities provided that the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of the facilities are guaranteed.

- (e) Parking for the exclusive use of individuals using recreational areas within the required open space where deemed appropriate by the Board of Supervisors.
- (6) Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
- (7) Where deemed appropriate by the Board of Supervisors, open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
- (8) Where open space development is planned to occur in two or more development phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.

b. Standards for Ownership of Restricted Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Perry County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

(1) Offer of Dedication

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:

- (a) Such land is accessible to the residents of the Township;

- (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- (c) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.

(2) Homeowners' Association

The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- (a) The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.
- (b) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- (c) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.

- (d) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (e) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (f) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- (g) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
- (h) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - (i) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
  - (ii) That the common open space land to be leased shall be maintained for the purposes set forth in

this Ordinance; and

(iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.

(i) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Perry County within 30 days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.

(j) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

(3) Condominiums

The restricted open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 6.B.2 above, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

(4) Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- (a) Such land is accessible to Township residents;
- (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- (c) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

(5) Transfer of Easements to a Private Conservation Organization

With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- (a) The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
- (b) The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity which itself has such a clause in the event that organization becomes unwilling or unable to continue carrying out its functions;
- (c) A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

(6) Private Ownership of Restricted Open Space

- (a) Restricted open space may be retained in ownership by



the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

- (b) All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

c. Required Open Space Management Plan

- (1) All open space development plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Perry County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.
- (2) The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded,

with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Perry County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

d. Open Space Performance Bond

- (1) All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.
- (2) An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

**Section 1642 – Electric Power Generation**

Electric power generation facilities and distributed electric generation facilities, where permitted, shall meet the following requirements:

1. See also section 1658 – Solar Energy Systems.
2. See also section 1659 – Wind Energy Systems

1. Solar Collectors and Solar-related Equipment

- a. Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
- b. When a solar energy collection system is installed on a lot, accessory

structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12') foot obstruction located on the lot line; and has an area of not greater than one-half of the largest floor area of the structure served.

- c. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Article, whichever is later. This subsection controls any accessory structure erected on or vegetation planted in, abutting lots after the installation of the solar energy collection system.
- d. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

2. Wind Energy Conversion Systems: Windmills, windwheels, or wind energy conversion systems (WECS) shall not be permitted in the R-1 and R-2 Districts but shall be permitted in all other districts, subject to the following conditions:

- a. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten feet from any occupied dwelling, and shall not be more than one hundred ten (110') feet in height.
- b. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
- c. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20') feet.
- d. All electric lines/utility wires shall be buried underground.

- e. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6') foot fence. The supporting structure shall also be enclosed by a six (6') foot fence, unless the base of the tower is not climbable for a distance of twelve (12') feet.
  - f. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight (8') feet in height and must be located at the base of the supporting structure.
  - g. In permitted districts, only one windmill, windwheel or WECS shall be permitted per lot.
  - h. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless installed and operated in conformity with all applicable distributed generation or system interconnection requirements.
  - i. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within six (6) months.
  - j. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA measured at the property line.
    - (1) A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 (ten) times the common logarithm of this ratio.
    - (2) "A" Weighted Sound Level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.
3. Other Distributed Electric Generation Facilities. Distributed generation facilities that are consistent with those described in Subsections 1. or 2. above and accessory to residential uses may be permitted by the Zoning

Officer upon a determination that the use is consistent with the intent of Subsections 1. or 2. to support the use of renewable distributed generation that is clean and safe and does not unduly limit the use of adjoining parcels.

4. Electric Power Generation Facilities. Electric Power Generation Facilities shall be permitted as a Conditional Use in an Industrial District upon application to the Zoning Officer and a determination by the Board of Supervisors that approval of the application is consistent with the requirements and intent of this Ordinance. A Conditional Use for an Electric Power Generation Facility shall be approved upon demonstration that the impact of the use, including proposed mitigation measures, will not be detrimental to public health and safety, the environment, the general welfare or the use and enjoyment of other land uses in the area.

The application shall be in compliance with the planning policies of the Township as contained in the Penn Township Comprehensive Plan and all requirements of this Ordinance.

An application for an Electric Power Generation Facility shall demonstrate that the proposed facility is located, designed, constructed, maintained and operated in accordance with the following standards:

- a. The total rated capacity of an Electric Power Generation Facility shall not exceed 250 MW.
- b. The proposed facility will comply with all applicable federal, state, county or river basin permits and requirements concerning air, water, waste, and environmental impact(s) of the proposed development. Receipt and the continued compliance with the terms of all such permits and regulations shall be a condition of zoning approval.
- c. The proposed facility and use will avoid, or, if not avoidable, minimize any negative impact of the proposed facility on the air, water, land, or land use beyond the boundary of the site on which the facility is located.
- d. The application shall include a description, discussion and documentation of potential impacts such as noise, vibration, light, glare, odor, heat, emissions, dust, toxic materials, electrical interference, radiation, groundwater or surface water quality or quantity, wildlife and habitat or other impacts. In the event that any such impacts may exist, the application shall include:

- (1) A site plan, map(s) and a detailed description of the surrounding area in which any such impact may be experienced;
  - (2) The name and address, as shown on the most recent tax assessment record, of such possibly impacted property owners;
  - (3) A description of the design, construction or operating plans intended to consider, avoid, mitigate or remediate such impacts.
  - (4) A description of any design, construction or operating plans that could eliminate any such impact but is not proposed in the application and a statement explaining the reason(s) that such a plan is not part of the application.
  - (5) An affidavit attesting that notice of the Zoning Hearing Board proceeding on the application will be served upon each property owner identified in subsection ii.
- e. The Board of Supervisors may adopt reasonable conditions to the grant of a Conditional Use in addition to those expressly considered or authorized in this Ordinance, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this Ordinance and the Municipalities Planning Code.

