
ZONING ORDINANCE

ALBANY TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

Adopted by the Albany Township
Board of Supervisors on December 30, 2004.

DEVELOPED UNDER THE DIRECTION OF:

BOARD OF SUPERVISORS

AND

PLANNING COMMISSION

Lawrence Shrawder, Chairman
Donald M. Meyers
Dean A. Rabert

Jamie Robertson, Chairman
Paul Bauscher
Anita Zawada
David Dietrich
Bruce D. Follweiler

ZONING OFFICER

Dennis Reiss

TOWNSHIP ENGINEER

Joseph H. Body, PE, PLS

TOWNSHIP SOLICITOR

James L. Davis, Esquire

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions, but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Turn to the **Table of Contents** and the **Index** to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district your lot is in.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in two ways:
 - a) by right, or
 - b) by condition (the Board of Supervisors must approve the use after review by the Planning Commission as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum area of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the Definitions in Article II to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits or can be sold. See Article IX - "Non-Conformities."

Certain specific uses must comply with additional **regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as very small businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

Turn to the following parts of the Zoning Ordinance if your lot may be flood-prone or steeply sloped:

- If your lot is low-lying or near a creek or drainage channel, study the **Floodplain Map** in the Township Building. This map shows areas expected to flood in an average 100-year period (called the "**100-Year Floodplain**"). If a tract is within the 100-year Floodplain, the regulations of Article X need to be met. An applicant also should consult a professional to determine whether any **Wetlands** are present on the tract. If so, Federal and State wetland regulations must be complied with if the wetlands are to be altered or filled in any manner.
- If your lot is partly or entirely **steeply sloped**, see Section 505.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article VII must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following two major considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a "Hardship".
- If one or more new lots will be created, or existing lot lines will be altered or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Building.

TABLE OF CONTENTS

PAGE

TITLE: ENACTMENT

ARTICLE I ADMINISTRATION	1-1
101. PURPOSE AND OBJECTIVES	1-1
102. APPLICABILITY OF THIS ORDINANCE	1-1
103. ENFORCEMENT, VIOLATIONS AND PENALTIES	1-1
104. FILING FEES AND COSTS	1-1
105. INTERPRETATION AND SIMILAR USES	1-1
106. GENERAL PROCEDURE FOR PERMITS	1-2
107. PERMITS AND CERTIFICATES	1-2
108. AMENDMENTS TO THIS ORDINANCE	1-5
109. CURATIVE AMENDMENTS	1-6
110. ZONING OFFICER	1-6
111. ZONING HEARING BOARD ACTIONS AND VARIANCES	1-6
112. BOARD HEARINGS AND DECISIONS	1-9
113. APPEALS	1-11
114. PUBLIC UTILITY EXEMPTIONS	1-11
115. TOWNSHIP LIMITED EXEMPTION	1-11
116. SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES	1-11
117. CONDITIONAL USE PROCESS	1-13
118. LIABILITY	1-15
ARTICLE II DEFINITIONS	2-1
201. WORD USAGE	2-1
202. TERMS DEFINED	2-1
ARTICLE III DISTRICTS, PERMITTED USES AND YARD REQUIREMENTS	3-1
301. DESIGNATION OF DISTRICTS AND PURPOSES	3-1
302. APPLICABILITY OF DISTRICT REGULATIONS	3-2
303. ZONING MAP	3-2
304. DISTRICT BOUNDARIES	3-2
305. SETBACKS ACROSS MUNICIPAL BOUNDARIES	3-3
306. TABLE OF PERMITTED USES BY DISTRICT	3-3
307. TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT	3-16
308. REVIEW OF FARM AND NATURAL FEATURES IMPACTS; SETBACKS AND BUFFERS FROM FARMLAND	3-21
309. LOT AVERAGING TO PRESERVE NATURAL FEATURES	3-23
310. AGRICULTURAL PRESERVATION AND LIMITED SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE AG, AG/L AND WC ZONING DISTRICT ..	3-26
ARTICLE IV ADDITIONAL REQUIREMENTS FOR SPECIFIC USES	4-1
401. APPLICABILITY	4-1
402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES	4-1
403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES	4-27

ARTICLE V ENVIRONMENTAL PROTECTION	5-1
501. ADDITIONAL INFORMATION	5-1
502. NUISANCES AND HAZARDS TO PUBLIC SAFETY	5-1
503. WETLANDS REVIEW	5-1
504. SETBACKS FROM CREEKS	5-1
505. STEEP SLOPES	5-2
506. THREATS TO WATER QUALITY	5-3
507. SEWAGE DISPOSAL	5-3
508. NOISE	5-4
509. VIBRATION	5-4
510. ODORS AND DUST	5-5
511. OUTDOOR LIGHTING AND GLARE	5-5
512. EROSION CONTROL, DRAINAGE, FILLING, EXCAVATION AND GRADING	5-5
513. FLOOD-PRONE AREAS	5-6
514. TREE PRESERVATION; FORESTRY	5-12
ARTICLE VI OFF-STREET PARKING AND LOADING	6-1
601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES	6-1
602. GENERAL REGULATIONS FOR OFF-STREET PARKING	6-5
603. DESIGN STANDARDS FOR OFF-STREET PARKING	6-6
604. PARKING AND STORAGE OF JUNK VEHICLES AND TRACTOR-TRAILERS	6-10
605. OFF-STREET LOADING	6-10
ARTICLE VII SIGNS	7-1
701. APPLICABILITY	7-1
702. NONCONFORMING SIGNS	7-1
703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS	7-1
704. FREESTANDING, WALL AND WINDOW SIGNS	7-5
705. ABANDONED OR OUTDATED SIGNS	7-6
706. LOCATION OF SIGNS	7-6
707. ILLUMINATION OF SIGNS	7-7
708. VEHICLES FUNCTIONING AS SIGNS	7-7
709. PROHIBITED SIGNS	7-7
710. CONSTRUCTION OF SIGNS	7-7
711. MEASUREMENT AND MAJOR TYPES OF SIGNS	7-7
712. OFF-PREMISE SIGNS (Including Billboards)	7-8

CONTENTS (Cont.)

	PAGE
ARTICLE VIII GENERAL REGULATIONS	8-1
801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS	8-1
802. HEIGHT EXCEPTIONS	8-1
803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS	8-1
804. LANDSCAPING	8-6
805. TEMPORARY USES	8-6
806. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REQUIREMENTS APPLYING TO NON-RESIDENTIAL BUILDINGS	8-6
807. DRIVEWAY COMPLETION	8-7
ARTICLE IX NONCONFORMITIES	9-1
901. PROOF AND REGISTRATION OF NONCONFORMITIES	9-1
902. CONTINUATION OF NONCONFORMITIES	9-1
903. EXPANSION, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES	9-1
904. DAMAGED OR DESTROYED NONCONFORMITIES	9-2
905. ABANDONMENT OF A NONCONFORMITY	9-2
906. CHANGES FROM ONE NONCONFORMING USE TO ANOTHER USE	9-3
 INDEX	
 ZONING MAP	
 STREET CLASSIFICATION MAP	Inserts at end

TITLE PAGE

1. **TITLE**. An Ordinance: a) dividing Albany Township into districts and regulating the use of land and the location, use and density of buildings within these districts; b) providing for the administration, implementation and enforcement of this Ordinance; c) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures, d) establishing the maximum density and intensity of development; and e) establishing provisions for special exceptions and variances to be administered by a Zoning Hearing Board.

2. **SHORT TITLE**. This Ordinance shall be known and be cited as the "Albany Township Zoning Ordinance of 1994" as amended.

3. **SEVERABILITY**. It is hereby declared to be the legislative intent that:
 - 3.A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

 - 3.B. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

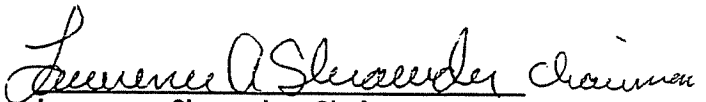
4. **REPEALER**. All other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including the pre-existing Albany Township Zoning Ordinance of 1986, as amended, and the pre-existing Albany Township Zoning Ordinance of 1994, as amended.

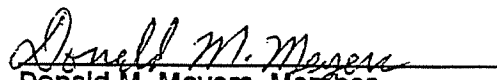
5. **ENACTMENT**. Under the authority conferred by the PA. Municipalities Planning Code, as amended, the Board of Supervisors of Albany Township hereby enacts and ordains into an Ordinance the attached document this 28th of April, 2001. This Ordinance shall become effective in 5 calendar days.

6. **2004 Amendment**. This Ordinance is hereby amended this 30th day of December, 2004. This Ordinance shall become effective in 5 calendar days.

Date of Planning Commission Public Meeting:

Date of Board of Supervisors Public Hearing: 12/30/04


Lawrence Shrawder, Chairperson,
Board of Supervisors


Donald M. Meyers, Member


Attest, Township Secretary


Dean A. Rabert, Member

ARTICLE I ADMINISTRATION

101. **PURPOSES AND OBJECTIVES.** This Ordinance is hereby adopted: 1) in accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended, 2) in accordance with the community development goals and objectives (which are included by reference) of the Albany Township Comprehensive Plan of 1992 (as may be amended), which constitutes an overall program, 3) in consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, and 4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PA. DER regulations on erosion and sedimentation control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.
102. **APPLICABILITY OF THIS ORDINANCE.**
- 102.A. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 107.A.
- 102.B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA. Municipalities Planning Code, or such successor section.
103. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** See Sections 616 and 617 of the PA. Municipalities Planning Code.
104. **FILING FEES AND COSTS.**
- 104.A. The Board of Supervisors may establish and update by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance. No application or appeal shall be considered filed until all fees are paid.
- 104.B. Unless revised by future resolution of the Board of Supervisors, the application fee for a conditional use shall be \$500 plus the actual costs of all legal advertisements. For review fees for a solid waste use, see Section 402.
105. **INTERPRETATION AND SIMILAR USES.**
- 105.A. **Minimum Requirements.** The provisions of this Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where more than 1 provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- 105.B. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right, by condition or by special exception by this Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Ordinance.
- 105.C. **Interpretation of Ordinance Text and Boundaries.** The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. See Section 111 concerning appeals by an applicant. The Zoning Officer may request an advisory opinion from the Township Solicitor or the Zoning Hearing

Board Solicitor.

105.D. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

106. **GENERAL PROCEDURE FOR PERMITS.**

106.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the permit under this Ordinance or 2) refuse the Permit indicating a reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing. See Section 111 concerning appeals of a decision by the Zoning Officer.

106.B. 30 Day Challenge Period. It is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

107. **PERMITS AND CERTIFICATES.**

107.A. Applicability. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out after receipt of a Township permit (except as stated below) and any additional required Township approval after the applicant shows compliance with this Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign;
 - a) See Section 703 which lists signs not required to have a Township permit.
 - b) Storage sheds of less than 100 square feet of floor area are not required to have a Township permit.
2. Change of the type of use or expansion of the use of a structure or area of land;
3. Creation of a lot or alteration of lot lines; and/or
4. Creation of a new use.
 - a) A Township permit is specifically required for any home occupation and any "farm-related business."

107.B. Types of Uses.

1. Permitted by Right Uses. This type of use may be granted zoning approval by the Zoning Officer if all requirements of this Ordinance are met.
2. Application Requiring a Variance. This type of use shall require a written approval by the Zoning Hearing Board.
3. Conditional Use. This type of use shall require a written zoning approval by the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

107.C. Applications.

1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the Township.
 - a. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Zoning Officer or such other Township employee responsible for processing such application. The date of receipt should be noted on the application.
2. When a site plan is required, at least 2 copies shall be submitted. Such site plan shall be drawn to scale. A site plan shall be required for: any new building, building addition, parking lot and where the Zoning Officer determines that a site plan is needed to determine compliance with this Ordinance.
3. Except as provided for in part "5." below, any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:
 - a. the location and dimensions of the lot,
 - b. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land,
 - c. name and address of the applicant, or appellant,
 - d. name and address of the owner of the affected property (if different from the applicant),
 - e. a description of the proposed use of the property,
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance
 - g. the locations of any trees or forested areas with a trunk diameter of 6 inches or greater measured 4.5 feet above the average surrounding ground level that may be impacted in any way by the proposal (with trees identified with a trunk diameter over 18 inches) and
 - h. all other applicable information listed on the official Township application form.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Ordinance:
 - a. the present zoning district and major applicable lot requirements,
 - b. a description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive

hazards or other significant public health and safety hazards,

- c. if a non-residential use is proposed within close proximity to dwellings, a description of hours of operation,
- d. a listing of any sections of this Ordinances being appealed, with the reasons for any appeal.

5. Porches and Accessory Buildings. For the construction of a porch or an accessory building of less than 700 square feet, the applicant shall only be required to submit evidence that the structure: a) will meet the setback requirements of this Ordinance and b) will not intrude into the an existing septic system location or an officially designated alternate septic system location.
6. Other Laws. The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by him or her that such a use would violate another Township, State or Federal law or regulation, until such time as the applicant proves compliance.
7. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
8. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission or Township Engineer) for review and comment.

107.D. Issuance of Permit.

1. At least 3 copies of any permit required under this Ordinance shall be made. One copy of any such permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
2. Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.
3. Where applicable, a State Highway Occupancy Permit shall be required prior to issuance of a Township Building Permit.

107.E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

1. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.) or
2. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application or a condition imposed as part of a special exception, conditional use or variance approval or
3. for any other just cause set forth in this Ordinance or
4. for violation of the Subdivision and Land Development Ordinance.

107.F. Temporary Permit. A temporary permit may be issued by the Zoning Hearing Board as a special exception for temporary commercial special events or temporary structures or uses subject to the following additional provisions:

1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.
2. Fee. Either the Zoning Hearing Board or the Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
3. Nonprofit. Only a well-established and Internal Revenue Service- recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.

107.G. Changes to Approved Plans.

1. After the issuance of a permit and/or approval of a site plan under this Ordinance by the Township, such approved application and/or site plan shall not be changed without the written consent of the Zoning Officer.
2. Changes to a site plan approved by the Board of Supervisors as a conditional use shall require re-approval of the changes by the Board if the Zoning Officer determines that such changes significantly affect matters that were within their approval. Such approval by the Supervisors is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

108. **AMENDMENTS TO THIS ORDINANCE.**

108.A. Within the procedural requirements of the PA. Municipalities Planning Code (see Sections 609 and 610), the Board of Supervisors may amend, "cure" or repeal any or all portions of this Ordinance on:

1. its own motion or
2. upon agreeing to hear a written request of any person, entity or the Planning Commission.

108.B. Review of Ordinance Amendments.

1. For a proposed amendment that was not prepared at the direction of the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment and permit the Commission an opportunity to provide recommendations.
2. County Review. The Township shall submit the proposed amendment to the Berks County Planning Commission for recommendations at least 30 days prior to the hearing on such proposed amendment. No action shall be taken by the Board of Supervisors until any County comments are received, unless 30 days pass without such comments being received.

108.C. Application for Amendment. Any request for amendment of the Zoning Ordinance shall be in writing. Any request by a property-owner or developer shall state in writing the reasons for such request.

108.D. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Township officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Township official to contact for more information. Such notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

109. **CURATIVE AMENDMENTS.** See Sections 609 and 916 of the PA. Municipalities Planning Code. For a curative amendment request, the applicant shall at a minimum compensate the Township for all actual expenses for legal advertising, in addition to any other fees stated in the Township fee schedule.

110. **ZONING OFFICER.**

110.A. Appointment. The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices.

110.B. Duties and Powers. The Zoning Officer shall:

1. receive and examine all applications required by this Ordinance, and issue or refuse permits within this Ordinance;
2. receive complaints of violation of this Ordinance, and enforce the Ordinance within the provisions established by the PA. Municipalities Planning Code;
3. maintain records of applications, permits, variances, written decisions and interpretations issued and of complaints received, of official reports rendered, and of legal notices;
4. perform all other duties called for in this Ordinance;
5. not permit any activity which does not conform to this Ordinance.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

111.A. Appointment. The existing Zoning Hearing Board shall be continued and shall consist of 3 residents of the Township appointed by the Board of Supervisors, unless a differing number of members are authorized by another valid Township ordinance. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code. Board members shall serve terms of 3 years, so fixed that the term of office of no more than one regular member and one alternate member expire each year. Members of the Board shall hold no elected office in the Township.

111.B. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

111.C. Removal of Members. See Section 905 of the PA. Municipalities Planning Code.

111.D. Organization.

1. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law. The Board shall elect officers for annual or bi-annual terms from its own membership.
2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except within the hearing officer process established by the PA. Municipalities Planning Code.
3. Alternate Members. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code.

111.E. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:

1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.
2. Challenge to the Validity of the Ordinance or Map.
 - a. The Board shall hear challenges to the validity of this Ordinance filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.
 - b. After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the Municipalities Planning Code.
3. Variance.
 - a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
 - b. Standards. The Board may grant a variance only within the limitations of State law. (As of 1993, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of

the property;

- iii) Such unnecessary hardship has not been created by the appellant;
 - iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
- c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
 - d. The Board may also grant a variance for a physical improvement needed to comply with the Americans With Disabilities Act.

4. Hearings. See Section 112.

5. Records and Reports. The staff to the Board shall keep full public records of its business.

6. Court Appeals. In the case of an appeal from the Board to the Court of Common Pleas, the Appellant shall make the return required by law.

111.F. Time Limitations for Appeals. The time limitations for appeals shall be as follows:

- 1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under Section 914.1 of the PA. Municipalities Planning Code.
- 2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
- 3. This 30 day time limit for appeals shall not apply to the revocation of a permit under Section 107.F.

111.G. Stay of Proceedings. See Section 916 of the PA. Municipalities Planning Code.

111.H. Time Limitations on Permits and Variances.

- 1. After a variance is approved or approval is officially authorized under this Ordinance, then a permit shall be secured by the applicant within 12 months after the date of such approval or authorization. Such action under such permit shall then begin within 12 months of the issuance of the permit.

2. Township Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.
3. Federal or State Approvals. If an application requires a Federal or State permit or approval, than the time limits of this Section may apply from the date of such issuance or approval, provided that: a) the applicant applied for such permit or approval prior to or within 60 days after applying for Township approval, and b) the applicant continues to diligently seek such approval or permit.
4. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the time periods in this section.
5. If an applicant fails to obtain the necessary permits within the above time period, or fails to diligently commence substantial construction within the above time period or allows interruptions in substantial construction of longer than 6 months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits become null and void.

112. **BOARD HEARINGS AND DECISIONS.** The Board shall conduct hearings and make decisions in accordance with the following:

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until the hearing.
3. Persons Given Notice. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Commission, Board of Supervisors and owners of record of property abutting and directly across the street from the lot lines of the subject property. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered by a Township representative to the last address known to the Township. Such notice should be intended to be received at least 5 days prior to the hearing date.
4. Adjacent Municipalities. In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter at least 7 days prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.
5. Fees. The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by

this Ordinance.

- 112.B. Parties in Hearings. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
- 112.C. Oaths and Subpoenas. The chair of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.
- 112.D. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.
- 112.E. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the hearing officer, as applicable, shall keep a record of the proceedings as required by State law.
- 112.F. Communications Outside of Hearings.
1. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
 2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Board's solicitor.
- 112.G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, County Conservation District, Township Staff, Township Engineer or other professional provide an advisory review on any matter before the Board.
- 112.H. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's submittal of a complete application, unless the applicant has agreed in writing to an extension of time.
- 112.I. Decision/Findings.
1. The Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
 2. Where the application is contested or denied, the decision should include findings of fact and conclusions based thereon, together with the reasons for such conclusions. Any conclusion based on any provision of the PA. Municipalities Planning Code or of this Ordinance should contain a reference to the provision relied on.
- 112.J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established

by Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS.**

113.A. In General. All appeals of this Ordinance or any action of the Board of Supervisors, the Zoning Officer or the Board under this Ordinance shall conform with Article X-A of the PA. Municipalities Planning Code. See Section 112 "Hearings."

113.B. Procedural Defects in Enactment. Allegations that this Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Ordinance or amendment.

114. **PUBLIC UTILITY EXEMPTIONS.** See Section 619 of the PA. Municipalities Planning Code.

115. **TOWNSHIP LIMITED EXEMPTION.** The minimum lot area and minimum lot width requirements of this Ordinance shall not apply to uses or structures owned by Albany Township for uses and structures that are intended for a legitimate governmental or public health, safety, public utility or recycling purpose.

116. **SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES.**

116.A. When Site Plan Required. A site plan review by the Planning Commission and Board of Supervisors is required for any of the following uses unless the physical layout of the buildings and improvements has been submitted as part of a subdivision or a land development.

1. Any expansion of more than 3,000 square feet in floor area of a principal non-residential building.
2. Any new principal non-residential building.
3. Any new or expanded paved area of greater than 10,000 square feet.

116.B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:

1. Submission. A minimum of 3 complete copies of any required site plan shall be submitted to the Township. Such site plan shall meet the information requirements listed in Section 116.C. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Ordinance. A minimum of 1 copy shall be retained in Township files. The Zoning Officer may request a review by the Township Engineer if engineering matters are involved.
2. If earth disturbance is involved, a soil and erosion control plan shall be submitted to the Township and the County Conservation District.
3. Time. The Planning Commission and Board of Supervisors shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in Section 116.B.4. below.
4. The Zoning Officer shall review the site plan and determine its compliance with this Ordinance, based upon his/her review and any comments of the Board of Supervisors and Planning Commission. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Commission

regular meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.

5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Board of Supervisors and Planning Commission.

116.C. Submittal Requirements. The following site plan submittal requirements shall not apply to a general home occupation. A required Site Plan shall include the following information, unless for information waived by the Zoning Officer as not applicable or necessary:

1. A statement describing the proposed use.
2. Layout. A site layout drawn to scale (preferably 1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
- 3.* Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types of required landscaping to be provided.
- 4.* Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.
- 5.* Lighting and Signs. The height, location and general type of exterior lighting. The sign area, height, location and general method of lighting of signs.
6. Utilities. Note stating general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").
7. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, odors, dust, fire or toxic or explosive hazards or other hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.
- 8.* Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed. Identification of any slopes between 15% and 25% and greater than 25% proposed to be impacted. Proposed method of managing stormwater runoff. See steep slope provisions in Section 505. Delineation of any floodplains from the Official Federal Floodplain Maps.
9. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
10. Zoning district and major applicable requirements.
11. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.

12. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Township ordinances.

* This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

117. **CONDITIONAL USE PROCESS.**

117.A. Applicability. This section applies to uses listed as "Conditional Uses" in the applicable district.

117.B. Procedure.

1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) that is directly relevant to the site layout and nature of the use is granted. The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.
2. Submission. A minimum of 3 complete copies of any required site plan shall be submitted to the Township. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance. See Section 104 concerning fees. For review fees for a solid waste use, see Section 402.
3. Erosion Control. If earth disturbance is involved, the applicant shall submit a soil and erosion control plan shall be submitted to the Township and the County Conservation District, unless such review will occur under the Subdivision and Land Development Ordinance.
4. Township Distribution. The Township shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of 1 copy shall be retained in the Township files. The Township Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
5. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
6. Planning Commission. The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Supervisors.
7. The Board of Supervisors shall not act to approve or deny a conditional use application unless: a) the Supervisors have received the reports of the Zoning Officer and the Planning Commission or b) unless a period of 60 days has passed from the date of the application.
8. The Board of Supervisors shall approve, conditionally approve or disapprove the conditional use submission. In granting a conditional use, the Board of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance.
9. The decision of the Board of Supervisors shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the

applicant or his/her representative.

10. SALDO. If an applicant requests, the conditional use application shall be reviewed during the same process as a land development or subdivision application.
11. It is the specific intent of this Ordinance that the applicant has the burden of proof on all conditions set forth in the Ordinance.

117.C. Approval of a Conditional Use. The standards of this Section 117.C. shall not apply to a General Home Occupation or the Lot Averaging Incentive. The Board of Supervisors shall approve any proposed conditional use if they find adequate evidence that the proposed use will:

1. Meet any specific standards for the proposed use listed in Sections 402 or 403.
2. Meet other applicable sections of this Ordinance.
3. Be in general conformance with the requirements of the Subdivision and Land Development Ordinance, as applicable. Actual approval under such Ordinance may occur separately from the conditional use approval if the applicant requests.
4. Meet all of the following standards:
 - a. Other Laws. Will not clearly be in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.
 - b. Traffic. Will not result in or significantly add to a significant traffic hazard or significant traffic congestion.
 - c. Safety. The applicant shall show that the prove that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.
 - d. Storm Water Management. Will follow adequate, professionally accepted engineering methods to manage storm water. Stormwater shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management by the Board of Supervisors under the Subdivision and Land Development Ordinance.
 - e. Neighborhood. Will not significantly negatively affect the desirable character of an existing or approved residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night/ early morning hours of operation.
 - f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.
 - g. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Ordinance, as stated in Article V.

118. **LIABILITY.**

- 118.A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE II DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F. **If a word is not defined in this Ordinance, but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.** If a word is defined in both this Ordinance and another township ordinance, each definition shall apply to the provisions of each applicable Ordinance.
- G. Any word or term not defined in this Ordinance or in the Township Subdivision and Land Development Ordinance, as amended, shall be used with its plain and usual meaning within the context of the Section. A standard reference dictionary should be consulted.
- H. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing 2 or more dwelling units or 2 or more commercial, institutional or industrial principal uses. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building (such as a private garage, private toolshed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

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

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. See definition of "abut."

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimers disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility.

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. This use generally is prohibited under State Act 219 of 1990.

Agriculture. Shall mean "crop farming", "plant nursery" and "raising of livestock". See definition of each.

Airport. An area of land or water or a surface of a building which is designated, used or intended to be used for the landing and take-off of motorized aircraft (other than 1 person ultra light aircraft, which are not regulated by this Ordinance) that carry people, and any related aircraft support facilities such as for maintenance, refueling and parking. A "public airport" shall be one that does not meet the definition of a "private airport." A "private airport" shall be one that is limited to a maximum total of 15 flights and/or take-offs in any 7-day period and that is not available for use by the general public.

Alley. A right-of-way providing secondary access to the side or rear on 1 or more lots which

has a maximum right-of-way width of 25 feet and a minimum cartway width of 12 feet.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae. This includes any accessory supporting structures.

Animal Cemetery. Land or buildings used for the internment or burial of the remains of non-cremated non-human animals. This term shall not include the following, which shall be permitted by right accessory uses in any district: a) the burial of 1, 2 or 3 animals on a lot of less than 20 acres, b) the burial of up to 9 animals on a lot of 20 or more acres and c) the spreading of remains of animals cremated in a sanitary fashion.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance, and his/her heirs, successors and assigns.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of a "auto service station" is also permitted as part of an "auto repair garage."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include a convenience store selling ready-to-eat food for consumption off the lot, common household products and similar items.

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6 feet or greater and b) the top of the foundation of the building is an average of 4 or more feet above the finished grade of the front side of the building that faces onto a street.

Bed and Breakfast Use. The use of a single family detached dwelling and/or accessory structure and/or converted barn which includes the rental of overnight sleeping accommodations and bathroom access with a maximum of 8 rental units (unless otherwise specified by another section of this Ordinance). This shall not include a use that provide any cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met. This term shall only include a use serving transient

visitors to the area. See standards in Section 402.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premises."

Biological Field Station. A non-commercial building dedicated to the study of nature, wildlife, or the environment, and which includes residential and sanitary facilities for no more than 10 residents at any given time. A biological field station is controlled or owned by a governmental agency, university, college, museum, or other private non-profit institution dedicated to the preservation of wildlife, nature or the environment. A biological field station must be on a lot containing at least 5 acres and shall not exceed 3,000 square feet of floor area.

Board. The Zoning Hearing Board of Albany Township.

Board of Supervisors. The Board of Supervisors of Albany Township.

Boarding House or "Rooming House". A residential use in which: a) 2 or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Width. The horizontal measurement between 2 structural walls of 1 building that are generally parallel, measured in one general direction that is most closely parallel to the required

lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Campground. A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this ordinance.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises.

Clear Cutting. A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof.

Cluster Development. A residential development meeting all of the requirements of Article IX.

Commercial Communications Tower/Antennae. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, such as but not limited to antenna used for transmitting commercial radio or television signals or cellular telephone communications. This shall not include a standard antenna.

Commercial District. The C/LI Zoning District.

Commercial Outdoor Recreation. An use that a) has a total building coverage of less than 15%, b) is used principally for active or passive recreation (such as a driving range) and c) is used for a profit-making purpose.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission. The Planning Commission of Albany Township.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The document entitled the Albany Township Comprehensive Plan, or any part thereof, adopted by the Board of Supervisors, as amended.

Conditional Use. A use which is allowed or denied by the Board of Supervisors within the provisions of Article I, after review by the Planning Commission.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the

remainder of the real estate which is designated for common ownership, and which was created under either the Pennsylvania Unit Property Act of 1963 or was/is created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

County. The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission. The Berks County Planning Commission.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. "Crop farming" shall also include orchards and Christmas tree farms and raising of limited numbers of livestock as a clearly accessory use, but shall not include intense raising of livestock, commercial forestry, riding academies or kennels.

Curative Amendment. A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives or 2) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. Child Day Care Center, as an Accessory Use. A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver. See Section 403.
- B. Child Day Care Center, as a Principal Use. A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator. See Section 402.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

D.E.R. (or "DER"). Shall mean the Pennsylvania Department of Environmental Resources, or its successor, and its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A principal or accessory building that includes residential areas occupied exclusively by faculty or students of an accredited college or university or State licensed teaching hospital or accredited public or private primary or secondary school.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. Low-Rise Apartments (Garden Apartments). Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- D. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open areas on all sides.
 - 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "Sectional home."
- E. Single Family Semi-Detached Dwelling/ Half of a Twin Dwelling. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot.
- F. Townhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."
- G. Two-Family Detached Dwelling. Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the

remainder of the living area.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than 4 persons who are not "related" to each other (see definition in Article II), except a higher number may be specifically permitted within the provisions for group homes in Section 402. A "treatment center" shall not be considered a "family" or a "group home."

Farm-Related Use. An accessory use to a dwelling or farmstead, and which meets the requirements for such use in Sections 306 and 403.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not regulate engineering retaining walls, which are permitted uses as needed in all Districts.

Floodplain (100-Year). See definitions in Article V of this Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. For the purposes of regulating floor area of dwelling units, floor area specifically shall not include the following: a) elevator shafts, b) common stairwells, c) unheated areas or d) unenclosed porches, decks or breezeways.

Forestry, Commercial. The harvesting of more than 25 live trees with a trunk width of 6 inches or more at a height 4.5 feet above the average ground level on any tract or lot within a calendar year. This term shall not apply to the following, which are permitted by right uses in all districts: 1) cutting of trees that involve less than 20 percent of all trees on 1 or more abutting lots with a trunk width of greater than 6 inches, 2) cutting of trees with a trunk width less than 6 inches, 3) cutting of fewer than 25 such trees in a calendar year, 4) Christmas tree farms or 5) clearing of portions of a lot that is clearly the minimum necessary for construction.

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 402(17), and meets all other standards of such section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.
4. Does not meet the definition of a "treatment center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. is conducted primarily by a permanent resident of the dwelling;
- B. only involves persons working on the premises who are permanent residents of the dwelling plus a maximum number of non-residents permitted by Section 403;
- C. only include uses that are clearly incidental and secondary to the principal residential use;
- D. specifically does not include a use prohibited as a home occupation in Section 403.

- Home Occupation, Light. A "home occupation" that meets all of the following types of standards:

- 1) only persons who live within the dwelling shall work within a light home occupation,
- 2) the use cannot reasonably be expected to involve more than 5 vehicles visiting the site for business purposes on the average day,

- 3) a light home occupation is limited to the following types of activities:
 - a) office-type or clerical work (such as writing, editing, drafting, tax preparation, computer programming, computer data inputting, typing, addressing and sending mail),
 - b) custom sewing and fabric crafts,
 - c) creation of visual arts (such as painting, ceramics, sculpture or wood carving),
 - d) tutoring (such as musical instruction, art instruction or school-related tutoring) or
 - e) sales and surveys over the telephone.

- Home Occupation, General. A "home occupation" that does not meet the standards for a "light home occupation," but which meets all other standards for a home occupation. For example, if a home occupation involves persons working on-site who do not live on-site, then approval is needed as a general home occupation. (A general home occupation typically requires conditional use approval.)

Hospital. A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

Hotel, Motel or Inn. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel, motel or inn may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Impervious Coverage. The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious."

Industrial District. Includes the C/LI District.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft,

glass, plastics, machinery, equipment, containers and building materials other than materials permitted under Section 306.E. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for licensed antique cars not required to have an inspection sticker), (licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this Section),
- B. cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- C. cannot be immediately towed, in regards to a vehicle designed to be towed,
- D. has been demolished beyond repair and/or
- E. has been separated from its axles, engine, body or chassis.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
 - 1. "Junk." (see definition).
 - 2. A greater number of junk vehicles than is permitted under Section 604 that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

Kennel. The keeping of a total of more than 20 dogs and/or cats over 3 months in age on a lot. A non-profit animal shelter is a type of kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Livestock. Livestock shall include but is not limited to livestock, cattle, goats, pigs and swine, llamas, poultry, chickens, turkeys, insects, equine animals, bovine animals commonly raised upon farms in Berks County, Pennsylvania.

Livestock, Raising of. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the

"Keeping of Pets" section of Section 403 and beyond what is allowed within the definition of "crop farming." This use shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

- A. Intensive Raising of Livestock. The raising of livestock that involves a density of more than 2 animal units per acre, or a total of 120 animal units, within a building(s), pens, cages, or feed lot, or the raising of any garbage-fed livestock of any amount or density. "Animal units", "amount of land" (based on land area available for manure application whether owned or leased, which can include several different non-contiguous locations) and "animal density" shall be defined and calculated as set forth in the Pennsylvania Nutrient Management Act and Regulations set forth at 25 Pennsylvania Code Section 83 et seq. of the Pennsylvania Department of Environmental Protection or any successor agency. The maximum density permitted is 5 animal units per acre. See standards in Section 402.

Lot. A separate parcel of land that is recorded or that will be recorded after Township final subdivision approval in the office of the County Recorder of Deeds.

Lot, Corner. A lot abutting on 2 or more intersecting streets.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot.