**Section 1643 – Junkyards, Recycling Centers/Yards, and Automobile Wrecking**

Junkyards, recycling yards, and automobile wrecking yards are subject to the following criteria:

1. Minimum lot area – Ten (10) acres
2. No material may be stored or stacked so that it is visible from adjoining properties and roads.
3. Recycling of paper, glass, plastic, rubber, construction debris, and metal

products is subject to the following criteria:

- a. All operations shall be conducted within a wholly enclosed building.
  - b. There shall be no outdoor storage of paper materials used, or generated by the operation.
  - c. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust and litter.
  - d. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.
4. All federal and state laws shall be satisfied.
  5. All salvage or recycled materials shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
  6. No oil, grease, tires, or other similar material shall be burned at any time.
  7. Any junkyard, recycling yard, or automobile wrecking yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.
  8. No junkyard, recycling yard, or automobile wrecking yard shall be located on land with a slope in excess of five (5%) percent.
  9. No junkyard, recycling yard, or automobile wrecking yard shall be operate without a license, which shall be issued for a period of one (1) year, and shall be subject to annual renewal with the cost of such permit to be determined by resolution of the Board of Supervisors.
  10. It shall be illegal to burn any junk, junk vehicles or equipment associated with a junk yard, recycling yard, or automobile wrecking yard.
  11. There shall be planted and maintained a row of evergreen trees along any highway or street which shall be four feet in height when planted and be planted no greater than eight feet from center to center.

12. A buffer yard of 100 feet shall be established around the entire perimeter of the junk yard, recycling yard, or automobile wrecking yard.

#### **Section 1644 – Flea Markets (Indoor/Outdoor)**

1. Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:
  - a. Minimum lot size for an outdoor market shall be two (2) acres.
  - b. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate visual and/or audible impacts on adjoining properties.
  - c. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
  - d. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
  - e. The applicant must demonstrate compliance with State, Federal and Local Regulation
2. Farmers Markets are permitted by Conditional Use in the Agricultural/Rural and Commercial District subject to the following criteria:
  - a. Minimum lot size for an outdoor market shall be two (2) acres.



- b. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- c. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution, and traffic congestion.
- d. Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- e. The applicant must demonstrate compliance with State, Federal and Local Regulations

#### **Section 1645 – Essential Services Buildings and Structures**

Essential services buildings and structures with specific locational requirements shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected shall be subject to the following regulations. Buildings without specific locational requirements are subject to the dimensional requirements in the district in which they are located.

- 1. Where feasible, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- 2. Height of building or structure shall be as required by the district regulations.
- 3. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height.
- 4. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.

5. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened as required by Section 1310.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Storage of Vehicles - In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke odor, or hazardous effect shall be installed.

#### **Section 1646 – State/County/Federal Buildings**

State/County/Federal Buildings must have access via an arterial or collector street as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

#### **Section 1647 – Winter Sports Areas and Ski Lodges (Resorts)**

1. Permitted Uses. A site to be used for a resort establishment shall include an office and lobby and may include such accessory uses as: restaurants, coffee shops, cafeteria dining halls providing food and drink, amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.
2. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - a. The minimum lot area shall be ten (10) acres.
  - b. The minimum lot width shall be 500 feet.
  - c. The minimum front, side and rear yards shall be 200 feet.
  - d. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site. There shall be no more than one (1) dormitory, resort or dwelling unit for every 2,000 square feet of lot area, or one second story unit for every 1,750 square feet of first story units.

- e. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector street as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

3. Supplemental Regulations

- a. A densely planted buffer area shall be required where the site abuts an existing residential use or residential zoning district.

**Section 1648 – Sexually Oriented Businesses**

1. Purpose and Legislative Findings

a. Purpose

Pursuant to the authority granted in the Second Class Township Code to promote and secure the health, cleanliness, comfort and safety of the citizens

of Penn Township, to regulate and inspect the use and occupancy of public buildings, to regulate places of public entertainment, amusement and recreation, and to prevent and prohibit public nuisances due to adverse secondary effects, Penn Township has developed the following provisions to minimize and control the adverse secondary effects of sexually oriented businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens' property values and character of surrounding neighborhoods; and deter the spread of blight.

The Board of Supervisors has determined that the following provisions and associated licensing requirements are a legitimate and reasonable means of accountability to insure that operators of sexually oriented businesses comply with reasonable regulations and to insure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

The Board of Supervisors does not intend the following provisions to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. It is not the intent of the Board in enacting this legislation to deny any person rights of speech protected by the

Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intent of the Board to impose, by this legislation, any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and other materials. Further, by enacting this legislation, the Board does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented materials or conduct protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually oriented may have to sell, distribute, or exhibit these materials.

b. Legislative Findings: The Board of Supervisors finds:

1. Law enforcement personnel have determined, and statistics and studies performed in a substantial number of communities in this Commonwealth, and in the United States indicate that sexually oriented businesses have adverse secondary effects, including those specified and recognized at 68 Pa. C.S.A. § 5501(a), which secondary effects should be regulated to protect the public health, safety and welfare. These secondary effects include, but are not limited to, the spread of communicable diseases, performance of sexual acts in public places, presence of discarded sexually oriented materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crime, decreased property values and neighborhood deterioration.
2. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in depositions and hearings conducted by the United States District Court for the Middle District of Pennsylvania, Case No. 3:CV99-1801 (Judge Munley), and by the United States District Court for the Western District of Pennsylvania, Case No. 98-1140 (Judge Lancaster); and in reports made available to the Township and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Biloxi, Mississippi; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on

findings from the Report of the Attorney General's Working Group On The Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township finds:

- (a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (b) Certain employees of sexually oriented businesses defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. Furthermore, adult bookstores tend to attract homosexual men who engage in unprotected, high-risk sexual activities.
- (d) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (e) Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

- (g) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
  - (h) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
  - (i) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
  - (j) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
  - (k) Numerous studies have indicated that sexually oriented businesses have a substantial negative impact on property values and cause neighborhood blight.
  - (l) The findings noted in paragraph (a) through (k) raise substantial governmental concerns.
3. Sexually oriented businesses have adverse secondary effects in the nature of a public nuisance, which secondary effects should be regulated to protect the public health, safety and welfare.
  4. Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.
  5. As an integrated part of this legislation, a reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented business. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that

the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

6. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters and bookstores.
7. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
8. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
9. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent or who are likely to be witnesses to such activity.
10. The fact that an applicant for an adult or sexually oriented use license has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this Ordinance.
11. The barring of such individuals from the management of sexually oriented uses for a period of years serves as a deterrent to and prevents conduct, which leads to the transmission of sexually transmitted diseases.
12. The general welfare, health and safety of the citizens of the Township

will be promoted by the enactment of this Ordinance.