Lot, Merged. A lot which has resulted from the merger of 2 or more abutting non-conforming parcels of land that were held under single ownership.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve 3 or more lots;
- B. Areas that are currently exist as or will be required to be dedicated as common open space on a separate lot; and
- C. 50 percent of areas within rights-of-way or easements intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for residential lots.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

1. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A 3 sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines and measured at the minimum required front yard setback line. Such measurement shall be the sum of the lengths along the straight and/or curved segments of the line, unless otherwise stated. In no such case shall the

front lot width be less than one-half of the required lot width, except for flag lots and residual access to agricultural land as provided in Section 310.

Manufacture. The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

Massage Parlor. An establishment that meets all of the following criteria:

- A. Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to certain monetary compensation.
- B. The person conducting the massage is not: licensed as a health care professional or a licensed massage therapist by the State or related to the person receiving the massage by blood, adoption, marriage or official guardianship.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Medical Office. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. A clinic primarily involving the performance of abortions shall not be permitted within a residential district or within 200 feet of a dwelling.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club." This use shall not include a motor vehicle race track.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore, but shall not include: a) removal of material from the ground to solely to provide routine fill or b) routine movement of and replacement of topsoil during construction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of 3 or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes with each dwelling on its own subdivided and approved individual lot of record shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motel. See "Hotel."

Motor Vehicle Race Track. A use involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

Nature, Education and/or Study Center. A building used for the study of natural phenomena and wildlife and for the education of students and the public for topics related to nature, wildlife and the environment. However, under no circumstances, shall individuals be permitted to live in such a building, nor shall such a building provide temporary overnight accommodations. A nature, education and/or study center shall not exceed 5,000 square feet of floor area. The building must provide adequate sanitary facilities for the expected number of visitors, in compliance with the regulations of the Pennsylvania Department of Environmental Protection and all applicable building codes. A nature, education and/or study center must be located on a lot containing at least 5 acres.

Nature Preserve. A noncommercial preservation of land for providing and preserving wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and one maintenance building not to exceed 500 square feet for every 100 acres.

Night Club. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

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

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment. Such nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Street Classification Map. The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification." This map may be amended by resolution of the Board of Supervisors.

Official Zoning Map. The map as adopted by the Board of Supervisors which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. if not intended to be publicly owned, is covered by a system for perpetual maintenance,
- C. will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation and
- D. does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) accessways, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for his/her own use or 7) land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Open Space, Private. A parcel or parcels of land which meets all of the following standards.

- A. Is designed, intended and suitable for agriculture.
- B. Shall not be developed for recreational use, but can be used for passive recreation by the owners of the property and their guests but not for the public at large.
- C. Remains in private ownership, and is covered by a system for perpetual maintenance.
- D. Will be deed restricted to permanently prevent uses of land other than as open space.
- E. Does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) accessways, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for his/her own use or 7) land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance, This. The Albany Township Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

Paved Area. All areas covered by gravel and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code which may be adopted by the Township.

Permitted By Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include 1 dwelling unit as an accessory use for housing of employees of the place of worship and their family. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planning Commission. The Planning Commission of Albany Township.

Plant Nursery. The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building. Intensive agricultural buildings shall also be considered principal buildings.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use, including but not limited to intensive agriculture.

Publicly-Owned Recreation. Land and/or facilities that are owned by a government agency or the Township and are available for use by the general public for leisure and recreation.

Recreation, Private. Non-commercial leisure-time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance.

Recreation, Commercial. Leisure-time uses that are primarily operated for commercial purposes.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are closely related by blood, marriage, adoption or formal foster relation-ship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law or parent-in-law. For the purposes of child day care regulations, "relative" may also include a first cousin. This term shall not include relationships such as second cousins or cousins further removed.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Green-house, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see Residential Accessory Structure Standards in Section 403.

Residential District. The WC, AG, LDR, MDR, AG/L and VC Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing dwelling on a lot of less than 10 acres or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Retirement Village. A residential development limited exclusively to persons aged 55 years and older and their spouses.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

- A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the Township or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance.
- B. Right-of-Way, Future or Ultimate. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Roadside Product Market. An accessory use to a principal agricultural use, provided that a minimum of 50 percent of the horticultural or agricultural products being offered for sale were produced by the owner of the market or his/her "relatives."

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste and covering the waste with soil and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna". A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to buffer an intense use from another use or street. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DER regulations.

Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel or concentric to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured

from the edge of the cartway.

Sewage Disposal System. A system to collect, treat and dispose of sewage.

- A. Central Sewer Service. Service at the time of occupancy of a use by a sewage treatment system that serves a minimum of 20 dwelling units and/or 5 principal non-residential uses.
 - 1. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
- B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "central sewer service."

Sewage Sludge, Land Application of. The spreading on land of the treated conditioned accumulated settled solids and similar stabilized residue from septic and holding tank pumpings and sewage treatment systems.

Shopping Center. A use involving 5 or more retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may also include a mix of permitted personal service, office and/or commercial recreation uses.

Sight Distance. An area required to be kept free of visual obstruction. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called "billboards."

Site Plan Review. Review of a site plan by the Planning Commission and/or the Board of Supervisors that is required for certain uses under Article I.

Slaughter House. A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house.

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to the Albany Township Board of Supervisors.

Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household or commercial activities.

- B. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.
- B. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

Special Exception. A use requiring zoning approval by the Zoning Hearing Board within the standards and procedures of Article I.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in an visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals.

Stable, Non-household. Keeping of 3 or more horses, which may include a commercial or private riding club. The housing of 1 or 2 horses shall be considered an accessory use under the "Keeping of Pets" (see Section 403).

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle with 4 or more wheels.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance 6 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map at the end of this Ordinance for existing streets and as determined by the Township Engineer for future streets:

- A. Arterial Street. Designed for high volumes and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting non-residential uses.
- B. Collector Street. Designed to carry a moderate volume of traffic to carry traffic from local streets to arterial streets.
- C. Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Structure. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

Subdivision. See the definition in the Township Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Albany Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also provisions at the end of Section 306 which permit "Recreational Facilities" limited to use by employees of a use or residents of a development as an accessory use.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles.

Tire Storage, Bulk. The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Township. Albany Township, Berks County, Pennsylvania.

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Township that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. shall only include lands within a submitted preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract, and
- B. shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than 1 year and who need such facilities because of:

- A. criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol,
- B. addiction to alcohol and/or a controlled substance, or
- C. a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. (For housing of persons with other types of mental illness, see "Group Home.")

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. This shall not include a use that involves significant processing, such as a feed and grain mill. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct,

expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Housing of primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- A. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority or c) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.
 - 1. "Public" Water Service. Central water service by a system owned by a municipality or a municipal or county authority.
- B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: As of 1992, the following was the official U.S. Army Corps of Engineers' definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1992, the U.S. Army Corps of Engineers and DER enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Wilderness Nature Research Station. A non-commercial non-residential building dedicated to the study of nature, wildlife or the environment. A wilderness nature research station is owned or controlled by a governmental agency, university, college, museum or other private non-profit institution dedicated to the preservation of nature, wildlife or the environment. A wilderness nature research station contains no more than 200 square feet of floor area and shall be used only for temporary occupancy by those conducting research and as a shelter for their equipment and testing devices.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which is the street right-of-way line

where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto 2 or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.

Yard, Rear. A "yard" extending the full-width of the lot measured from the rear lot line and that stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.

Yard, Side. A "yard" measured from the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.

Zoning Map. The Official Zoning Map of Albany Township, Berks County, Pennsylvania.

Zoning Officers. The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

Zoning Ordinance. The Albany Township Zoning Ordinance, as amended.

ARTICLE III

DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Albany Township is hereby divided into the following zoning districts:

WC	Woodland Conservation District
AG	Agriculture District
LDR	Low Density Residential District
MDR	Medium Density Residential District
VC	Village Center District
C/LI	Commercial/Light Industrial District
AG/L	Agriculture/Landfill District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.

- C. Floodplain. The Floodplain Area in Article V of this Ordinance, shall serve as an overlay area to all of the underlying districts.

- D. Purposes of Each District. In addition to purposes stated in the Comprehensive Plan, the purposes of each zoning district are summarized below:

1. WC DISTRICT. To provide for development only at very low intensity within areas that are very environmentally sensitive or that have inadequate road access. To seek to preserve the water quality of important creeks. To recognize areas that include significant amounts of steep slopes, wetlands, high water table soils and flood-prone areas. To direct development toward areas of the Township that are more environmentally suitable.
2. AG DISTRICT. To provide for development only at a very low intensity in areas where public water and sewer service are very unlikely to be able to be available and where farmland preservation is strongly encouraged. To encourage the preservation of farmland by directing growth to occur at higher densities in more suitable areas. To seek to minimize conflicts between agricultural and residential uses.
3. LDR DISTRICT. To provide for the orderly expansion of neighborhoods of single family detached houses at a rural residential density. To carefully protect these areas from incompatible uses. To encourage similar development next to existing neighborhoods.
4. MDR DISTRICT. To provide for the orderly expansion of areas that offer residential neighborhoods at a medium density. To carefully protect these areas from incompatible uses. To provide for a selected variety of housing types. To carefully protect these areas from incompatible uses.
5. VC DISTRICT. To recognize areas of older and historic development in the Township. To provide for a carefully controlled selection of small, light "convenience" commercial uses that will be compatible with adjacent residences,

areas of smaller lots and historic areas. To recognize that many of these areas include a mix of homes and businesses.

6. C/LI DISTRICT. To provide for a range of needed commercial and light industrial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To avoid very large commercial developments that are likely to attract high amounts of new traffic from outside of the Township. To carefully control uses to protect the public health and safety.
7. AG/L DISTRICT. To meet the same objectives as listed for the AG district, plus to meet the Township's legal obligation to provide opportunities to construct certain solid waste uses.

302. **APPLICABILITY OF DISTRICT REGULATIONS.**

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure or land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

303. **ZONING MAP.**

- A. A map entitled "Albany Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. At least one copy of an Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, waterways and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions or other specific notations as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless

the same is indicated by dimensions.

- D. Where a municipal boundary divides a lot, the minimum lot area and lot width shall be regulated by the regulations of the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law.

305. SETBACKS AND BUFFERS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent - To seek compatible land use patterns across municipal boundaries.
- B. Where this Ordinance requires additional setbacks and the provision of buffer yards when certain uses abut an existing dwelling or a residential district, the same additional setback and buffer yard provisions shall be required when these certain uses are proposed within Albany Township if they would abut such an existing dwelling or primarily residential zoning district that is located in an abutting municipality.

306. TABLE OF PERMITTED USES BY DISTRICT.

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

- P = Permitted by right (zoning decision by Zoning Officer)
- C = Conditional use (decision by the Board of Supervisors with review by Planning Commission)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

- B. Unless otherwise provided by law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located.

- 1. See provisions for similar uses in Section 105.
- 2. Any use shall only be permitted if the use complies with all other requirements of this Ordinance, including but not limited to the "Environmental Protection" requirements of Article V.

TABLE OF USES BY ZONING DISTRICT

<p>TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403</p>	<p>WC **</p>	<p>AG AND AG/L **</p>	<p>LDR</p>	<p>MDR</p>	<p>VC</p>	<p>C/LI</p>
<p><u>AGRICULTURAL USES</u> Crop Farming (includes Orchards, Christmas Tree Farms, raising of livestock as a clearly accessory use, and accessory crop storage) Bulk Commercial Crop Storage and Bulk Processing as a Principal Use of agricultural products produced by numerous persons Commercial Forestry - See Section 514, which requires review by Planning Commission Farm-Related Business - See "Accessory Uses" at end of this table Plant Nursery - with On-Site Retail Sales Limited to Items Primarily Grown on the Premises and closely related items such as mulch see also Garden Center under commercial uses)</p>	<p>P N P P</p>	<p>P C P P</p>	<p>P N P P</p>	<p>P N P P</p>	<p>P N P P</p>	<p>P P P P</p>
<p>Processing of Agricultural Products Primarily Produced on Premises Owned or Leased by the Processor, such as but not limited to: making of cider, wine, jams, jellies and packaging, bottling or containerizing of similar products, but not including a Slaughterhouse Raising of Livestock, Intensive (S. 402), with minimum lot area of 15 acres Raising of Livestock, other than "Intensive," with minimum lot area of 5 acres Retail Sales of Agricultural Products Primarily Grown on the Premises S. 403) Sale or mixing of Agricultural Seeds Sewage Sludge, Land Application of (S. 402) Composting - See under Accessory Uses in this Table</p>	<p>P N P P P N</p>	<p>P C*** P P P C in AG/L N in AG</p>	<p>P N P P P N</p>	<p>P N P P P N</p>	<p>P N P P P N</p>	<p>P N P P P C</p>

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
RESIDENTIAL USES Single Family Detached Dwelling (including manufactured/mobile home (S. 402) (S. 310) Lot Averaging Incentive to Preserve Natural Features - within the regulations of Section 309 Single Family Semi-Detached Dwelling (1/2 of twin) Group Home Within a lawful Dwelling Unit, not including a Treatment Center (S. 402) Accessory Apartment - See under Accessory Uses in this Table.	P** N N P	P** N N P	P C N P	P N P P	P N P P	P N N P
RESIDENTIAL USES (Cont.) Townhouse (S. 402) Boarding House (S. 402) Apartments (S. 402) Manufactured/Mobile Home Park (S. 402) Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S.402), other than as permitted under accessory uses	N N N N N	N N N N N	N N N N N	P P P C N	P P P N N	N N N N N
COMMERCIAL USES Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Message Parlor (S. 402) Airport - Public (S. 402) Airstrip - Private (S. 402)	N N N	N N in AG; C in AG/L C	N N N	N N N	N N N	C N N
Amusement Park Auto Repair Garage (S. 402) Auto Service Station (S.402) which may or may not include a convenience store Auto, Boat or Mobile/Manufactured Home Sales (S.402)	N N N N	N N N N	N N N N	N N N N	C* C C N	C P P P
Bakery Bed and Breakfast Use (S. 402) Beverage Distributor Business Services	N C N N	N C N N	N C N N	N C N N	P P P P	P P P P

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
Campground (S. 402) Car Wash (S. 402) Commercial Outdoor Recreation including but not limited to uses such as privately-owned picnic grove or fairgrounds, but <u>not</u> including the following uses: campground, ski resort, golf course, motor vehicle race track, miniature golf, golf driving center or amusement park Commercial Indoor Recreation (includes bowling alley, amusement arcade, roller or ice skating, batting practice and closely similar uses)	C* N C*	C* N C*	C* N C*	C* N C*	C C P	C P P
Communications Antennae/Tower, Commercial (S.402) (not including "antennae, standard" or antennae for emergency service providers) Conference Center Construction Company/Trades Contractor's Headquarters/ Storage (other than as a home occupation) Convenience Store, not include sale of gasoline Custom Crafts or Artisan's Studio (other than a home occupation)	N N N N N N	N N N N N N	N N N N N N	N N N N N N	N P P P P P	C P P P P P
Exercise Club Financial Institution (S. 402) Funeral Home Garden Center (see also Plant Nursery under Agricultural Uses) Golf Course (S. 402) Golf Driving Center or Miniature Golf Heliport (S. 402) Kennel (S. 402)	N N N N P N N N N	N N N N P N N N N	N N N N P N N N N	N N N N P N N N N	P P P P N N N N N	P P P P P P P C C
Laundromat for Primarily Self-Service Use Laundry, Commercial or Industrial Lumber Sawmill and Sales - See under Industrial Uses Medical/Dental Office with a maximum of 2 physicians or dentists working on the lot at 1 time Medical/Dental Office with 3 or more physicians or dentists working on the lot at 1 time Motel, Hotel or Inn (S. 402) Motor Vehicle Race Track (S. 402)	N N N N N N N	N N C N N N N	N N C N N N N	N N C N N N N	P P P P P P P	P P P P P P P P C*

TYPE OF USES (See definitions in Article II)	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
P = Permitted by right (zoning decision by Zoning Officer)						
C = Conditional Use (zoning decision by Board of Supervisors)						
N = Not Permitted						
(S. 402) = See Additional Requirements in Section 402						
(S. 403) = See Additional Requirements in Section 403						
Office (other than a home occupation)	N	N	N	N	P	P
Personal Services (includes tailoring, custom dressmaking, haircutting/ styling, drycleaning, shoe repair and closely similar uses)	N	N	N	N	P	P
Repair of Household Items (other than a home occupation)	N	N	N	N	P	P
Restaurant (s. 402) or Catering Business	N	N	N	N	P(D)	P
(D) = Drive-thru service prohibited.						
Retail Store (not including uses listed individually in this table)	N	N	N	N	P	P
Shopping Center	N	N	N	N	P	P
Ski Resort	C*	C*	N	N	N	N
Stable, Nonhousehold (S. 402)	P*	P*	P*	P*	P	P
Target Range (except non-commercial archery ranges are permitted by right in all districts) (S. 402)	C	N	N	N	N	N
Tavern	N	N	N	N	C	P
Theater as a principal use	N	N	N	N	P	P
Trade School	N	N	N	N	P	P
Veterinarian Office	N	N	N	N	P	P

* = With a 10 acre minimum lot area and a 5 percent maximum total impervious coverage.

** = See Section 308 "Review of Farm and Natural Features Impacts: Setbacks and Buffers from Farmland"

*** = No intensive raising of livestock shall be permitted within the watershed tributary to the designated high quality portion of the Pine Creek (also known as Rausch Creek) in the upper basin from the source to the furthest downstream crossing of T-803 (also known as Pine Swamp Road)

TABLE OF PERMITTED INSTITUTIONAL USES

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG & AG/L **	LDR	MDR	VC	C/LI
INSTITUTIONAL USES						
Animal Cemetery (S. 402)	C*	C*	N	N	N	P
Biological Field Station	N	C	C	C	C	C
Cemetery without Crematorium (S. 402)	P	P	P	P	P	P
Crematorium (see Cemetery in S. 402)	N	N	N	N	N	C
College or University (see also Nature Education Center)	N	C	N	N	P	P
Community Center or Library	N	N	N	P	P	P
Cultural Center or Non-Commercial Museum (for a commercial museum see Recreation, Commercial Indoor)	N	N	N	P	P	P
Day Care Center, Adult (S. 402) (See also as an accessory use)	N	N	N	N	P	P
Day Care Center, Child as a principal use (S. 402) (See also as accessory use)	N	N	P	P	P	P
Dormitory	N	N	N	N	P	P
Hospital (S. 402)	N	N	N	N	P	P
Membership Club (S. 402) - for bona fide civic, fraternal, religious, service, retired military, hunting, climbing, nature study, fishing and similar non-profit organizations	C*	C*	C	C	C	C
Nature Education and/or Study Center	C	C	C	C	C	C
Nature Preserve	P	P	P	P	P	P
Nursing Home or Personal Care Home (S. 402)	N	N	N	P	P	P
Place of Worship (S. 402)	P	P	P	P	P	P
School, Public or Private, Primary or Secondary (S. 402)	P	P	P	P	P	P
Treatment Center (S.402)	N	N	N	N	N	C

* = With a 10 acre minimum lot area and a 5 percent maximum total impervious coverage.

TABLE OF PERMITTED INDUSTRIAL USES

TYPE OF USE (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG & AG/L **	LDR	MDR	VC	C/LI
INDUSTRIAL USES						
Assembly of Materials Manufactured Elsewhere or Finishing of Previously Prepared Resin, Vinyl, Polymer or Rubber Products	N	N	N	N	P	P
Asphalt Plant	N	N	N	N	N	C
Beverage Bottling	N	N	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	P
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	N	N
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	C
Junk Yard (S. 402)	N	N	N	N	N	C
Liquid Fuel Storage, Bulk for Off-Site Use, other than for company vehicles based on-site	N	N	N	N	N	C
Manufacture and/or bulk processing for resale of the following, provided						
manufacturing occurs only indoors (other than a home occupation):	N	N	N	N	N	P
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	P	P
- Apparel, Textiles, Shoes & Apparel Accessories	N	N	N	N	N	C
- Cement, actual manufacture of	N	N	N	N	N	P
- Cement, Gypsum, Concrete or Plaster Products, other than actual manufacture of cement	N	N	N	N	N	N
- Chemicals, Bulk Manufacture or Bulk Storage of Highly Hazardous or Toxic Chemicals	N	N	N	N	N	N
- Chemical Products that are not highly hazardous or toxic, other than fertilizers or pesticides	N	N	N	N	N	C

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
Manufacture and/or bulk processing for resale of the following, provided						
manufacturing occurs only indoors (other than a home occupation):						
- Ceramics, Clay, Glass, Wood, Furniture and/or Pottery Products	N	N	N	N	P	P
- Coke or Potash Work, including Coke Oven	N	N	N	N	P	N
- Electrical, Electronic and Microelectronic Machines, Supplies & Equipment	N	N	N	N	N	N
- Explosives, Fireworks, Ammunition or Gunpowder, or bulk storage of (except government-owned facility)	N	N	N	N	N	P
- Fabricated Metal Products (except Ammunition or Explosives)	N	N	N	N	P	P
- Food Products, bulk manufacture (not including uses listed separately)	N	N	N	N	P	P
- Furniture and Wood Products (other than raw paper pulp)	N	N	N	N	P	P
- Glass and Glass Products	N	N	N	N	P	P
- Jewelry, Leather, Clay and Pottery Products	N	N	N	N	P	P
- Paper and Cardboard Products (other than raw paper pulp)	N	N	N	N	P	N
- Paper, Raw Pulp	N	N	N	N	N	N
- Paving or Roofing Materials, other than bulk manufacture of asphalt	N	N	N	N	N	C
- Petroleum or Kerosene Refining or Distillation	N	N	N	N	N	N
- Pharmaceutical	N	N	N	N	N	P
- Plastics, Polymers, Rubber (natural or synthetic), Resins or Vinyl, actual manufacture of	N	N	N	N	N	C
- Primary Metal Products	N	N	N	N	N	C
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	P	P
- Scientific, Electronic, Optical and Other Precision Instruments	N	N	N	N	P	P
- Soaps, Detergents, Paints, Varnishes or Enamels	N	N	N	N	N	C
- Tar or creosote manufacture, tar distillation, creosote treatment	N	N	N	N	N	C
- Tire Retreading	N	N	N	N	N	P
- Transportation Equipment or Manufactured/Modular Housing	N	N	N	N	N	P

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
Mineral Extraction (S. 402) - of stone - of material other than stone Packaging as a principal industrial use Photo Processing, Bulk Printing or Bookbinding	C N N N N	C N N N N	N N N N N	N N N N N	N N N N P	C C P P P
Recycling Collection Center (S. 402) - See also as accessory use Recycling Center, Bulk or Industrial (other than a solid waste disposal or transfer facility) Research and Development, Engineering or Testing Facility or Laboratory, not involving manufacture of toxic substances	N N N	N N N	N N N	N N N	N N P	P C P
Sawmill/ Planing Mill and Related Sales Self-Storage Development (S. 402) Slaughterhouse or Stockyard Solid Waste to Energy Plant (S. 402) Solid Waste Landfill (S. 402) Solid Waste Transfer Facility (S. 402) Trucking Company Terminal (S. 402)	C N N N N N N N	C N N N in AG C in AG/L N in AG C in AG/L N in AG C in AG/L N	N N N N N N N N	N N N N N N N N	N N N N N N N N	P C C N N N N C
Warehousing as a principal use (other than trucking co. terminal) (S.402) Welding Shop Wholesale Sales All Uses that would have a serious threat of being unable to comply with the performance standards of this ordinance, especially including the "Environmental Protection" requirements of Article V	N N N N	N N N N	N N N N	N N N N	P P P N	P P P N

TABLE OF PUBLIC, SEMI-PUBLIC, MISCELLANEOUS AND ACCESSORY USES

TYPE OF USE (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403	WC	AG & AG/L	LDR	MDR	VC	C/LI
PUBLIC/ SEMI-PUBLIC						
Emergency Services Station	C	C	C	C	C	C
Nature Preserve	P	P	P	P	P	P
Publicly-Owned Recreation	P	P	P	P	P	P
Public Utility Facility, other than Township-owned facilities, facilities exempted by Section 103 or facilities permitted as "Essential Services" in Sections 306.D. through G.	C	C	C	C	C	P
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P
Township-Owned Uses for governmental, utility, recycling, public safety or recreation purposes	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	N	P	P	P	P
MISCELLANEOUS						
Any Principal Use not Specifically Listed in this Section 306 (Except as permitted by Section 105 for uses that are similar to permitted uses)	N	N	N	N	N	N

TYPE OF USES (See definitions in Article II) P = Permitted by right (zoning decision by Zoning Officer) C = Conditional Use (zoning decision by Board of Supervisors) N = Not Permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403 <u>ACCESSORY USES</u>	WC **	AG AND AG/L **	LDR	MDR	VC	C/LI
Accessory Dwelling for "Relative" or Full-time Caregiver of Occupant of Principal Dwelling Unit or Full-Time Caretaker of Property, within building that existed at time of adoption of this Ordinance (S.403) Composting on a bulk commercial basis involving manure brought to the site from land owned by other persons, or as part of mushroom production (S. 403) Composting involving materials generated on-site or on property owned or leased by the same person (S. 403) Day Care Center as accessory to: Dwelling (S.403) or Permitted Place of Worship Dormitory accessory to a permitted Primary or Secondary School or College or University (S. 402) Farm Related Business with a 10 acre minimum lot area (S. 403) Home Occupation - General and Light (S. 403) No-Impact Home-Based Business Recycling Collection Center accessory to a Permitted: School, Government-Owned Use, Place of Worship, Emergency Services Station or Solid Waste Facility Wilderness Nature Research Station See also accessory uses listed in Sections 306.D., E., F. and G.	P N P P N C C P P P	P C P P N C C P P	P N P P N C C P P	P N P P N C C P P	P N P P N C P P P	P N P P P C P P P

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Antennae, Standard (see definition in Article II) * and antennae for emergency services
2. Day Care Center as an accessory use, within the limits on number of children in Section 403 *
3. Fence* or Wall*
4. Garage Sale*
5. Indoor Storage that is customarily accessory to a permitted use
6. Keeping of Pets*
7. Recreational Facilities, non-commercial, limited to use by employees of a lot or a development, or residents of a development and their occasional invited guests
8. Residential accessory structure* (see definition in Article II)
9. Satellite Antennae*
10. Signs, as permitted by Article VII
11. Swimming Pool, Household *
12. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use. For a skateboard ramp, see "Residential Accessory Structures" in Section 403.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a lawful principal business or institutional use, provided that all requirements of this Ordinance are met:

1. Amusement machines, coin or token operated as accessory uses
2. Food, beverage and toy machines, coin operated
3. Newspaper sales machines, coin operated
4. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:

- a. Standard or fast-food restaurant without drive-thru service,
- b. Day care center,
- c. Noncommercial recreational facilities or
- d. Meeting facilities.

306.E. Permitted Essential Services. The following are "Essential Services" that are permitted by right as a principal or as an accessory use in all districts:

1. Essential Services Exempt from Lot Area and Setback Requirements. The following essential services are not required to meet the accessory or principal structure setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.
 - a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
 - b. Electrical transformers as an accessory use to dwellings.
 - c. Electrical, telephone and street light poles.
 - d. Electrical transmission and distribution lines and meters.
 - e. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
 - f. Engineered retaining walls that are clearly necessary to hold back slopes.
 - g. Ramps primarily intended for handicapped access.
 - h. Ground level porches that are not covered by a permanent roof. See Section 803.B.
 - i. Steps leading into the entrance of a building. See Section 803.B.
 - j. Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to. These vehicles and materials shall only be stored on a lot while the related Township construction permit is actively still in effect.
2. Essential Services Required to Comply with Lot Area and Setback Requirements. The following are permitted essential services that are required (except within Section 106) to meet all of the applicable requirements of this Ordinance:

- a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.
- b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.
- c. Solid waste bulk dumpsters and bulk compactors.
- d. Central sewage treatment facility meeting all PA, DER and Township regulations

307. TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT

307.A. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

sq.ft. = square feet

ft. = linear feet

Central Sewer = service at the time of occupancy by approved "central sewage service" as defined in Article II

Central Water = service at the time of occupancy by approved "central water service" as defined in Article II

NA = Not applicable.

307.B. The following requirements shall apply for each respective district, **unless a more restrictive requirement is listed for a particular use** in Sections 402 or 403 or elsewhere in this Ordinance. See also "**Lot Averaging Incentive to Preserve Natural Features**" in Section 309, which is an option allowing smaller lots. See also the **steep slope regulations** of Section 505 which describe when larger lots are required in areas of 15 percent or greater slope.

DIMENSIONAL REQUIREMENTS BY DISTRICT

Zoning District and Type of Use	Minimum Lot Area (sq.ft.), except: a) if larger lot required by Section 505 because of steep slopes, or b) as provided in Section 308.F.	Minimum Lot Width at Minimum Front Yard Setback Line (feet)	Minimum Building Setbacks For Principal Structure (feet) - for each yard	Minimum Building Setbacks ** For Accessory Structure (feet) - for each yard	Maximum Height (feet)*	Maximum Building Coverage	Maximum Impervious Coverage
(WC) Woodland Conservation: *** Any Permitted Use	See Section 310		front: 50 side (each): 20 rear: 50	front: 50 side (each): 10 rear: 10	40	20	25
(AG) Agriculture: *** Any Permitted Use	See Section 310		front: 50 side (each): 20 rear: 50	front: 50 side (each): 10 rear: 10	40	20	25

Zoning District and Type of Use	Minimum Lot Area (sq.ft.), except: a) if larger lot required by Section 505 because of steep slopes, or b) as provided in Section 308.F.	Minimum Lot Width at Minimum Front Yard Setback Line (feet)	Minimum Building Setbacks For Principal Structure (feet) - for each yard	Minimum Building Setbacks ** For Accessory Structure (feet) - for each yard	Maximum Height (feet)*	Maximum Building Coverage	Maximum Impervious Coverage
(LDR) Low Density Residential: Any Other Permitted Use	87,120 (2 acres)	250	front: 50 side (each): 20 rear: 50	front: 50 side (each): 10 rear: 10	40	30	25
	43,560 (1 acre). Minimum average lot area of 2 acres per dwelling.	125. Minimum average lot width of 250 feet per dwelling.	front: 50 side (each): 15 rear: 50	front: 50 side (each): 10 rear: 10	40	30	25
(MDR) Medium Density Residential:							
Single-Family Detached Dwelling a) Without approved central sewer service b) With approved central sewer service	a) 43,560 (1 acre) b) 30,000	a) 150 b) 120	front: 40 a)side (each):20 b)side (each):15 rear: 40	front: 40 side (each): 10 rear: 10	40	30	35
	a) 43,560 (1 acre) b) 20,000	a) 100 b) 80	front: 40 a)side (each):20 b)side (each):15 rear: 40	front: 40 side (rear): 10 rear: 10	40	30	35
Twin Dwelling (per dwelling unit) a) Without approved central sewer service b) With approved central sewer service							
Mobile/Manufactured Home Park	See Section 402						

Zoning District and Type of Use	Minimum Lot Area (sq.ft.), except: a) if larger lot required by Section 505 because of steep slopes, or b) as provided in Section 308.F.	Minimum Lot Width at Minimum Front Yard Setback Line (feet)	Minimum Building Setbacks For Principal Structure (feet) - for each yard	Minimum Building Setbacks ** For Accessory Structure (feet) - for each yard	Maximum Height (feet)*	Maximum Building Coverage	Maximum Impervious Coverage
<u>MDR District (Cont.):</u> Townhouse (permitted only with approved central sewer service)	Minimum tract size of 2 acres; maximum total density of 4 dwelling units per acre	See Section 402	See Section 402	See Section 402	40; 2.5 stories	40	45
Apartments (permitted only with approved central sewer service)	Minimum tract size of 2 acres; maximum total density of 5 dwelling units per acre	See Section 402	See Section 402	See Section 402	40; 2.5 stories	40	45
(VC) Village Center							
Single-Family Detached Dwelling and Single-Family Semi-Detached Dwelling (1/2 of a twin structure)							
All Other Uses							
a) Without approved central sewer service	a) 30,000	a) 100	front: 10 side (each): 10 rear: 25	front: 20 side (each): 10 rear: 10	40	50	65
b) With approved central sewer service	b) 10,000	b) 60					
(AG/L) Agricultural/Landfill							
Solid Waste to Energy Plant, Solid Waste Landfill, Solid Waste Transfer Facility							
The minimum building setback for accessory structures shall be 150 feet for all yards.							

Shall be the same as the MDR District

See Section 402

Zoning District and Type of Use	Minimum Lot Area (sq.ft.). except: a) if larger lot required by Section 505 because of steep slopes, or b) as provided in Section 308.F.	Minimum Lot Width at Minimum Front Yard Setback Line (feet)	Minimum Building Setbacks For Principal Structure (feet) - for each yard	Minimum Building Setbacks ** For Accessory Structure (feet) - for each yard	Maximum Height (feet)*	Maximum Building Coverage	Maximum Impervious Coverage
AG/L District (Cont.) Any Other Permitted Use	Shall be the same as the AG District						
(C/L) Commercial/Light Industrial All Uses	87,160 (2 acres)	200	front: 50 side (each): 30 rear: 30	front: 50 side (each): 20 rear: 20	40	50	65

* See Section 802 which exempts certain structures from height requirements, such as agricultural structures.

** For accessory structures of more than 25 feet in height, the principal building setbacks shall apply.

*** See "Review of Farm and Natural Features Impacts; Setbacks and Buffers from Farmland" in Section 308 for new principal buildings in the WC or AG districts, which includes requirements for certain buffers and setbacks.

See also the following sections:

- 1) **Additional Requirements for Specific Uses in Sections 402 and 403, including Detailed Regulations for Townhouses, Apartments, Mobile Home Parks and many other uses.**
- 2) **Steep Slope Regulations in Section 505.**
- 3) **Requirements for a second tested septic system location for new lots in Section 507.C.**

308. REVIEW OF FARM AND NATURAL FEATURES IMPACTS; SETBACKS AND BUFFERS FROM FARMLAND.

308.A. Applicability. In the W-C and AG districts, the Planning Commission and Board of Supervisors shall be provided with an opportunity to review any new principal non-agricultural building prior to the issuance of a building permit.

1. This Section 308 shall not require a separate additional review for a conditional use, but instead these standards shall be considered as part of the conditional use approval.
2. If a lot is part of a subdivision granted final approval after January 1, 1987, and such subdivision plan shows the proposed impacts on natural features and stormwater and the proposed locations of the principal building and driveway, then a separate review process under this Section 308 is not required.