13. The reasonable regulation and supervision of sexually oriented businesses tends to discourage sexual acts and prostitution and thereby promote the health, safety and welfare of patrons, clients and customers of these businesses.
  14. The continued unregulated operation of such sexually oriented businesses would be detrimental to the general health, safety and welfare of citizens of Penn Township.
2. Sexually-Oriented Businesses may be established in the C - Commercial District as a Conditional Use subject to the following conditions:
- A. Persons or owners who intend to open a sexually oriented business must obtain from the Township a license, upon effective date of adoption of a licensing ordinance, to operate such an enterprise and must pay a license fee as set by the resolution of the Supervisors of the Township. In addition such persons or owners must supply to the Township detailed information as to ownership operation and as required on the licensing application form. The licensing form can be obtained from the Township.
  - B. No sexually oriented business can be located within the following separation distances:

No sexually oriented business shall operate or be established within one thousand five hundred (1,500) feet of any religious institution, school, public park, daycares, youth club or organization.

The separation distance between a sexually oriented business and the above-referenced uses shall be measured in a straight line, without regard for intervening structures, from the property line associated with the identified use.

- C. Sexually Oriented Businesses shall be fully screened from adjoining properties with suitable evergreen trees as to provide a complete visual barrier between the Sexually Oriented Use and adjoining property. Penn Township Board of Supervisors shall approve the screening plan.



- D. Illumination shall be in accordance with Section 1312.
- 3. License – Prior to establishing a Sexually Oriented Business in accordance with the provisions of this ordinance, the applicant shall first obtain a licenses from the Penn Township Board of Supervisors in accordance with Ordinance # 2001-03.

**Section 1649 – Panhandle Lots** – Where permitted, Panhandle lots shall be developed pursuant to the following criteria:

- 1. Lot Area - As required by the zoning district in which the panhandle lot is located. The area of the panhandle as required in 2.A shall not be used in determining the applicable minimum lot area requirement.
- 2. Requirements of the Panhandle.
  - A. The minimum width of the panhandle shall be:
    - 1. Twenty (20) feet when there is no opportunity that the panhandle will be utilized in the future as a private right-of-way or street right-of-way.
    - 2. Fifty (50) feet when the panhandle will be utilized in the future as a private right-of-way or street right-of-way.
- 3. No part of the panhandle 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, mailboxes and signs.
- 4. No panhandle, existing or proposed, shall be located within two hundred (200) feet of another panhandle, private right-of-way, or a street right-of- way on the same side of the street.
- 5. When the applicant is proposing a twenty (20) foot panhandle in accordance with 2.A.1, the following note shall be included on the plan:

The twenty (20) foot panhandle is for exclusive access to Lot # \_\_. The panhandle cannot be utilized as a private right-of-way or street right right-of-way to access new lots unless the panhandle is constructed to minimum standards as required by the Penn Township Subdivision and Land

**Section 1650 – Mining and Quarrying**

1. Applicant shall submit a scaled site plan that depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed permit site of the mining and quarrying use being sought. In the event the 1,500' radius does not extend off of the property used for mining and quarrying, identification of uses of all buildings on lots that abut the property shall be provided. In addition, all public roads that will be used throughout the Township during the mining and quarrying operation shall be identified on the scaled plan. The cartway width of each street, school bus routes, bridges, and intersections, with sight distance, shall be identified on the site plan. Substandard cartway widths and intersections, school bus route conflicts, and bridge restrictions shall be clearly identified on the site plan.
2. Required Mining and Quarrying Plan - All activities shall be subject to approval of a Mining and Quarrying Plan which shall consist of a topographic map with a contour interval of not greater than five (5) feet showing all natural and man-made features, rights-of-way, easements, property lines, and a plan and cross-sections of the proposed mining and quarrying areas, including groundwater information. Groundwater information shall include existing groundwater levels, flow rates, and clarity for all wells located within the 1,500' radius as required in Section 1. In addition, the underlying geologic formations of those properties shall be identified along with their groundwater carrying values. This information shall serve as a base line for comparison should groundwater resources be adversely affected by the mining and quarrying operation.
3. Required Reclamation Plan - All mining and quarrying activity shall be required to prepare and submit a reclamation plan. A reclamation plan which shall consist of a plan for re-use of the land after completion of the operations and the carrying out of the restoration, reclamation, reforestation or other corrective work so as to leave the land in a condition that will enable it to be used for ecologically and economically productive purposes consistent with the Comprehensive Plan of the Township upon completion of the mining and quarrying operation. At a minimum, said plan shall provide for temporary and permanent cover, water control measures, and management of vegetation in accordance with the Critical Areas Practices of the Erosion and Sedimentation Control Handbook

published by the County Conservation District (most recent edition). Such plan shall be prepared by a registered engineer or landscape architect and shall bear the authorized signature of the owner of the land. A detailed timetable for restoration shall be provided to be completed within three (3) years or such earlier time as shall be required by a regulatory agency or body having jurisdiction after completion of the mining operation, together with an estimate of cost of each major step in the plan and the total cost of the program. The applicant shall post security as permitted in the Surface Mining Conservation and Reclamation Act, as amended from time to time, in the amount of one thousand dollars (\$1,000) per acre. If such security has been posted with another regulatory agency or body having jurisdiction, naming the Township as additional obligee, additional bonding may be waived by the Board of Supervisors, if satisfied that the Township's interests are adequately protected.

4. Required Operational Statement - All mining and quarry uses shall be required to prepare and submit an operational statement for approval by the Township Board of Supervisors. Such operational statement shall include a detailed description of methods for handling operations with respect to the emission of noise, dust, smoke, refuse, water, odor, gas, fumes, or similar substances or conditions which may endanger the health, safety or general welfare management, air pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including production, transportation, processing, stockpiling, storage, and disposal of products, by-products and wastes.
  - a. For the mining and quarrying related use to be approved, the operational statement must demonstrate, by credible evidence, each of the following: Mining and quarrying shall comply with all applicable State and Federal laws, rules and regulations, including, but not limited to, regulations concerning dust, vibration, noise, heat, glare, vapors, and gases.
  - b. No emission of dust, dirt, fly ash, fumes, vapors or gases which could cause any damage to human health, animals or vegetation or to other forms of property or which could cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, will occur.
  - c. No mining, quarrying or other activity shall produce heat or glare beyond the property boundary line of the land on which the operation is located.