308.B. Purposes. To ensure that new buildings minimize their negative impacts upon farmland and upon important natural features (such as steep slopes, creek valleys, wetlands and woodlands). To recognize the many areas of great natural beauty in Albany Township. To recognize that the Maiden and Pine Creeks and their branches serve as water supplies for large numbers of persons. To avoid increased flooding, erosion and stormwater drainage problems. To protect the quality and quantity of groundwater. To carefully guide and control development to avoid problems. To ensure proper management of wooded areas.

308.C. Procedures.

1. An application as stated in Section 308.A. above shall be provided to the Planning Commission and the Board of Supervisors review after Township sewage approval has been obtained.
2. If the Planning Commission and/or Board of Supervisors do not provide a review within 45 days of a duly submitted complete application for a building permit, then the permit may be issued without such review.
3. The Planning Commission and Board of Supervisors may advise the applicant on ways that the proposed construction could be adjusted to minimize impacts upon farmland and natural features. The Planning Commission and Board of Supervisors may also advise the Zoning Officer on whether the proposal complies with Township ordinances.
4. The Zoning Officer shall authorize granting of the permit if the application complies with all Township ordinances. However, if the Zoning Officer has reason to believe that the proposal would violate a Federal or State regulation, such as wetland regulation, then the permit may be delayed or suspended until the applicant proves compliance with such regulation.
5. Fees. The Board of Supervisors by resolution may establish a fee schedule and may revise by resolution such schedule for reviews under this Section. As of 1993, this fee was \$75.

308.D. Plan Notation. Any final subdivision layout plan and record plan for a lot in the AG or WC district shall include a notation stating that each lot shall comply with the review in this Section.

308.E. Standards. An application under this Section 308 shall comply with the following standards:

1. The location of buildings shall not substantially interfere with a farm access road or livestock path.
2. Dwellings shall not be located within 200 feet of any farm structure on another lot that is presently used for the housing of 3 or more farm animals, unless such dwelling will have the same owner as the farm structure or unless the owner of such farm

structure provides a written and signed waiver.

3. Dwellings shall not be located within 60 feet of active farmland on another lot of over 30 acres, unless such dwelling will have the same owner as the farmland or unless the owner of such farmland provides a written and signed waiver.
4. Any major subdivision of dwellings shall include the planting or maintenance of vegetation designed to discourage pedestrians and off-road vehicles from crossing from the residential lots to abutting farmland if the dwellings would be adjacent to a lot of over 30 acres of active farmland.
5. The Board of Supervisors may require that a proposed residential lot include adequate fencing to avoid conflicts between the dwelling and adjacent farm animals where necessary.
6. Any primary sewage disposal system location shall be setback a minimum of 200 feet from any farm well.
7. Any new non-farm well shall be located to minimize negative impacts on a farm well.
8. See Steep Slope provisions in Section 505 of this Ordinance.
9. See Flood-prone provisions in Section 513 of this Ordinance.
10. See Tree Preservation provisions in Section 514 of this Ordinance. The Board of Supervisors, based upon review by the Planning Commission, shall determine that the clearing of trees is being held to a reasonable minimum to allow appropriate placement of structures and improvements on the lot.
11. See Erosion Control and Drainage provisions in Section 512 of this Ordinance.
12. The Board of Supervisors may require that a conservation easement be established on a portion of a lot to ensure that natural features are permanently preserved as stated on the application.
13. Homeowners should avoid planting vegetation (such as yews, multi-flora rose and crown vetch) that could be hazardous to livestock along property bordering livestock operations.

308.F. Lots With a Barn.

1. Purpose - To encourage appropriate reuse of historic barns, and to avoid encouraging the demolition of such barns.
2. If a barn including 2 or more stories and more than 300 square feet of building floor area existed on the tract as of December 1, 1993, such area that includes or included such barn shall have a minimum lot area of 10 acres.
3. See the Lot Averaging provisions of Section 309, which may make it easier for a property-owner to comply with the requirement of this Section 308.F.
4. See also provisions of Section 403 which allows "Farm-Related Businesses."

308.G. See Section 807 entitled "Driveway Completion."

308.H. Rural Character. Applicants are strongly encouraged to utilize architectural styles and materials that are consistent with Albany Township's rural and rustic character for sides of buildings that will be visible from an existing public street. For example, applicants are encouraged to use earth tone colors, roof pitches that are typical for farmhouses and rustic materials such as wood, brick and stone on at least a portion of the facade. Buildings proposed on highly visible and scenic sites (such as the tops of ridgelines) are encouraged to

be placed so that the top of the roofline is below the tops of surrounding trees. Where a highly visible site is not wooded, the planting of landscaping to partially screen the building is recommended.

309. **LOT AVERAGING INCENTIVE TO PRESERVE NATURAL FEATURES.**

309.A. Purposes. To allow more flexibility in the subdivision design and provide an incentive to preserve natural and existing features in the landscape. By using conservation design techniques, the valuable rural scenic landscape of the Township can be preserved as much as possible and still yield the same average density of dwellings and road frontage as would result from the conventional dimensional requirements.

309.B. Applicability. This section allows the reduction in minimum lot dimensional requirements for area and width, provided overall averages are maintained, and all other requirements are met.

1. Lot averaging is a conditional use, and the applicant shall follow the application and review process of Section 117. The additional requirements of this Section 309 shall also apply.
2. The only type of dwelling units permitted within a subdivision by lot averaging shall be single family detached dwellings.
3. To be eligible for lot averaging, the total tract area within the LDR district shall be 6 acres or more. Multiple existing tracts may be utilized provided they are contiguous and are or will be under common ownership. The lot averaging principles shall apply to the entire tract(s), and not to a portion thereof, except as noted in 309.B.4 below.
4. For total tracts that extend beyond the boundaries of the LDR zoning district, only the tract area and tract width within the LDR zoning district may be used for a lot averaged subdivision, and only the tract area and tract width within the LDR zoning district may be used in the density calculations for the average lot area and average lot width. However, the Township Supervisors may permit or require the inclusion of additional tract area outside the LDR district be included or incorporated into the lots created, such as small residual strips or pieces of land that otherwise could not be utilized effectively in the adjoining zoning districts because of topography, location, lack of access, unsuitable for agricultural production, or other justifiable condition. The Supervisors may impose additional restrictive conditions on the use of any land included in the lots of a lot averaged subdivision that is outside the boundary of the LDR district.
5. The total tract area shall consist of the horizontal measure of land area within the tract boundary lines as determined by a recent survey, excluding the area within any existing road right-of-way.
6. The average lot area shall be calculated by dividing the total tract area by the proposed number of residential dwelling lots.
7. The total tract width shall consist of the horizontal distance between side tract lines measured at the minimum front yard setback. If the total tract area includes land on both sides of an existing or proposed road, the lot width on both sides of these roads may be included, except (1) areas that do not provide at least 21,000 square feet of space within the governing setbacks, and/or (2) narrow strips of land that provide less than 50 feet of available space between the front and rear (or side) yard setbacks.
8. The average lot width shall be calculated by dividing the total tract width by the proposed number of residential dwelling lots.
9. The minimum and average lot areas and widths, and the setback requirements shall meet the requirements of Section 307.B for lot averaging.

10. The applicant shall prepare a suitable sketch plan of the proposed subdivision at the beginning of the planning and concept formulation stage, and consult with the Planning Commission and the Supervisors over the layout and design of the development, to seek out concerns and acceptable solutions to siting, road alignments, natural features to avoid, preferred architectural styles and treatments, orientations, view sheds to preserve, and other site specific conditions. The applicant is encouraged to utilize the conservation type of subdivision design techniques such as, for example, those promoted in the Growing Greener: Conservation by Design published by the Natural Lands Trust, September 2001.
11. The applicant may, at his discretion, submit a subdivision plan of the proposed lot averaging development at the same time to be reviewed concurrently with the conditional use application, or attempt to seek approval of the conditional use application prior to submitting the subdivision plan for review.
12. A conditional use application submitted under this Section 309 shall be approved, approved with conditions, or disapproved by the Board of Supervisors within 120 days after a complete application, including payment of fees, has been made, unless the applicant grants an extension in writing.

309.C. Conditions for Approval. A development using the lot averaging principles shall only be approved by the Board of Supervisors, after review and recommendations are made by the Planning Commission, if some or all of the applicable following conditions are met:

1. Using the lot averaging technique would serve a valid public purpose that would result in a development that would be superior to what would result by conventional development using the by right dimensional requirements.
2. Important existing and natural features have been considered in the design layout and preserved or accommodated. These may include prime agricultural soils, sustainable agricultural use, historical buildings and sites, natural habitat, mature woodlands, springs and streams, wetlands, floodplains, steep slopes, scenic views, ridgelines, hilltops, and rural roadside landscape.
3. The proposed development shall minimize the impacts on and conflicts with any adjacent tracts of cropland or livestock operation of 30 acres or more.
4. Any proposed road used for access to proposed lots and used in the calculation of average lot width shall be fully constructed and paved as part of the approved subdivision plans. So called "paper streets" shall not be permitted.
5. If an applicant desires to construct and complete larger developments in phases or sections, then the first phase, and all subsequent phases in conjunction with the previous phases, shall be capable of meeting the density requirements of average lot area and average lot width without consideration of additional or future phases.
6. The steep slope provisions of Section 505 shall also apply to lots created by this Section 309.
7. The architectural style, size, number of stories, color, exterior finish, roof pitch and finish of the houses and accessory structures shall be coordinated and specified to create the least impact on viewsheds and to blend with the existing rural landscape of the Township. Unless otherwise approved by the Board of Supervisors, all the rural character encouragements of Section 308.H shall be enforced as mandatory in lot averaged subdivisions.
8. Landscape plantings and/or buffering shall be included in all designs to minimize and soften the visual impact of the development as seen from the existing public roads, prominent vistas and overlooks and neighboring properties.
9. Lighting shall be an integral design component of the development as a whole, and

the individual house constructions. All lighting shall be designed, located, aimed, fitted and maintained so as not to present glare and a hazard to drivers or pedestrians, a nuisance to neighboring properties, or project skyward, or cause undue light pollution. The Supervisors may specify the hours of illumination.

10. The possible proposed uses of all the individual lots shall be reviewed. Limitations shall be established based on size of the lots and location within the subdivision, on the types of uses, location of uses within the lot, the number or type of animals and pets kept, the number and size or type of cars, trucks, recreation vehicles, boats and/or trailers, along with requiring appropriate screening or housing of certain uses, and limitations on certain types of agricultural uses.
11. The proposed development shall conform to all other applicable Township ordinances, Federal and State laws, rules and regulations, and other sections of this zoning ordinance, including but not limited to:

Section 308.F	Lots with a Barn
Section 308.H	Rural Character
Section 403	Additional Requirements for Accessory Uses
Section 505	Steep Slopes
Section 512	Erosion Control, Drainage, and Grading
Section 513	Flood-Prone Areas
Section 514	Tree Preservation; Forestry
Article VI	Off-Street Parking and Loading
Section 511	Outdoor Lighting and Glare

12. If soil and water conditions permit, storm water detention basins in highly visible locations should be designed as wet ponds resembling farm or natural looking ponds to the maximum extent possible. If fencing is required or desired, it shall have the appearance of split rail type fencing with wire mesh attached to the inside for security.
13. The sewage disposal requirements of Section 507 are expanded or modified for lot averaging developments in that the primary and/or the backup septic disposal area may be located off the lot and on common open space land of the development. The sewage disposal needs of a lot averaging development shall be coordinated through the Township Sewage Enforcement Officer, and suitable testing and documentation presented in the separate DEP Planning Module process.
14. Any further subdivision of the total tract, if permitted by the resultant averages, shall use the lot averaging procedures, and shall take into account any and all lot areas and lot widths already utilized.
15. The design density requirements of average lot area and lot width, and/or the other conditions of approval shall be preserved in perpetuity by one or more of the following methods as may be approved by the Board of Supervisors based on the specific and unique location and attributes of the proposed subdivision:
 - a. Specify that no further subdivision shall be permitted.
 - b. Specify that certain areas shall continue and be maintained in active agricultural use, such as crop farming.
 - c. Specify that certain areas shall be maintained as open grass land, along with specific mowing or harvesting requirements.
 - d. Specify that certain areas shall remain as natural woodlands or other natural lands, such as wetlands.
 - e. Specify that certain activities, uses, buildings or other structures shall or shall not be permitted in certain areas, or limited to time and/or duration of use.

f. Specify that certain areas be preserved as open space, with specific conditions as to use and maintenance, by a method acceptable to the Board of Supervisors, such as:

- 1) Ownership by an acceptable homeowners association.
- 2) Dedication of land to Albany Township as public open space.
- 3) Dedication of land to a well established and incorporated nature conservation organization.
- 4) Granting of a conservation easement to Albany Township or other county or State public body, or nature conservation organization.
- 5) Other method acceptable to the Board of Supervisors.

All dedication or conservation easement proposals shall specifically identify if the land will be open to the public or not. If the land is open to the public, suitable access and parking facilities shall be included.

309.D Notice Requirements. The list of conditions as approved by the Board of Supervisors shall be included on the final subdivision plans, or the plan shall include a prominent note as to where the full list of conditions can be obtained. The total tract area, total tract width, number of dwelling lots, and the average lot area and lot width shall be tabulated on the subdivision plan.

Those conditions that would be applicable to the individual lot owners shall be included as deed restrictions in all deeds of conveyance, and in all sales agreements.

310. **AGRICULTURAL PRESERVATION AND LIMITED SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE AG, AG/L AND WC (Agricultural and Woodland Conservation) ZONING DISTRICTS.** Objective: To support and sustain the agricultural use and productivity of the Township, to preserve large parcels of agricultural land, and to preserve the open road rural landscape appearance of the Township. Large lots shall be capable of supporting farming or agricultural related production. The ability to create some residential lots is also a desirable objective to allow for family expansion and fulfill limited development needs. However, this residential development must be limited to the fewest lots possible to maintain the agricultural viability and the low density, rural oriented growth that is consistent with the Township's physical constraints as described in the Comprehensive Plan.

The number of new lots (or residences) that can be created is controlled by a combination of both (A) tract area versus sliding scale allowance, and (B) by average lot width requirements.

310.A. Tract area vs. sliding scale allowance. The maximum number of residential building lots permitted (the quota) from an original tract as of the date of this amendment is based on the following table:

<u>Original Tract Area</u>	<u>Total Number of Lots Permitted (including residue)</u>
0 to 5 acres	1 (existing) No additional lot permitted
5.01 to 15 acres	2 (1 additional)
15.01 to 30 acres	3 (2 additional)
30.01 to 60 acres	4 (3 additional)
60.01 to 90 acres	5 (4 additional)
90.01 to 120 acres	6 (5 additional)
120.01 to 150 acres	7 (6 additional)
over 150 acres	1 additional lot for each 30 acres over 150 acres.

310.B. Average lot width requirement. The average lot width must equal or exceed 500 feet for the total number of lots. Both existing road frontage and road frontage along a new road that shall be constructed may be included in the average as further defined below. The average lot width shall be determined by dividing the total tract width by the number of lots.

310.C. Lot area, width, and setback requirements:

Minimum lot area for farm lot, including residue (and single family dwelling) 30 acres
Minimum lot width for farm lot, including residue (and single family dwelling) 200 feet

Minimum lot area for small lot single family dwelling 1 acre*
Maximum lot area for small lot single family dwelling 2 acres**
Minimum lot width for small lot single family dwelling 125 feet

Minimum building setbacks for principle structures:

Front yard 50 feet
Side yard 20 feet (each)
Rear Yard 50 feet

Minimum building setbacks for accessory structures:

Front yard 50 feet
Side yard 10 feet
rear yard 10 feet

Maximum building height 40 feet
Maximum building coverage 20 percent
Maximum impervious coverage 25 percent
Minimum residue width for access to agricultural tracts only (no dwellings) 50 feet ***

* Additional area may be necessary to accommodate two acceptable sewage disposal area sites, a well, house and driveway, and meet all required isolation distances to the on-lot and adjacent property features.

** Additional area may be permitted as a conditional use, if the applicant can demonstrate that the additional land is not suitable for farming due to irregular shape, steep slopes, poor drainage, wetlands, floodplains or other topographical and justifiable reasons as determined and found acceptable by the Township.

*** At other farm locations different than the frontage for the farm dwelling. May be included in the average lot width calculation, but can not be included in the minimum lot width requirement for the residual lot width.

310.D. Procedural Requirements.

1. Any number of 30 acre or larger farm lots for single family residential use (up to the maximum permitted in A and B above) may be created as a use by right, provided the Farm Review provisions in Section 308.H are enforced as mandatory. The farm lots shall be shaped and configured to provide logical and usable farmland to the satisfaction of the Township. Consideration shall be given to contours, length of field, water resources, erosion control, fencing for livestock, and preservation of natural features including streams, wetlands, woodlands, and scenic views.
2. One small lot from the original tract of 1 to 2 acres in size may be created along an existing road as a use by right, provided the Farm Review provisions in Section 308.H are enforced as mandatory.
3. The remaining or additional small lots from the original tract, up to the maximum permitted in A and B above, shall be created using the conditional use procedures as provided in Section 117. In addition to meeting the standards of Section 117.C, the proposed small lots shall meet one or more or all of the following conditions as determined by the Township based on the merits and circumstances of each specific site:
 - a. One or more of the provisions of Section 308.H shall be enforced as mandatory.
 - b. The lot or lots shall be positioned and/or grouped at locations that provide the least disruption to the farming layout of contour strips or field dimension.