- d. No machines or operations shall cause vibrations that are perceptible along the boundary line of the Quarry Zone. The foregoing language and provisions shall not be construed to limit or prevent blasting conducted in accordance with all applicable laws and regulations of the Commonwealth of Pennsylvania.
  - e. No activities shall be permitted which emit dangerous radioactivity at any point nor shall there be any electrical or radio disturbances which adversely affect the operation of any equipment at any location other than that of the creator of such disturbances.
5. Water Restoration – Any operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source, acceptable to the lot owner or well owner, of water with adequate quantity and quality for the purposes served by the affected supply.
7. After reviewing the required submission requirements, should the Board of Supervisors, after a period of operation for one (1) year, determine that the conditional use is detrimental to the health, safety and general welfare of the Township, the Board shall give the operator of the use written notification of the specific detrimental effects, and the operator must correct the specified detrimental effects within ninety (90) days from such date of notice. Failure to correct the detrimental effects within ninety (90) days will result in a notice of termination being sent to the operator by said Board. The operator must cease said use within one (1) year after receipt of said termination.

#### **Section 1651 – Research and Development**

- 1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials used and stored, the products produced, and the generation and methods of disposal of any wastes and/or 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.
  - b. The general scale and location of any associated incidental

uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift and an overall needed site size.

- c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

**N. Section 1652 - Limited Industrial Uses**

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed commercial or industrial subdivision and/or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use(s) in each of the following topics:
  - a. The nature of the on-site processing activities and operations, the types of materials used in the process, products to be sold, and the generation and methods for any disposal of any wastes and/or 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.
  - b. The general scale and location of the industrial operations and any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift, and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical

disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

### **Section 1653 – Roadside Stands and Agricultural Sales of Farm Products:**

The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers to market their products directly to the public in a manner that is compatible with the agricultural character of the Township.

1. **Roadside Stands for Sale of Agricultural Products Grown on Site.** A roadside stand shall sell only products on the property on which the stand is located. Each roadside stand must not exceed a maximum size of four hundred (400) square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Roadside stands must be located at least twenty (20) feet from the right-of-way of the roadway. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.
2. **Agricultural Sales of Farm/Products.** The sale of food, farm and/or agricultural products to the general public shall be permitted as a conditional use subject to the following regulations:
  - a) The maximum floor area for the retail agricultural sales shall be three thousand (3,000) square feet. The three thousand (3,000) square foot maximum shall not include areas used for traditional activities (not retail sales).
  - b) Floor area shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area

not included in the calculation of maximum limits are display areas outside the building or structure as well as inside floor area for storage and processing of products where the customer is completely restricted from access.

- c) Agricultural sales of farm products shall be clearly subordinate to the principal permitted uses.
- d) Farm products shall be limited to plant material, crops harvested from plants, dairy products, poultry products, meat products, and such things as honey, preserves and jellies made from fruit or vegetable products. Baked goods and related specialty food items made with farm products may also be sold. Sales of associated incidental items shall be permitted provided they do not constitute more than twenty-five percent (25%) of annual sales volume in dollars. There shall be no sale of tobacco products, newspapers, magazines, or other sundries.
- e) Buildings shall comply with the minimum setback requirements of the zoning district. Temporary buildings or stands shall be located not less than twenty (20) feet from the legal right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Code Enforcement Officer.
- f) Parking: Off-street parking spaces shall be provided behind the legal right-of-way and on the same side of the street as the stand or building conducting the use. Parking spaces need not be permanently paved but must be improved with a material approved by the township engineer and appropriately marked.
- g)

**Section 1654 — Agricultural Enterprise** is hereby added as follows:

1. The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers the use of a farm for seasonal festivals related to products grown on the farm, craft fairs (including antique shows), municipally sponsored events, and horse shows.

2. Agricultural Enterprises use shall meet the requirements for water supply, sewage disposal and rest room facilities of the Pennsylvania Department of Environmental Protection Department of Health and any other agency with jurisdiction.
3. The agricultural Enterprises use is as a conditional accessory use only. If any of the conditions to which the agricultural principal use is subject to cease to be met, then the agricultural entertainment shall also cease.
4. Minimum lot area required: ten (10) contiguous acres.
5. No activity, event or structure used for an agricultural enterprise use shall be located within one hundred fifty (150) feet of a right-of-way line or residential property line, except for parking areas which may be located within one hundred (100) feet of a right of way or residential property line.
6. No agricultural enterprises use shall continue past 11:00 p.m. unless the owner of the property on which the agricultural entertainment use is being held obtains conditional use approval to allow for event hours beyond 11:00 p.m.
7. The following types of activities shall **not** be considered agricultural enterprises.
  - a) Mechanical rides or amusements
  - b) Flea markets except as may be permitted in accordance with this Code.
  - c) Agricultural sales of farm products not clearly subordinate to the principal uses.
8. Specific agricultural enterprises use is subject to the following regulations:
  - a) Parking for agricultural enterprises uses. Off-street parking areas shall be provided in designated areas to accommodate all attendees at any agricultural entertainment use. Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of one hundred (100) feet in length from the edge of paving, as well as a gravel tire-cleaning area fifty (50) feet in length.



- b) A traffic control plan must be submitted to and approved by the Township prior to receiving a permit for an agricultural enterprise use.
- c) Lighting may be used for agricultural enterprises uses for the duration of the event only and may not shine or produce glare on adjacent properties. (See Section 1312 Illumination)
- d) Signs. A total of Fifty (50) square feet of sign area shall be permitted. The sign area may be divided into no more than two (2) signs. The signs may be put in place no more than two (2) weeks prior to the event and must be removed within five (5) days of the conclusion of the event No more than thirty-two (32) fifty (50) square feet of sign area for the farm entertainment use shall be permitted at any time on any one (1) property. The signs must have a sign permit and shall be subject to all applicable requirements of Section 1501, SIGN REGULATIONS. No off-premises signs are permitted unless approved by the township.
- e) The applicant shall present evidence that the proposed use will not be detrimental to noise, litter, dust, pollution, and traffic congestion. Any identified problems relating to actual or potential noise, safety hazards or other matters affecting the health, safety, or welfare of participants or of those on neighboring properties have been addressed. (See Section 1308 and Section 1315)

#### **Section 1655 — Agritourism:**

Agritourism uses, activities and agriculturally related experiences where limited new structure is involved, i.e. corn / crop mazes, hay bale sculptures and similar crop art installations, hayrides, animal feeding, manned and unmanned you-pick operations, petting zoos, farm tours and agricultural clinics, seminars or classes etc. shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site, or to convert agricultural lands to a non-agricultural use. On site farm stays, garden plots, horseback riding, walking and bicycling tours and trails, cross country skiing, fishing, and hunting, bird watching, and recreation related operations compatible with the primary agricultural use as the Township may determine on a case-by-case basis that meets the purpose and intent of this Section;

1. Agritourism uses and activities shall be consistent with the size, scale, and intensity of the existing agricultural or resource use of the property and the existing buildings on the site.

2. Agritourism uses and activities, including new buildings, parking, or supportive uses, should not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural or resource land to nonagricultural or non-resource uses.
3. Agritourism uses shall meet applicable setback, vehicular access, customer parking, lighting standards, and Agricultural Products signage.
4. Description of proposed Agritourism and plan of operation. A sketch plan/land development plan, as required by the Township, identifying the location and dimensions of all structures, parking areas, existing and proposed access driveways, parking and vehicular turning areas, sanitary facilities (if required), areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties.
5. Hours of operation shall be approved by the Township.

#### **Section 1656— Mobile Food Units:**

This article recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public.

- I. Operator means any person owning, operating, or permitted to operate a Mobile Food Unit and collectively refers to all such persons.
  - a. Mobile Food Unit shall operate in accordance with the Conditional Use approved by the Board of Supervisors and in compliance with and the requirements of this article.
  - b. Mobile Food Unit operators must comply with all state and local business regulations and the same standards of food regulations adopted by the State of Pennsylvania, which may be modified from time to time.

2. Mobile Food Units may operate on private property where there is a commercial, office, or industrial use subject to the following conditions:
  - a. **Permission.** Mobile Food Units selling to the public from private property shall submit to the Township proof of ownership of the property or a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the mobile food unit at the proposed location. A copy of the statement shall be displayed in or on the mobile food unit in plain view of the public at all times.
  - b. **Unimproved Properties.** Regardless of an agreement with the owner of the property, a food unit may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel or portion is paved or has a crushed aggregate surface, including ingress and egress.
  - c. **Maximum Number of Mobile Food Units.** No more than two (2) Mobile Food Units may operate at any location with coordinated advertising to the public unless a Special Event has been approved.
  - d. **Existing Parking Spaces.** Mobile Food Units may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.
  - e. **Restroom Facility.** Mobile Food Units operating at a location for more than three (3) hours must have a written agreement, available upon request by the Township, which permits employees to have access to a flushable restroom within 450 feet of the vending location during all the hours of operation. Alternatively, as approved by the township, provide or allow a contracted portable toilet facility. A portable toilet facility shall not be located within 100 feet of the Mobile food unit.

3. Mobile Food Units may operate after 7:00 a.m. and before 10:00 p.m. unless otherwise limited by the property owner or terms of the Conditional Use.
4. Mobile Food Units must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.
  - a. Mobile Food Units must be licensed and in compliance with the rules and regulations of local, state, and federal agency having jurisdiction over motor vehicles, food service and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.
  - b. A mobile food unit must demonstrate mobility at any reasonable time if requested by the Township.
  - c. Mobile Food Units may not operate, stop, stand, or park in any area of a right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.
  - d. A Mobile Food Unit may not operate within six (6) feet of any other Mobile Food Unit.
  - e. Amplified music or other sounds from any Mobile Food Units may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.
  - f. All Mobile Food Units shall comply with the electrical code currently adopted by the Township and any power, water, or sewage required for the Mobile Food Units shall be self-contained or have a quick disconnect and utilities are drawn from other source.
  - g. A mobile food unit shall have a potable water system adequate for safe operation of the food services provided. All water used in connection with the mobile food unit shall be from sources approved by the Department of Environmental Protection.

- h. If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location unless connected to a permitted sewerage system. Waste water disposal shall be to a sanitary sewage disposal system in compliance with local and state regulations. This shall also require approval of the Sewage Enforcement Officer or the Municipal Authority.
- i. Mobile Food Units shall serve pedestrians; drive-thru service is prohibited.
- j. To prevent discharges into the storm, drain system, river, each Unit shall have a spill response plan and kit on board to contain and remediate any discharge from the Unit. In the event of a spill, Operators are required to call the Township to assist with the clean-up of spills and to determine the need for a more extensive response.
  - 1) Spill Plan. Mobile Food Units must post on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include:
    - a) description of and typical quantities materials that may be spilled;
    - b) procedures for containing potentially spilled materials including proper disposal of spilled materials;
    - c) procedures for storage, use, handling and transfer of materials to reduce potential for spilling;
    - d) emergency notification requirements
  - 2) Spill Kit — Mobile Food Units must have a response kit on the vehicle including:
    - a) minimum of a 5-gallon storage and clean-up container capacity with lid;
    - b) minimum of 10 adsorbent pads and 2 adsorbent socks or equivalent;
    - c) disposable bag adequate to hold contents of spill kit and spilled materials;

- d) 1 pair of disposable gloves.

The area of a Mobile Food Unit's operation must be kept neat and orderly at all times. Operation of a Mobile Food Unit in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than 20 feet from all parts of the Unit) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Unit during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a Mobile Food Unit from a location.

- k. Mobile Food Units are limited to signs mounted to the exterior of the mobile food unit and one on property sign in compliance with the Township Zoning Ordinance. Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height. Signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must at all times conform to community standards of decency.
  - 1. Mobile Food Units may not sell alcoholic beverages, except as may be specifically allowed by state law.
  - m. The operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit unless approved by the Township.
5. This article does not apply to contractual arrangements between a Mobile Food Unit Operator and an individual, group, or the Township at a specific location, for a period of not more than eight (8) hours, and that is not open to or serving the public.