- c. The house sites shall be placed on the least productive soils.
 - d. The length to width ratio of the lots and the shape of the lots are appropriate to the topography and proposed construction. Greater lot width than the minimum requirements may be necessary to meet the appropriate ratio.
 - e. The proposed house shall be positioned or oriented to create the least impact on viewsheds and to blend with the existing rural road landscape of the Township.
 - f. Architectural standards regarding the style, size, number or stories, color, exterior finish, roof pitch and finish for the houses and accessory structures shall create the least impact on viewsheds and blend with the existing rural landscape of the Township.
 - g. Landscaping or buffer planting shall be provided.
 - h. The amount of tree clearing in wooded areas shall be limited.
 - i. The buildable area of small lots larger than the 2 acre maximum size as may be permitted by ** above shall be restricted to locations set by the Township to create the least impact on viewsheds and to blend with the existing rural road landscape of the Township. As an example, larger lot areas of land not in active agriculture shall not be utilized merely to gain access to a building site at or near the top of a hill or highly visible ridgeline.
 - j. Deed restrictions shall be required to provide adequate notice to future buyers of the lot, and to continue the desired least impact of the development. The restrictions may include any of the above listed conditions such as architectural standards, siting requirements, buffering, and limits on the use of the property.
 - k. Conservation easements or other agricultural preservation and/or restrictive covenants on the excess lot area shall be provided to preserve the natural features.
 - l. The lot shall not be further subdivided.
 - m. A notice requirement shall be required that the lot is within an active agricultural area, and that the owner can expect to experience farm noises, odors, blowing crop residue, and slow moving farm vehicles on the road.
 - n. The lighting provisions of Section 511 shall be strictly enforced, and/or additional lighting requirements and restrictions may be applied.
4. The residue tract shall be considered as one of the lots permitted in A and B above.
 5. Any unused quota of available lots and/or lot width shall be assigned to one or more of the lots.
 6. Property and topographic limitations, such as rock outcrops, cliffs, streams, floodplains, steep slopes, wetlands, inadequate sight distance, and poor soil for sewage disposal, etc., may prohibit the utilization of the full quota, or any, of the available lots.
 7. Any remaining quota of lot width from previously subdivided lots using the lot averaging incentive in the 1994 version of the Zoning Ordinance shall be continued and incorporated in the above requirements. All requirements and conditions from previous conditional use orders shall be continued and remain in effect.
 8. The small residential lots shall be designed and arranged to minimize both the loss of

tillable agricultural soils and the interference with farm operations.

9. Any proposed road used for access to proposed lots and used in the calculation of average lot width shall be fully constructed and paved (with specific materials as may be required) as part of the approved subdivision plans. So called "paper streets" shall not be permitted.
10. One flag lot may be created from the original tract using the conditional use procedures. The flag lot shall be considered one of the lots permitted in A and B above. The flag lot shall meet one or more or all of the following conditions that are unique to each individual site:
 - a. The access strip (or pole) shall be the width necessary to accommodate the driveway cartway, shoulder area, slope grading, drainage facilities, utilities, existing or planted buffer trees, and maintenance. Typically, the minimum width necessary would be at least 50 feet to accommodate all the driveway sideslope development. The minimum width of the access strip at any point shall be 30 feet. The Township will determine the minimum width permitted based on the specific site conditions.
 - b. The minimum area and width and maximum area of the building area (or flag) shall be the same as for the small lot single family dwelling described in Section C above. The access strip (or pole) is not included in the area and width requirements.
 - c. The location and siting of the flag lot and its access strip shall conform and blend with the topography of the land and the existing farming patterns.
 - d. The flag lot shall not be stacked directly behind a front lot. Consideration shall be given to orientation of houses (existing and proposed) to avoid front yards viewing into backyards, etc.
 - e. The proposed flag lot is necessary to permit utilization of a tract of ground that otherwise would not be feasible to utilize under the other applicable lot layout and development standards.
 - f. The flag lot shall not be permitted to provide or gain access to a house building site on a hilltop, or other view shed considered important to the Township, unless conditions are applied by the Township regarding architectural style, size, height, material and color of the building(s), landscaping and buffering, and outdoor lighting, and limitations on principle and accessory uses of the lot that would be appropriate to the location and topographical features of the lot.
 - g. The access strip or driveway to a flag lot shall not create a slash or obvious clear cut through wooded areas, and/or extensive and significant cut and fill scarring across steep slope areas.
 - h. The flag lot shall not be further subdivided.
 - i. The Farm Review provisions of Section 308.H shall be enforced as mandatory.
11. No lot quota will be used up for vacant parcels of land that are annexed to adjoining properties, provided the use of the annexed parcel is limited to agricultural use. Landowners are encouraged to annex irregular or odd pieces of land to their neighbors if the annexation will improve the farming layout of the fields for both parties.
12. Additional pieces of existing farmland shall not be annexed to small lots for the benefit of increasing the small lot size above the maximum permitted in **C.** above.

13. All lots created (and residue land) must have suitable sight distance, acceptable driveway grades and acceptable solutions to drainage and erosion concerns, as well as meet all applicable provisions of other sections of this zoning ordinance, the subdivision and land development ordinance, and any other applicable ordinance, law or regulation.

310.E. Definition of Terms for Section 310 only.

1. Original Tract Area. The total area of a tract of land as of the effective date of this Ordinance as determined and listed by the Berks County Tax Assessment Office, or as determined by a recent property survey prepared by a professional land surveyor licensed in Pennsylvania and which excludes the existing road right-of-ways.
2. Farm Lots. Are lots capable of sustaining agriculture, such as crop farming, livestock, forestry, nursery and other uses permitted in the AG, AG/L and WC zoning districts.
3. Small Lots. Are lots which shall be utilized for single family residential uses as permitted in the AG, AG/L and WC zoning districts.
4. Total Tract Width. The sum of the horizontal distance between the side tract lines measured at the minimum front yard setback the same as defined above. If the total tract area includes land on both sides of an existing or proposed road, the lot width on both sides of these roads may be included, except 1) areas that do not provide at least 21,000 square feet of space within the governing setbacks, and/or 2) narrow strips of land that provide less than 50 feet of available space between the front and rear (or side) yard setbacks.

ARTICLE IV

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. **APPLICABILITY.**

- 401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the more restrictive requirement upon the applicant shall apply.
- 401.B. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Sections 118 and 119. These Sections 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

402. **ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.** Each of the following uses shall meet all of the following requirements for that use:

1. **Adult Use.** (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use)
 - a. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, place of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any Township Official Map.
 - b. No such use shall be located within 1,000 lineal feet of any existing "adult use."
 - c. A 35 feet buffer yard shall be provided along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
 - d. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - e. No such use shall be used for any purpose that violates any Federal, State or Township law.
 - f. See Section 709, Prohibited Signs.
 - g. No such use shall be allowed in combination with the sale of alcoholic beverages.
 - h. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
 - i. These uses are specifically prohibited in all Districts except where specifically permitted by Article III.
 - j. A minimum lot area of 2 acres is required, unless a larger lot is required in the applicable district regulations.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
 - l. No use may include live actual or simulated sex acts or any sexual contact between

entertainers or between entertainers and customers or between customers.

- m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 - n. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.
 - o. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 1,000 feet of the subject property at least 10 days prior to the hearing date.
 - p. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use, b) an on-site manager responsible to ensure compliance with this Ordinance and c) any legal representative of the applicant. Such information shall be updated twice a year in writing to the Zoning Officer.
2. Adult Day Care Center.
- a. Shall be fully licensed by the State, if required by the State.
 - b. Shall include constant supervision during all hours of operation.
 - c. Shall not meet the definition of a "treatment center."
3. After Hours Club. See State Act 219 of 1990, which generally prohibits this use.
4. Airport or Heliport.
- a. Minimum lot area for airport- 25 acres for a private airstrip and 100 acres for a public airport.
 - b. Minimum lot area for heliport- 15 acres.
 - c. Airplane runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
 - d. The site and its design shall be approved by the PA. Bureau of Aviation and the Federal Aviation Administration.
 - e. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
 - f. The end of any runway shall be a minimum of 1,000 feet and the landing pad of a heliport shall be a minimum of 300 feet from the lot line of any existing dwelling which the applicant for the airport or heliport does not own or have an agreement of sale. Any portion of a runway or heliport shall be 100 feet from any other lot line.
 - g. Conditions. The Board of Supervisors, with advice by the Planning Commission, may place such necessary and reasonable conditions on the use to carry out the objectives of this Ordinance. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

5. Animal Cemetery.

- a. All the regulations for a "cemetery" in this Section shall apply.
- b. The applicant shall prove to the satisfaction of the Board of Supervisors, with advice by the Planning Commission, that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
- c. Any crematorium shall be setback a minimum of 250 feet from any "residential lot line."
- d. The applicant shall prove that there will be a long-term system to ensure perpetual maintenance.

6. Auto Repair Garage or Auto Service Station.

- a. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that is directs fumes away from any adjacent dwellings.
- b. See performance standards in Article V, such as noise and glare.
- c. Outdoor storage of vehicles shall be setback a minimum of 20 feet from a lot line of an existing dwelling.
- d. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.
- e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time.
- f. Fuel pumps shall be at least 25 feet from the existing street right-of-way.

7. Auto, Boat or Manufactured Home Sales.

- a. No vehicle or home on display shall occupy any part of the existing street right-of-way or required customer parking area or any paved area setback required by Section 603.
- b. See light and glare standards in Section 511.

8. Bed and Breakfast Use. (See definition in Article II)

- a. Capacity. Within a permitted district other than the C/LI or VC district, a maximum of 8 rental units shall be provided on a lot of 3 acres or more, and a maximum of 5 rental units on a lot of less than 3 acres but more than 2 acres. A maximum of 3 persons over age 18 may occupy 1 rental unit. A bed and breakfast use on an existing lot shall require an absolute minimum lot area of 2 acres. However, any lot for a bed and breakfast created after the adoption of this Ordinance shall meet the lot requirements of the applicable zoning district. However, in the VC district, a minimum lot area of 1 acre shall apply.
- b. Parking. 1.5 off-street parking spaces shall be provided for each rental unit, in addition to 2 off-street parking spaces for the owners/managers/employees. No more than 2 off-street parking spaces shall be located within the required front yard. If more than 4 parking spaces are provided within 50 feet of an adjacent dwelling, the spaces shall be separated from the dwelling by plant screening that primarily includes evergreens and that meets the approval of the Board of Supervisors.
- c. At least one bathroom shall be provided for every 3 rental units, plus 1 bathroom for resident operators.

- d. Signs. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign which shall: 1) not be internally illuminated, 2) have a maximum sign area of 6 square feet on each of 2 sides, and 3) have a maximum total height above the ground of 8 feet.
- e. Appearance. The use shall have an appearance and character consistent with a residence or a farm. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements and any necessary safety or handicapped access improvements.
- f. The use shall be operated and managed on a daily basis by owners permanently residing on the premises. A maximum of 2 non-resident employees may regularly work on the premises.
- g. Food. Separate cooking facilities shall not be provided in any guest room. Food shall only be served to guests who are staying overnight, and not to the general public, unless a restaurant is also permitted in the district and the requirements for a restaurant are also met.
- h. The use shall be limited to transient visitors to the area. No guest shall stay for more than 24 total days in any 60 day period.
- i. The use of any amenities, such as swimming pool or tennis court, shall be restricted in use by overnight guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is permitted in the district and the requirements for such use are also met.
- j. Utilities. The applicant shall prove that any existing on-lot septic system is sufficient in size for the expected increase in flow and that there is no visible sign of failure of the system. The applicant shall also provide a written signed statement stating that any well water to be used has been tested by a professional within the last 3 months and found to be of satisfactory quality and quantity.
- k. A Bed and Breakfast Use may be within any principal building that meets the requirements of this Section. No new accessory building shall be built to accommodate rental units or a restaurant. All existing principal buildings and barns shall be retained and the rooflines of such buildings shall be maintained.
- l. Recreation Activity Setback. All active recreation activities shall be setback a minimum of 25 feet from lot lines and shall cease within 1 hour after sundown.
- m. Liquor. The use shall not operate in combination with a liquor license, nor shall alcoholic beverages be sold by the drink, except if the use is located within a C/LI or VC district. If alcoholic beverages are made available to guests, all applicable State laws regulating the alcoholic beverages shall be complied with.
- n. The general standards for conditional uses listed in Article I of this Ordinance shall be complied with.

9. Boarding House (or Rooming House).

- a. Minimum lot area- 2 acres, unless a large lot is required by the applicable district regulations
- b. Minimum setback from all lot lines- 50 feet
- c. Minimum lot width- 200 feet
- d. Maximum density- 3 bedrooms or 6 persons per acre.
- e. Each sleeping room shall be limited to 2 persons each.

- f. A 20 feet wide buffer yard with screening meeting Section 803.D., shall be provided between any boarding house building and any abutting single family detached dwelling that is within 100 feet of the proposed boarding house building.
- g. Interior Space- A minimum of 300 square feet of interior floor space per resident.
- h. Maximum number of residents: 20.
- i. See also standards for "personal care home" which is a separate use.
- j. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- k. Rooms shall be rented for a minimum period of 5 consecutive days.

10. Campground.

- a. Any sleeping cabins shall not be within the 100-year floodplain.
- b. For each acre of total lot area, there shall be a maximum average of: a) 2 recreational vehicle sites, b) 5 tent sites or c) cabin sleeping capacity for 5 persons. Such sites may be clustered in portions of the tract.
- c. Maximum impervious coverage- 10 percent.
- d. Any store shall be limited to sales of common household and camping items to persons camping on the site.
- e. A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
- f. Minimum lot area - 10 acres.
- g. All parking, interior driveways (except necessary entrance/exit drives), developed recreation areas, recreational vehicle parking areas, cabins, tent sites and similar activity areas shall be setback a minimum of 150 feet from "any residential lot lines". All buildings shall be setback a minimum of 50 feet from any other lot lines. Any existing healthy trees within such setbacks shall be preserved, except at needed perpendicular crossings.
- h. Lighting - see Article V.

11. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation channels and parking areas shall be clearly marked.
- c. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
- d. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.
- e. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- f. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

- g. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
12. Cemetery.
- a. Minimum lot area- 2 acres.
 - b. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
 - c. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and 10 feet from the cartway of an internal driveway.
 - d. No grave sites shall be located within the 100-year floodplain.
 - e. The use shall include an appropriate system to ensure perpetual maintenance.
13. Communications Tower or Antennae, Commercial.
- a. The applicant shall provide written certification from a Professional Engineer stating that the communications tower/antennae will: a) meet the requirements of the latest BOCA Building Code for wind resistance and strength of construction and b) will not fall on neighboring properties if the structure would fail.
 - b. A commercial communications tower shall have a maximum height of 250 feet.
 - c. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of 8 feet.
 - d. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.D.
14. Day Care Center, Child. - as a principal use
- a. See also day care center as an accessory use in Section 403.
 - b. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA. Department of Public Welfare registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
 - d. The use shall meet the same lot and dimensional requirements as a single family detached dwelling.
 - e. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas routinely used for outdoor play to separate the areas from abutting streets or other attractive nuisances or hazards on adjoining lots.
 - f. Outside play areas shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of an abutting dwelling.
 - g. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the lot line of an abutting existing occupied dwelling.

- h. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
 - i. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.
 - j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
15. Forestry, Commercial. (Excluding Plant Nursery) - See Section 514.
16. Golf Course.
- a. The course shall be designed so that golf balls are unlikely to enter public streets or property that is not part of the golf course.
 - b. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as accessory uses. Any building shall be setback a minimum of 250 feet from any "residential lot line".
 - c. Minimum lot area- 40 acres in a residential district.
 - d. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
 - e. Maximum building coverage- 3%.
 - f. Maximum impervious coverage- 10%.
 - g. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.
 - h. A golf course may include a driving range, if the area occupied by the users is setback a minimum of 250 feet from any "residential lot line".
17. Group Home.
- a. See definition in Article II.
 - b. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.
 - c. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/ license expires, is suspended or is withdrawn.
 - d. Registration. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.
 - e. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.
 - f. Parking. One off-street parking space shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable

of driving a vehicle. Off-street parking areas of more than 4 spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 803.

- g. The use shall not meet the definition in Article II of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.
- h. Appearance. If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
- i. The following maximum number of persons shall reside in a group home, including the maximum number of employees and care providers routinely in the group home at any point in time:
 - 1) Single Family Detached Dwelling in a residential district with minimum lot area of 2 acres and minimum building setbacks from all lot lines of 20 feet (unless a larger lot or setback is required for a dwelling in such district): 6 persons.
 - 2) A dwelling unit in the C/LI District: 8 total persons.
 - 3) Any other lawful dwelling unit: 5 total persons.
- j. Septic. If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Township Sewage Enforcement Officer to determine whether there is any evidence of a malfunction and to consider whether the size of the system is sufficient.
- k. Employees of the group home shall be prohibited from having visitors on the premises, unless such visitation is necessary for the operation of the group home and except for emergencies.

18. Hotel/Motel.

- a. Recreational facilities limited to overnight guests and a standard restaurant may be permitted accessory uses to a hotel or motel.
- b. See definition in Article II, which distinguishes between a hotel/motel and a boarding house.
- c. Minimum lot area - 2 acres.

19. Junk Yard. (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely surrounded (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such

storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

- e. Burning or incineration of vehicles or junk is prohibited.
- f. See the noise or dust regulations of Article V.
- g. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
- h. Lot area - 3 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.

20. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. A kennel may be used for breeding.
- f. Minimum lot area - 10 acres.

21. Livestock, Intensive Raising of. (See Definition in Article II)

- a. Minimum lot area - 15 acres.
- b. Any structure used for the "intensive raising of livestock" or any dry lot feed farming station shall be setback in accordance with the following table from the lot lines:

DENSITY OR HERD SIZE	SETBACK*
Greater than 2 AU/acre but less than 120 total AU's	100 feet minimum or 200 feet from a residence on another property
120 to 300 total AU's	250 feet
300 to 1000 total AU's	500 feet
Greater than 1000 total AU's	1000 feet
Greater than 5 AU's per acre	NOT PERMITTED

*The setback applies to any building, pen, cage, feed lot, composting or storage facility associated with the concentrated or intensive agricultural operation. It does not apply to residences, sheds or other structures not housing the intensive agricultural operation. The setbacks do not apply to fenced grazing areas that are not considered holding or feeding pens.

The setbacks are measured from the outer property boundaries, any public roads, or zoning district boundary other than AG or AG/L.

- c. Composting - See Section 403.

- d. See the Pennsylvania Right-to-Farm Act regarding nuisances.
- e. The following additional regulations shall apply to garbage-fed livestock:
 - 1) All feeding of garbage shall occur over concrete or similar smooth impervious surface;
 - 2) The amount of garbage set out for the livestock shall be limited to what the livestock can reasonably be expected to eat until the next feeding;
 - 3) All storage of garbage for feed shall be under cover and within an enclosed building, silos or similar storage;
 - 4) When being fed to livestock, the garbage shall be placed in troughs or bunkers designed to prevent spillage. The livestock shall be prevented from stepping in the troughs or bunkers.
 - 5) Any raising of garbage-fed livestock shall require conditional use approval. Such approval may be suspended by the Board of Supervisors if significant nuisances are created.
 - 6) For the purposes of this subsection "21.", "garbage" shall not include:
 - a) solid waste clearly generated on that farm, or
 - b) brewers grain, cannery waste, apple pomace, mushroom stumps or similar edible waste of a food or beverage manufacturer.
- f. Residency. An owner, partner or corporate officer with at least 25% ownership equity interest in the land or livestock must physically reside on the property or within 1 mile of the operation. The farm operator, if different, must also physically reside on the property or within 1 mile of the operation.
- g. Manure storage facilities. Any impoundment, basin, lagoon, tank, or under building pit used to collect and/or store manure shall be water tight and equipped with a suitable leak detection and alarm system. Any new facility shall be designed and constructed in accordance with the guidelines and criteria of NRCS-USD, with the plan certified by a Pennsylvania professional engineer. The Township shall inspect all new facilities during construction.
- h. Required plans and documents. Any application for the intensive raising of livestock shall provide the following required plans and documents.
 - 1) A land development plan to be submitted, reviewed and approved by the Township.
 - 2) A nutrient management plan approved by the Berks County Conservation District or other applicable governmental agency shall be submitted.
 - 3) A sediment and erosion control plan approved by the Berks County Conservation District, or other applicable governmental agency, shall be submitted for any new construction of buildings or other improvements to the property.
 - 4) A conservation plan approved by the Berks County Conservation District, or other appropriate governmental agency, shall be submitted for the farm covering any manure application areas.
 - 5) A copy of the Pennsylvania Department of Environmental Protection General Information Form (GIF) shall be submitted to the Township.

- 6) An environmental emergency response plan shall be submitted to the Township.
 - 7) Copies of any and all permits received from any and all governmental agencies shall be submitted to the Township.
 - 8) Payment of an application fee and establishment of a consultant escrow account to cover, review and inspection costs incurred by the Township shall be made by the applicant. The Township shall establish a fee schedule by resolution and review the fee schedule periodically and make appropriate adjustments as necessary.
- i. Conditions for approval. The approval of this conditional use shall meet all the standards listed in Section 117.C.4. In addition, the Supervisors may require the following conditions depending on the specific site conditions, size and type of purposed operation, topography and other potential impacts:
- 1) The repositioning, or elimination of proposed structures, imposition of greater setbacks or down sizing of the facilities to better fit the particular property and site conditions based on topography, visual impact, prevailing winds, presence of neighboring residential areas, tree masses or known geological concerns.
 - 2) Require that only a limited percentage (such as 50%) of any contiguous land area outside the Albany Township municipal boundary or only a limited percentage (such as 50%) of any contiguous land area in zoning districts other than the AG or AG/L be used in the calculation of animal density.
 - 3) Require the immediate implementation of the nutrient management plan and/or sediment and erosion control plans.
 - 4) Require a water supply study to ascertain whether the proposed facility will have any detrimental affects on the ground water supply and quality, both for the project itself as well as the surrounding properties.
 - 5) Require geological or foundation studies and analysis.
 - 6) Require the planting of buffer zones of evergreen and deciduous trees to reduce and disburse odors or reduce visual impact.
 - 7) Require the regular use of bacteria additives, special feeds or other conditioners to the manure storage facility to reduce odors.
 - 8) Require a plan addressing the reduction and control of flies and other insects.
 - 9) Require time limits on the incorporation of spread manure into the soil. For example, the Supervisors may require that any untreated manure be incorporated into the soil within 3 days.
 - 10) Require yearly documentation of any leased land or manure broker agreements that are necessary to the operation of the facility.
 - 11) Require yearly, or other time period, renewal of a zoning permit for the proposed operation. Such renewal shall include a review of the performance and compliance history of the facility.
 - 12) Require that certain methods of mortality disposal be or not be employed.
 - 13) Require insurance bonding for truck or equipment damage to the Township owned roads and bridges caused by traffic going to or from the facility.

- 14) Require insurance bonding for manure spills, and/or surface and groundwater contamination.
 - 15) Require a traffic impact study and implementation of policies, procedures or facilities to ameliate traffic impact on the community.
22. Low-Rise Apartments. - See "Townhouses and Low-Rise Apartments".
23. Manure Management. A farm or property owner that imports, receives, stores, and/or spreads on any property within Albany Township either, manure generated from any intensive agricultural operation, sewage sludge or other waste water product that is or is not produced or otherwise originates from the same property shall be required to:
- a. Submit a nutrient management plan for the storage of and use of the imported manure, sewage sludge or waste water product approved by the Pennsylvania Department of Environmental Protection or other appropriate governmental agency..
 - b. Submit a conservation plan approved by the Berks County Conservation District or other appropriate governmental agency.
 - c. Renew their zoning permit annually.
 - d. All sewage sludge, untreated manure or other waste water product spread on fields shall be incorporated into the soil within 3 days from the day of spreading.
 - e. All liquid manure used for top dressing or non-incorporated uses shall have been treated successfully (with additives, bacteria, etc.) to sufficiently reduce the odor so that it is not offensive beyond the property or street lines.
 - f. Implement procedures and methods to reduce and control the breeding of flies and other insects.
 - g. Implement procedures and methods to reduce and control odors beyond the property lines.
24. Membership Club.
- a. Maximum impervious coverage in a district other than VC or C/LI - 10 percent.
 - b. Minimum lot area in a district other than VC or C/LI - 10 acres.
 - c. All parking, interior driveways (except necessary entrance/exit drives), developed recreation areas, buildings and similar activity areas shall be setback a minimum of 150 feet from "any residential lot lines". All buildings shall be setback a minimum of 50 feet from any other lot lines. Any existing healthy trees within such setbacks shall be preserved, except at needed perpendicular crossings.
 - d. Lighting - see Article V.
 - e. Target Range - see listed separately.
25. Mineral Extraction. The following Mineral Extraction provisions shall not apply to routine removal of material from a site (such as shale) for use as fill of land.
- a. After areas are used for mineral extraction, they shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive future use.
 - b. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250

feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earth berm averaging a minimum of 6 feet in height and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 603.

- c. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:
 - 1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - 2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - 3) 250 feet from a "residential lot line", other than an abandoned dwelling,
 - 4) 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,
- d. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- e. Fencing. The Board may require secure fencing in locations where needed to protect public safety.
- f. Noise and Performance Standards. See Article V.
- g. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
- h. Hours of Operation. The Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- i. Engineering Review. The application shall be sent to the Township Engineer or an alternate Engineer appointed by Board of Supervisors for a review, with the reasonable costs of such review paid by the applicant.
- j. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Township approvals under this Ordinance, and such Township approval may be revoked for violation of this condition.
- k. Preemption. Unless a specifically preemption is in effect of this Ordinance by a State or Federal regulation or law, the most restrictive provisions upon the applicant shall apply whenever one or more municipal, State or Federal regulations apply.
- l. Application Requirements. For any Mineral Extraction use involving a proposed excavation of more than 1 acre, the following shall be submitted:
 - 1) Present uses of the site
 - 2) A scaled map, prepared by a professional engineer, showing the locations of:
 - a) the proposed area to be excavated (and maximum depth);

- b) other land to be affected including but not limited to: i) storage sites for overburden, ii) access and haulage streets, iii) storage sites for equipment, and iv) offices and other accessory structures;
 - c) lot lines of adjacent lots, and owners and existing uses of these lots;
 - d) watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
 - e) any wetlands and forested areas to be removed or protected and preserved as part of the use.
- 3) A detailed land reclamation plan of the area to be excavated, showing:
- a) proposed reclaimed use and topography of the land following the mineral extraction;
 - b) actions to be taken during mining to conserve and replace topsoil removed during mining operations;
 - c) reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.
- m. Regulation of the Maximum Acreage Actively Used for Mineral Extraction
- 1) To ensure that large areas of land will be reclaimed in compliance with State and Township regulations, the Board of Supervisors may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.
 - 2) Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and/or that contains waste or spoil piles from existing or prior mining activities.

26. Mobile/Manufactured Home. on an individual lot or within a mobile/ manufactured home park.

- a. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in Albany Township, but such home may remain at an existing location if habitable.
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch mechanism removed and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.
- d. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the home complies with this Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to

the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.

- 1) The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). The piers or footings shall be a minimum of 4 inches greater in width than the concrete blocks used to support the home. This foundation system shall be placed on approximately 8 feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than 3 feet overhang at each end of the section.
 - 2) One-half inch diameter by 12 inch long eyebolts, or approved equivalent u-shaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
 - 3) Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.
 - 4) Mobile homes shall not be placed more than 4 feet above the supporting ground area.
- e. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:
- 1) industry-approved skirting material compatible with the home or,
 - 2) if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first floor elevation.
- f. Homes shall have a pitched instead of a flat roof.
- g. Homes on individual lots should be located with the longest side facing any boundary public street.
- h. Permit. Each mobile home shall require a Township permit prior to placement on a site.

27. Mobile/Manufactured Home Park.

- a. Any mobile/manufactured home park shall meet all requirements of the Subdivision and Land Development Ordinance, except where two provisions regulate the same matter, the more restrictive upon the applicant shall apply. Spaces for individual mobile homes within a mobile home park are not required to be individually surveyed and shall not require individual meets and bounds descriptions.
- b. Minimum tract size of 10 contiguous acres, which shall be under single ownership.
- c. Density - The maximum average overall density shall be 4 dwelling units per acre if both approved central water service and central sewage service will serve each dwelling. Otherwise, the maximum density shall be an average of 1 dwelling unit per acre. To calculate this density, land in common open space or proposed streets

within the park may be included, but land within the 100 year floodway or that has natural slopes of 25 percent or greater shall not be included.

- d. Buffer Yard - Shall have a 50 foot wide landscaped open area around the perimeter of the site. This open area shall include evergreen screening meeting the requirements of Section 803 where abutting an existing single family detached dwelling. The same area of land may count towards both the open area and the setback requirements.
- e. Minimum setbacks - See the Subdivision and Land Development Ordinance.
- f. Each home shall comply with the requirements for Mobile/Manufactured Homes, in Section 402.
- g. Accessory Structures.
 - 1) Detached accessory structures may be attached or immediately adjacent to each other.
 - 2) A detached accessory shed shall not be located in a front yard between a dwelling unit and a street or parking court.
- h. Common Open Space for a Mobile Home Park
 - 1) A minimum of 10 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. Because mobile home parks are required to provide their own common open space, a mobile home park shall not be subject to additional common open space or recreation fee requirements under the Township Subdivision and Land Development Ordinance, as amended.
 - 2) Areas within the required buffer yards, boundary set back areas and within the 100 year floodplain may count towards the minimum common open space, except for areas that specifically are not permitted to be counted by part "3)" below.
 - 3) The following areas shall not be permitted to be counted towards the minimum required common open space:
 - a) that would not be accessible to pedestrians,
 - b) that would be within a storm water basin, unless the applicant proves to the satisfaction of the Zoning Officer that such area could be routinely and safely usable for recreation and as accessible open space.
 - c) that would be within 15 feet of any principal building, other than a recreation building or
 - d) that would have a minimum width of less than 20 feet.
- i. Additional Uses in a Mobile Home Park
 - 1) A mobile/manufactured home park may include a recreation center for residents, a rental/management office, maintenance buildings for the park, swimming pool and the sale of mobile/ manufactured homes that will be placed on the tract.
 - 2) A mobile home park shall not include the sale of homes for placement off the tract - except for routine re-sale of existing homes.

- j. Parking in a Mobile Home Park. An average minimum of 2.2 off-street parking spaces shall be provided per dwelling unit. A minimum of 2 such spaces shall be provided adjacent to the dwelling they serve.
 - k. Streets.
 - 1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - 2) All private streets shall meet all other Township cartway construction standards.
 - l. All mobile home spaces shall have underground electric, telephone and cable television wiring (where available).
 - m. Water Service. If non-public center water service is proposed, it shall be in accordance with any applicable PA, DER and Township requirements.
 - n. Sewer Service.
 - 1) Where non-public central sewage service is proposed it shall be in accordance with PaDER requirements and all applicable Township requirements.
 - 2) If a private sanitary system is proposed it may be constructed of PVC Schedule 35 or other approved piping and shall be installed and bedded in accordance with any applicable PaDER requirements.
 - o. Park Management and Operation
 - 1) The owner of the park shall supervise the installation of all mobile homes, foundation systems and utility connections.
 - 2) The owner of the park shall report all arrivals of adult residents to the Township Tax Collector within 30 days and notify the Township Tax Collector prior to any proposed resident departures.
 - 3) The owner of park shall provide reasonable access to the Township or its representatives for periodic inspections of the park and its facilities.
28. Nursing Home.
- a. Licensing - See definition in Article II.
 - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
 - c. The density shall not exceed more than one resident or bed per 250 square feet of total building floor area.
 - d. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from a "residential lot line."
29. Personal Care Home. - The standards for nursing homes in this section shall apply.
30. Picnic Grove, Privately-Owned.
- a. All parking and activity areas shall be a minimum of 250 feet of an existing dwelling other than a dwelling with the same owner as the picnic grove. The use shall not operate in a way that is perceptible from beyond the lot lines between the hours of

10:30 p.m. and 7 a.m.

- b. See noise and glare standards in Article V.
- c. Minimum lot area - 10 acres.

31. Place of Worship.

- a. Minimum lot area- 2 acres, unless a larger lot area requirement applies in the applicable district.
- b. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided that the requirements for such uses are also met.
- c. One dwelling unit for a religious leader(s) of the place of worship and his/her family may be accessory to a place of worship on the same lot.

32. Race Track, Commercial (which shall include but not be limited to any track or driving course, other than an approved street, used for competitive and/or high speed driving of motor vehicles)

- a. See the performance standards of Article V, especially regarding noise and glare. Appropriate noise barriers, berms and landscaping shall be used to meet the noise standards of this Ordinance. A professional noise analysis shall be required.
- b. Any area used for the testing, warm-up or racing of race vehicle engines shall be setback a minimum of 400 feet from any "residential lot line."
- c. All areas used for racing shall be covered with asphalt or a similar dust free surface.
- d. Minimum lot area- 12 acres.
- e. The use shall not operate in a way that is perceptible from beyond the lot lines between the hours of 10:30 p.m. and 8 a.m.

33. Recycling Collection Center.

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for garbage generated on-site or garbage accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or melting or mechanical shredding of metal or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard and shredding of newspaper.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

34. Restaurant.

- a. If drive-thru service is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided. The words on such signs shall not be readable from a street or residential lot line.
- b. Traffic circulation onto, within and off of the lot shall be clearly marked. Any drive-thru use shall be designed: a) with adequate capacity for waiting vehicles, and b) to avoid conflicts with traffic onto, around and off of the site.

35. School, Public or Private, Primary or Secondary

- a. Minimum lot area - 3 acres, if less than 100 students, 5 acres if 100 students or over.
- b. No children's play equipment, basketball courts, baseball backstop or infield or illuminated recreation facilities shall be within 25 feet of a residential lot line.
- c. The use shall not include a dormitory unless specifically permitted in the District.

36. Self-Storage Development.

- a. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- c. The interior traffic aisles, required off-street parking areas, loading areas and accessways shall be kept clear of stored items.
- d. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- e. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- f. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.
- g. Maximum building length- 250 feet.
- h. Minimum separation between buildings- 20 feet.