6. The Mobile Food Unit application for Conditional Use shall include in part:
  - a. Color photographs of the exterior (front, sides, and back) and interior food service portion of the vehicle in the final condition and with all markings under which it will operate;
  - b. A copy of the vehicle license and registration reflecting the vehicle identification number (VIN) of the Mobile Food Unit;
  - c. A copy of the Pa Department of Agriculture retail food license under The Retail Food Safety Act;
  - d. A valid certificate under Pa Department of Agriculture Food Employee Certification Program;
  - e. A copy of any alcoholic beverage licenses, if applicable;
  - f. A copy of the operator's business license issued by the state or the operator's home-based county;
  - g. The commissary operating base location; and
  - h. Description of all tables and accessory items separate from the mobile food service unit.
7. The applicant has an on-going duty to provide the Township with notice of any change to any of the information required by the Township to obtain the Mobile Food Unit Conditional Use, including current photographs of the Mobile Food Unit in the event of any change in the appearance of or signage on the unit.

#### **Section 1657 — Roadside Stands :**

Roadside Stands - Each roadside stand must not exceed a maximum size of four hundred (400) square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Roadside stands must be located at

least twenty (20) feet from the right-of-way of the roadway. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.

- a. Structures shall comply with the minimum setback requirements of the zoning district. Temporary Structures or stands shall be located not less than twenty (20) feet from the legal right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Code Enforcement Officer.
- b. Parking: Off-street parking spaces shall be provided behind the legal right-of-way and on the same side of the street as the stand or structures conducting the use. Parking spaces need not be permanently paved but must be improved with a material approved by the township engineer and appropriately marked.

## **SECTION 1658 SOLAR ENERGY SYSTEMS**

### **A. - Introduction**

The Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

Penn Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance, providing for access to and use of solar energy systems

### **B. Definitions**

**ACCESSORY SOLAR ENERGY SYSTEM:** An area of land and equipment or other area used for a solar collection system 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, or structure mounted, solar arrays or modules or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

**PRINCIPAL SOLAR ENERGY SYSTEM:** An area of land and equipment 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



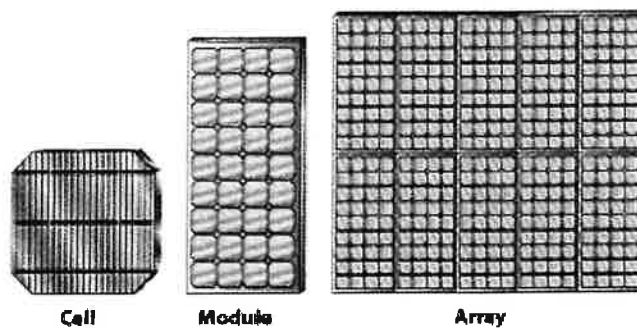
electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or structure mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SOLAR EASEMENT:** A right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to good sunlight for solar energy systems.

**SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLAR RELATED EQUIPMENT:** Including, but not limited to, a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or



other structures used for or intended to be used for collection of solar energy.

1. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
2. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.
3. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.

**C. Accessory Solar Energy Systems (ASES)**

1. Regulations Applicable to all Accessory Solar Energy Systems:
  - a) ASES shall be permitted as a use by right in all zoning districts.
  - b) Exemptions
    - 1) ASES with an aggregate collection and/or focusing area of (10) square feet or less are exempt from this ordinance.
    - 2) ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether or not it was existing prior to the effective date of this Section, that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
  - c) The ASES layout, design, installation, and ongoing maintenance 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 as enforced by Penn Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application. Access panels shall be placed in a manner that will prevent glare toward adjacent properties, occupied structures and roadways. Applicant shall have the burden of proving that the glare does not have an adverse impact on neighboring or adjacent property either through sighting or mitigation.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Penn Township codes under which the

ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Penn Township in accordance with applicable ordinances.

- d) For residential applications, a home improvement contractor must be registered with the Attorney General's office.
- e) All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
- f) The owner of an ASES shall provide Penn 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 has approved of such connection.
- g) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- h) Solar Easements
  - 1 Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
  - 2) Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
    - a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
    - b) Restrictions on the placement of vegetation, structures, and other objects which may

impair or obstruct the passage of sunlight through the easement;

c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

i) The ASES should be designed to use all energy created on site.

ii)

3). If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

i. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

#### J. Decommissioning

1. Each ASES and all solar related equipment shall be removed within six (6) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.

2. The ASES shall be presumed to be discontinued or abandoned if no electricity/thermal is generated by such

solar collector for a period of twelve (12) continuous months.

K. Permit Requirements

1. Zoning/Building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
2. The zoning/building permit shall be revoked if the ASES, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
3. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

2. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a. Solar panels shall not extend beyond any portion of the roof edge and not exceed fifteen (15) feet in height.

Exception: Solar energy systems located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof.

In all zoning districts such facilities shall be

screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the industrial zoning district.

- b. Wall mounted ASES shall comply with the setbacks for principal and accessory buildings in the underlying zoning districts and may only be attached to the principal or accessory buildings.

- c. Roof mounted solar panels shall not extend beyond any portion of the roof edge.
- d. Structure mounted solar panels on walls or pitched roofs shall be located on rear or side-faces as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof or walls, where the solar energy system can perform effectively.

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 Penn Township and that the roof or wall is capable of holding the load imposed on the structure.

3. Ground Mounted Accessory Solar Energy Systems:

a. Setbacks and Fencing

1. The minimum yard setbacks from side and rear property lines shall be thirty-feet (30') for residential lots, and fifty-feet (50') in all commercial and agricultural zoning districts.

2. A ground mounted ASES shall not be located within the front yard.

3. All nonresidential ground mounted ASES shall be completely enclosed by fencing that consists of a minimum six (6) foot high fence with a locking gate, or as designated by the municipality. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the ASES informing individuals of potential voltage hazards.

4. Residential Ground Mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of a plant or shrub which provides a visual screen, at least six (6) to eight (8) feet when mature. In lieu of a planting screen, a

decorative fence may be used.

- b. Height - Ground mounted ASES shall not exceed fifteen feet (15') in height above the ground at any point.
- c. Coverage
  - 1. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
  - 2. The total surface area of the arrays of residential ground mounted ASES on the property shall not exceed ten percent (10%) of the lot area.
  - 3. The applicant shall submit a storm water management plan that demonstrates compliance with the municipal storm water management regulations, if required, for review by the Township Engineer.

All mechanical equipment of the system including any structure for batteries or storage cells

- d. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- e. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

#### **D. PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)**

An application for a PSES shall provide a project narrative which includes an overview of the project, site layout, the generating capacity, the number, representative types and heights of facilities to be constructed, including their dimensions, capacity and manufacturers equipment descriptions and specifications. Provide a description of any ancillary agreements between the property owner(s) and solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction

and operation of the solar energy facility Provide description of complfance with Federal State and local requirements and permits by any governmental agency

I

A Contingency Pian of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry and furnished to the Municipality, the local fire company and the County Department of Emergency Services at the time an application is submitted. The same shall be reviewed and updated, if necessary, every five (5) years

1. Regulations Applicable to All Principal Solar Energy Systems:
  - a. PSES shall be a permitted use in the Industrial Park (I) and Agricultural/Rural (AR)Zoning Districts and Mixed Use Commerce (MUC) Zoning Districts
  - b. Exemptions
    1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section, which materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
  - c. 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 as enforced by Penn Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.



- d. If a PSES is being used for commercial/industrial activity on another property of the owner, then the municipality shall be informed of the intent of the PSES.
- e. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- f. The owner of a PSES shall provide Penn 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 has approved of such connection.
- g. No portion of the PSES shall contain or be used to display advertising.
- h. Noise from a PSES shall not exceed noise limitations in Article XIII, Section 1315 of the Zoning Ordinance. If requested by the Township a noise study shall be performed by an independent noise study expert at the applicant's expense.
- i. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- j. 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 Penn Township. The PSES owner and/or operator shall place a sign to be located on the gate of the PSES physical location. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- k. Decommissioning
  - 1) The PSES owner is required to notify Penn 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.

- 2) 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 owner's expense.
  - 3) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Penn Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
- l. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to property the development on or growth of any trees or vegetation on such property.

m. Solar Easements

- 1) Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- 2) Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
  - a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates,

during which direct sunlight to a specified surface or structural design feature may not be obstructed;

- b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage, of sunlight through the easement;
- c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- d) Explain the compensation for the owner of, the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- e) If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

n. Permit Requirement

1. PSES shall comply with the Penn Township Subdivision and Land Development and/or zoning /building permit applications requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

- o. PSES shall prevent concentrated solar radiation or glare projection onto nearby structures, roadways or beyond the boundaries of the land upon which it is located. The applicant has the burden of proving that there is no adverse impact on neighboring or adjacent uses. The Township may, in its sole and absolute determination, require applicant to provide the Township with a glare report/study. The said report/study may be required at the time of application or any time thereafter. The said report/study shall be subject to review and approval by the Township. The cost of the review and approval shall be paid by applicant or owner.

2. 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.
2. Ground Mounted Principal Solar Energy Systems:
    - A. Minimum lot size -The minimum lot size for a PSES shall be one (1) acre.
    - B. Setbacks One hundred feet (100') from adjacent residential districts or occupied structures.
    - C. Height - Ground mounted PSES shall not exceed (20') feet in height.
    - D. Impervious Coverage
      1. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious calculated in the lot coverage of the lot on which the system is located.
      2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
      3. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management
    - E. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Article XIII, Section 1310 of this ordinance.
    - F. In Agricultural zoning districts, no more than 50 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils.
    - G. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

H. Security

1. All ground-mounted PSES, shall be completely enclosed by a minimum eight-feet (8') high fence with a self-locking gate.
2. 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.

I. Access

1. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access and shall be improved with dust-free all-weather surfaces.
2. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Where applicable, the owner shall present documentation to the Township that the property owner has granted an easement for the The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local regulations.

- J. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

3. Roof and Wall Mounted Principal Solar Energy Systems:

- A. 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 Penn Township and that the roof or wall is capable of holding the load imposed on the structure
- B. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

**Section 1659 - WIND ENERGY SYSTEMS** — This section will be added to the Zoning Ordinance.

**A. PURPOSE**

The purpose of the Ordinance is to provide for the construction, operation and decommissioning of Wind Energy Facilities in Penn Township subject to reasonable conditions that will protect the public health, safety, and welfare.

**B. DEFINITIONS**

1. "Applicant" is the person or entity filing an application under this Ordinance.
2. 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.
3. "Facility Owner" means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
4. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
5. "Hub Height" means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
6. "Occupied Building" means a residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.
7. Principal Wind Energy — A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.
8. "Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

9. "Wind Turbine" means 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.
10. "Wind Energy Facility" means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
11. "Non-Participating Landowner" means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**C. USES**

1. Principal Wind Energy facility shall be considered a Conditional Use in the following zones: Agricultural/Rural and Forest Conservation.
2. Accessory Wind Energy Facility shall be considered a Conditional Use in all zones except High Density Residential (R2).
3. No Wind Energy Facility shall be permitted in the Steep Slope Conservation Overlay District.

**D. APPLICABILITY**

1. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.
2. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance. Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

**E. PERMIT REQUIREMENT**

1. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility shall be constructed or located within Penn Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.
2. The permit application or amended permit application shall be accompanied with a fee as per Penn Township Fee Schedule.
3. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.
4. The Wind Energy Facility shall be properly maintained and be kept free from all hazards, including, but not limited to faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner or operator to conform or to remove the Wind Energy Facility.

**F. PERMIT APPLICATION**

1. The Zoning/Building Permit Application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.
2. Among other things, the application shall contain the following:
  - a. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities. Standard drawings of the wind turbine structure and stamped engineered drawings



of the tower, base, footings, and/or foundation as provided by the manufacturer.

- b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
  - c. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
  - d. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  - e. Documents related to decommissioning including a schedule for decommissioning.
  - f. Other, relevant studies, reports, certifications, and approvals as may be reasonably requested by Penn Township to ensure compliance with this Ordinance. Within thirty – days (30) after receipt of a permit application, Penn Township will determine whether the application is complete and advise the applicant accordingly.
  - g. The owner of a Wind Energy Facility shall provide written confirmation that the public utility to which it will be connected has been informed of the customer's intent to install a grid connected system and approval of such connection.
3. Within sixty (60) days of a completeness determination, Penn Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present

the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

4. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Penn Township will make a decision whether to issue or deny the permit application.
5. Throughout the permit process, the Applicant shall promptly notify Penn Township of any changes to the information contained in the permit application.
6. Changes to the pending application that do not 'Materially alter the initial site plan may be adopted without a renewed public hearing.

**G. DESIGN AND INSTALLATION**

1. Design Safety Certification

The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcealloyd Wind Energies, or other similar certifying organizations.

2. Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry Controls and Brakes

Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be

considered a sufficient braking system for over speed protection.

3. Electrical Components

All electrical components of the Wind Energy Facility shall conform too relevant and applicable local, state, and national codes, and relevant and applicable international standards.

4. Visual Appearance; Power Lines

- a. Wind Turbines shall be a non-obtrusive color such as white, off-white, or gray.
- b. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- c. Wind Turbines shall not display advertising.
- d. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

5. Warnings

- a. A clearly visible warning sign concerning voltage must be permanently placed adjacent to the wind turbine.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

6. Climb Prevention/Locks

- a. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- b. All access doors to Wind Turbines and electrical equipment shall be locked and fenced, to a height of

eight ten (8) feet plus barbed wire barrier to prevent entry by non-authorized persons.

## **H. SETBACKS**

1. Occupied Buildings
  - a. Wind Turbines shall be set back from the nearest Occupied Building a distance of 1.1 times the Turbine Height. These setback distances shall be measured from the center of the Wind Turbine mounting base to the nearest point on the foundation of the Occupied Building.
  - b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-Participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine mounting base to the nearest point on the foundation of the Occupied Building.
2. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine mounting base.
3. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine mounting base.
4. No part of a Wind Energy Facility shall extend over parking areas, access drives, driveways, or sidewalks
5. The number of ground mounted Accessory Wind Energy Facility per lot shall be related to the energy capacity of the system and the electric consumption of the principal use on the lot. The electrical generation capacity of the Accessory Wind Energy Facility shall not exceed the electrical generation needs of the principal use on the lot. The electrical generating capacity of the Accessory Wind

Energy Facility and the electric consumption of the principal use shall be provided. The number of ground mounted Accessory Wind Energy Facility permitted on a lot shall be limited upon lot size and follow the schedule below.

Lot Size	Maximum Number of Ground Mounted Accessory Wind Energy Facility Per Lot
Less Than 5 Acres	1
5+ Acres to 10 Acres	2
10+ Acres	3

6. Ground Mounted Accessory Wind Energy Facility shall be prohibited in front yards, between the principal building and the street right-of-way.

7. The minimum ground clearance for the wind rotor blade of the Accessory Wind Energy Facility shall be twenty-feet (20').

#### **I. WAIVER OF SETBACKS**

1. At the request of the applicant, the governing body may grant partial waivers of the setback requirements under Sections 8 (A)(2) (Occupied Buildings on Non-Participating Landowner's property), 8 (B) (Property Lines) and 8 (C) (Public Roads) and 8(F) (Ground Mounted Accessory) of this ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest. The applicant shall submit a signed notarized' document from the property owner (s) that they are in agreement with the applicant's request for a waiver of the setback requirements under Section 8 (A)(2) and 8 (B) 8 (C) (Public Roads) and 8(F) (Ground Mounted Accessory) of this ordinance. This document shall stipulate that the property owners) know of the setback requirements required by this Ordinance, describes how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.
2. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver

of setback shall run with the land and may forever burden the subject property.

**J. USE OF PUBLIC ROADS FOR PRINCIPAL WIND ENERGY FACILITIES.**

1. The Applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation, or maintenance of the Wind Energy Facility.
2. Penn Township's engineer or a qualified third-party engineer hired by the Penn Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. Penn Township may require the applicant to bond the road in compliance with Township and State-regulations:
4. Any road damage caused by the Applicant, or its contractors shall be promptly repaired, as required and in a manner determined by the Township at the applicant's expense.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

**K. LOCAL EMERGENCY SERVICES**

1. The Applicant shall provide a copy of the project summary and site plan to county and local emergency services, including paid or volunteer Fire Department(s).
2. The Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

**L NOISE AND SHADOW FLICKER**

1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Nonparticipating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind

Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-Participating Landowner's property.
3. Any studies required to determine noise and shadow flicker shall be the responsibility of the facility owner/operator and/or the complainant.

**M. SIGNAL INTERFERENCES**

1. The Applicant shall avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
2. Any studies required shall be the responsibility of the facility/owner and/or the complainant.

**N Section 2113-LIABILITY INSURANCE**

1. The Principal Wind Energy Facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to Penn Township upon request.
2. The owner of an Accessory Wind Energy Facility shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the Accessory Wind Energy Facility.

**O. DECOMMISSIONING**

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the

end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

## 2. PRINCIPAL WIND ENERGY

- a. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- b. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- c. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to Penn Township after the first year of operation and every fifth year thereafter.
- d. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Penn Township.
- e. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 2114.A then the landowner shall have six (6) months to complete decommissioning.



- f. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Section 2114.A and Section 2114.B.5, then Penn Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Penn Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Penn Township may take such action as necessary to implement decommissioning plan in accordance with Section 2114.A above the escrow agent shall release the decommissioning funds to the Township.
- g. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated, and the Penn Township concurs that decommissioning has been satisfactorily completed, or upon written notice/approval by Penn Township in order to implement the decommissioning plan.

**P. PUBLIC INQUIRIES AND COMPLAINTS**

- 1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- 2. The Facility Owner and Operator shall make reasonable efforts to respond to the Township's and/or public's inquiries and complaints within a 14-calendar day period.

**Q. REMEDIES**

- 1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance.

2. If Penn Township determines that a violation of the Ordinance or the permit has occurred, Penn Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Penn Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.
3. If after thirty (30) days from the date of the notice of violation Penn Township determines, in its discretion, that the parties have not resolved the alleged violation; Penn Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.