37. Sewage Sludge, Land Application of.

- a. Shall have a minimum lot area of 50 contiguous acres.
- b. Setback. No septage or sludge shall be applied within 400 feet of any of the following features: an existing dwelling other than that of the applicant, a well, an existing office or restaurant use or a perennial creek or river.
- c. Setback from Future Construction. A condition of any sludge approval shall be that a 250 foot setback shall apply from any dwelling, well, office or commercial use that is constructed in the future. In these areas, the application of sludge or septage shall not become a nonconforming use.
- d. The waste shall be regularly tested, with the results available to the public and the Township upon request.
- e. The applicant shall prove compliance with all applicable DER regulations. The applicant shall also submit a site plan to the Township. The use shall only not occur without a Township permit.

38. Slaughter House.

- a. Minimum lot area- 10 acres.
- b. The building(s) where slaughtering takes place shall not be located closer than 250 feet from all exterior lot lines, and no closer than 500 feet from a "residential lot line."

39. Solid Waste Facility. (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility) - See definition in Article II.

- a. No property shall be used as a dumpsite for solid waste without a valid Township and a valid DER permit. The Township permit may be suspended for violation of a Township or DER requirement.
- b. An applicant for a solid waste facility shall reimburse the Township for all legal advertisements related to the application, plus pay a non-refundable administrative fee of \$2,000 plus establish an escrow account of \$40,000 to be used to compensate the Township for actual and customary expenses of professional reviews (such as but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be non-refundable, while any funds not used for such reviews shall be returned to the applicant after the final Township approval.
- c. Site Plan. A site plan shall be submitted meeting the requirements of the Subdivision and Land Development Ordinance and the requirements of Section 116 of this Ordinance and including all information required by DER on any site plan submitted to the State. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent lots, proposed haul and access roads, proposed staging, location of equipment and tire cleaning areas and location of weighing and firefighting facilities.
- d. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than 5 percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The experience of the applicant in developing and operating other solid waste facilities shall be described.
- e. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DER at the same time as they are submitted to DER.
- f. A statement shall be submitted describing proposed uses of landfill land after

landfilling operations are completed.

- g. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles of over 20,000 pounds gross vehicle weight that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads considering the roads' existing construction.
- h. An environmental assessment shall be submitted, including the following:
 - 1) Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),
 - 2) Descriptions of and maps showing the suitability of the proposed site for the use,
 - 3) Applicable technical data provided in an appendix,
 - 4) Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,
 - 5) Impacts upon stormwater and floodwaters,
 - 6) Visual impacts,
 - 7) For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.
- i. Setbacks.
 - 1) All solid waste storage, disposal and incineration shall be a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.
 - 2) All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 400 feet from any of the following: residential district, publicly-owned park, lot line of any existing dwelling (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.
 - 3) A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.
- j. The use shall be served by a minimum of 2 access roads paved with a dust free surface, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.
- k. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the D.E.R. Any material to be incinerated that is to be stored for more than 3 hours shall be stored in an enclosed structure.
- l. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- m. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.

- n. The applicant shall prove to the satisfaction of the Board of Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Board of Supervisors may require the applicant to make specific improvements to roads to handle extraordinarily heavy loads.
- o. In cooperation with PA. DER requirements, an appropriate double liner and a system to collect and treat leachate and methane is very strongly encouraged for any sanitary landfill.
- p. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract.
- q. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board of Supervisors may also require temporary litter-control fences surrounding current dumping areas. The Board of Supervisors shall require earth berms, evergreen screening and/or shade trees with a minimum total effective height of 8 feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- r. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of 10 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 50 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- s. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- t. Attendant. At least 2 employees shall be present during all times of operation.
- u. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- v. Emergency Access and Services. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.
- w. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 8 a.m. and 7 p.m. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day or the 4th of July.
- x. Tires. See "Outdoor Storage and Display" in Section 403.
- y. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks. All open waste trucks entering and exiting the site shall be covered.
- z. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are

defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

- aa. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.
 - bb. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - cc. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect.
 - dd. A tire cleaning area shall be provided on access roads from a landfill.
 - ee. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of 3 years after any landfill is closed. For a landfill, such testing shall include at a minimum groundwater monitoring wells. For an incineration use, such testing shall at a minimum include air pollution monitoring.
 - ff. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center and/or bulk recycling center are permitted in combination with any permitted solid waste disposal facility.
 - gg. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.
 - hh. For each acre upon which active landfill operations begin, a \$10,000 bond payable to the Township of Albany shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Township Solicitor. Such bond shall be in effect for a minimum of 10 years after the operations cease.
 - ii. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted other than "municipal waste."
 - jj. Under the authority of State Act 101 of 1988, the Board of Supervisors may appoint one or more landfill inspectors. Such inspector shall have authority to visit the site, to monitor operations and to review records regarding the origin and types of waste.
 - kk. See Act 101 of 1988 which provides municipalities the authority to charge "host fees."
 - ll. The Board of Supervisors may establish certain minimum insurance requirements for the applicant as a condition of Township approval. Such insurance shall at a minimum include a \$10 million liability policy regarding environmental hazards.
40. Stable, Nonhousehold.
- a. Minimum lot area - 10 acres.
 - b. Any horse barn or stable shall be a minimum of 50 feet from any lot line, except 200 feet from the lot line of an existing dwelling. Any corral shall be setback 25 feet from the lot line of an existing dwelling.

41. Swimming Pool, Non-Household. (For swimming pools serving 1 household, see Section 403)
- a. The water surface shall be setback at least 25 feet from any lot line.
 - b. Minimum lot area- 2 acres.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.
 - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
 - f. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
 - g. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.
42. Target Range.
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
 - b. The Board of Supervisors may require that an outdoor firearms target range comply with applicable National Rifle Association standards.
 - c. An outdoor firearms target range shall be located a minimum of 500 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless the use is within a completely enclosed sound-resistant building.
 - d. An outdoor firearms target range shall be fenced and be properly posted.
 - e. The applicant shall show that the noise limits of Article V will be met.
 - f. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.
43. Townhouses and Low-Rise Apartments.
- a. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings - 12 for any building including low-rise apartments, 6 for any other building(s)
 - b. Density. The permitted maximum total density shall be 4 dwelling units per acre for townhouses and 5 dwelling units per acre for apartments. In determining such density, the following land areas shall not be considered:
 - 1) areas within the existing rights-of-ways of pre-existing or previously approved streets;
 - 2) areas with natural slopes greater than 15 percent;
 - 3) 75 percent of areas within the 100-year floodplain as defined by Federal floodplain maps; and

- 4) 50 percent of areas within rights-of-ways or easements intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.
- c. The following areas are not required to be deleted from the "buildable area" - provided that they do not include areas that are specifically required to be deleted under the standards in part "1" above:
- 1) rights-of-way of streets that do not exist or that were not previously approved;
 - 2) areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area;
 - 3) areas that will be dedicated as common open space.
- d. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.
- e. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
- f. Buffer Yard - A 20 feet wide buffer yard with screening shall be provided by the developer of the townhouses or garden/low-rise apartments, as described in Section 803.D., between any townhouse or garden apartment principal buildings and:
- 1) any abutting existing single family detached dwelling within 100 feet or
 - 2) the right-of-way of an arterial street that abuts the rear of townhouse units and is within 100 feet.
- g. Floor Area - See Section 801.
- h. Building Setback and Separation. The following minimum setbacks shall apply for townhouse and low-rise apartment buildings, whichever is most restrictive:
- 1) for principal and accessory structures from all exterior lot lines (other than that of a single family detached dwelling) and from all rights-of-ways of pre-existing streets - 50 feet;
 - 2) for principal and accessory structures from a right-of-way of a street constructed within the tract * - 25 feet;
 - 3) for accessory structures from a lot line within the townhouse or low-rise apartment tract - 3 feet.
- * = or from the cartway of a private street if a right-of-way does not exist
- i. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.
- j. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.

- k. Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:
 - 1) has 2 or more off-street parking spaces located within 20 feet of the front of the townhouse or
 - 2) has garage door(s) for 2 or more motor vehicles facing onto the front of a townhouse.
- l. Additional Requirements: For Construction of Private Streets - See Section 801 "Frontage Onto Improved Streets." For preservation of natural buffers - See Section 803.D. For dumpster screening - See Section 512.
- m. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.
- n. To avoid garages from being an overly prominent part of the view of townhouses from streets, landscaped parking courts or garages/carports at the rear of dwellings are encouraged.
- o. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial street.
- p. Common Open Space.
 - 1) For any low-rise apartment or townhouse development involving 25 or more dwelling units, a minimum of 10 percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Ordinance or common open space or fees-in-lieu of open space requirements of the Subdivision and Land Development Ordinance. Common open spaces are encouraged to be used as a buffer against any abutting major roads.
 - 2) The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Board of Supervisors, that there will be an adequate permanent method in place to maintain the common open space.
 - 3) Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
- q. Condominiums. The division of land into individual lots is not required, but instead condominium ownership may be used.

44. Treatment Center.

- a. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Board of Supervisors as a conditional use.
- b. The applicant shall prove to the satisfaction of the Board of Supervisors that such use will involve adequate supervision and security measures to protect public safety.
- c. The Board of Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

45. Veterinarian Office. (includes Animal Hospital)

- a. A minimum lot area of at least 2 acres shall be required, unless a larger lot area is required by the applicable district.
- b. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

46. Warehouse or Wholesale Sales.

- a. See off-street loading requirements in Section 605.
- b. No storage of garbage (other than is routinely produced on-site and awaiting regular collection) shall be permitted.
- c. See requirements in Section 403 for "Outdoor Storage or Display".

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

403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance.

403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use.

403.C. Front Yard Setback. No structure, use or building shall be permitted in a required front yard in any district, except as provided for in Section 310.

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

1. Accessory Dwelling for a Relative or Full-Time Caregiver or Caretaker.

- a. Any on-lot septic system shall be reviewed by the Sewage Enforcement Officer, who may require improvements or a new system as needed to address the increased flows. An additional dwelling shall not be permitted if there is evidence of a system malfunction, unless such system is adequately improved.
- b. An existing single-family detached dwelling shall maintain the appearance of a single family detached dwelling from the street - with a single front entrance. Additional entrances may be placed on the side or rear of the structure, or the dwellings may internally share the single front entrance.
- c. The principal dwelling unit shall include a minimum of 600 square feet of floor area.
- d. A maximum of 2 total dwelling units are permitted.

- e. The accessory dwelling unit shall be inhabited by a minimum of one of the following:
 - 1) a "relative" (as defined in Article II) of an occupant of the principal dwelling unit on the lot;
 - 2) a full-time caretaker of the property who does not pay cash rent and who does not have any other full-time occupation; and/or
 - 3) a full-time caregiver (such as a nurse) to an occupant of the principal dwelling unit, provided such caregiver does not pay cash rent and who does not have any other full-time occupation.
 - f. Such dwelling unit should be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit (or in the case of an accessory building, revert to a non-residential use) after such permitted occupants no longer lives within it. Once such accessory dwelling is no longer occupied by a permitted occupant, the dwelling shall be reconverted into part of the principal dwelling unit, be removed or be converted to storage or another permitted use.
 - g. If the accessory dwelling is within the same building as the principal dwelling, the two dwelling units shall have at least 1 interconnecting inside door.
 - h. The dwelling shall be within a principal or accessory building that existed at the time of adoption of this Ordinance, or within an addition to such a building.
2. Composting. (as a principal or accessory use)
- a. On a lot of less than 5 acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste, and shall not include animal wastes or fats.
 - b. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.
 - d. Composting of manure shall be setback a minimum of 150 feet from any dwelling on an adjacent lot, and be located and graded to prevent manure from being washed into a creek or lake by stormwater.
 - e. See the guidelines of the Pennsylvania State University Cooperative Extension Service concerning manure management.
 - f. Compost shall be kept free of other garbage.
 - g. The following regulations shall apply to: a) composting on a bulk commercial basis that involves manure being brought onto a site from land owned or leased by other persons and b) commercial mushroom production.
 - 1) The provisions of this subsection 2. shall not apply to composting involving materials such as manure generated on-site or generated on property owned or leased by the same person
 - 2) The applicant shall prove to the satisfaction of the Board of Supervisors that
 - i) sufficient setbacks, screening, siting, methods and structures will be used to reasonably ensure compatibility

with neighboring properties, including minimizing odors off the site; and

ii) sufficient measures will be used to protect water quality.

3. Minimum lot area - 50 acres.

4. Minimum setback for structures or areas used for the production or storage of compost from:

i) lot lines of dwellings with different owners than the owner of the composting use - 600 feet.

ii) other exterior lot lines and the centerlines of creeks - 300 feet.

iii) Such compost shall not be bulk stored or leveled within 100 feet of wells, lakes or creeks or within a 100 year floodplain.

5. All leachate and compost pad runoff shall be collected and properly treated.

6. All compost wharves shall be constructed of an acceptable all-weather impervious surface.

3. Day Care Center as Accessory Use to a Residential Use.

a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit, in addition to children who are not "related" (see definition in Article II) to a permanent resident of the dwelling:

1) In a single family detached dwelling with a minimum lot area of 1 acre and a 10 feet setback from all existing dwellings: maximum of 6 children.

2) In any other dwelling unit: maximum of 3 children.

b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic and any needed safety improvements.

c. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.

d. The use shall be actively operated by a permanent resident of the dwelling.

e. The building shall have smoke detectors and at least 1 A-B-C fire extinguisher.

f. A minimum of 200 square feet of safe exterior play area shall be available, which preferably should be fenced.

4. Farm-Related Business. (see definition in Article II; See also "Home Occupation" below)

a. A zoning permit shall be required for a Farm-Related Business. A site plan is not required unless there would be a new building, building expansion, new driveway or new parking lot.

b. Minimum lot area - 10 acres.

- c. A farm-related business shall be conducted completely indoors, and may only be within a principal or accessory building that existed at the time of adoption of this Ordinance. The total amount of floor area of all buildings used for a farm-related business shall not be greater than 2,000 square feet of total floor area.
- d. No industrial operations shall occur outdoors.
- e. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for non-illuminated 1 sign with a maximum sign area of 4 square feet on each of 2 sides and a maximum height of 8 feet.
- f. Truck Traffic - The use shall not require the parking of, storage of or regular servicing by a tractor-trailer truck, except for a single truck used by a resident of the dwelling as an over-the-road driver as a primary occupation, and except for trucks clearly servicing an agricultural use.
- g. Uses - The use shall clearly be accessory to the principal use of the lot (such as agriculture or a dwelling). Uses permitted as a farm-related business include the following and uses that the Board of Supervisors determines are closely similar: farm equipment and auto repair, light welding, sale of seed, barber/beauty shop, music or art instruction, small engine repair, woodworking or custom cabinetmaking, custom blacksmithing, boarding of up to 2 horses (see stable, nonhousehold for more horses), sharpening service, light processing of locally produced agricultural products, installation of automobile accessories (other than spray painting), veterinarian office, indoor warehousing, and sale of manure or compost routinely produced on-site as part of a farming operation.
- h. The following uses shall not be permitted as a farm-related business: kennel, funeral home, retail sales other than types specifically stated as permitted, restaurant, or trucking company terminal. (See also uses permitted as a home occupation.)
- i. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes or in farm buildings shall be permitted. No use shall generate noise or glare in excess of what is typical from a routine farm operation.
- j. The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article V.
- k. Parking and Loading - The lot shall include sufficient off-street parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit.
 - 1) If 5 or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.
 - 2) For any motor vehicle repair operation, a maximum of 4 vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.
 - 3) A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that such driveway has adequate sight distance.

- 4) No motor vehicle that is not owned or leased by the operator of the use shall be on-site longer than 6 months in such a way as to be visible from a public street or a dwelling on another lot.
 - 5) The applicant shall show that there is a safe location available for any needed deliveries, which shall be located off of the cartway of a public street.
- l. Building Appearance - The exterior of a residential building or barn as viewed from a public street or dwelling on an adjacent lot shall not be changed in such a way as to decrease its residential or barn appearance, except for permitted parking spaces and the permitted sign. A farm-related business shall not have an industrial appearance as viewed from a public street or dwelling on an adjacent lot.
 - m. Hours - A farm-related business shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 10 p.m. and 5 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
 - n. Hazardous Substances - The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling or farm building.
 - o. Number of Employees - A total maximum of 3 persons who are not permanent residents of the lot shall work on the premises at one time.
 - p. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photo-copy of the zoning application and a statement of the date, time and place of the meeting at which the application is intended to be reviewed by the Board of Supervisors. Such information shall be mailed or delivered a minimum of 7 days before such meeting.
 - q. Leasing. If a property-owner resides on the lot, then that owner may lease a barn on the lot for an approved "Farm-Related Business." However, if the owner does not reside on the lot, then the barn cannot be leased separately from any dwelling on the site (except for agricultural uses or household storage).
 - r. A Farm-Related Business cannot be combined on the same lot with a Home Occupation. If a Farm-Related Business is also regulated as a principal use, and if any additional standards apply to such principal use in Section 402, then the Farm-Related Business shall also be required to meet those standards in Section 402.
5. Fences and Walls.
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
 - b. Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C. No fence or wall shall obstruct the flow of stormwater, except as part of a Township-approved stormwater system.
 - c. Fences -
 - 1) Front Yard. Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of open to

structural areas (such as a picket fence or split rail fence).

- 2) A fence shall not be required to comply with minimum setbacks for accessory structures.
- 3) Height. A fence in a residential district that is within 10 feet of a residential lot and that is not within a required front yard shall have a maximum height of 7 feet, except:
 - a) a maximum of height of 10 feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of 10 feet from all lot lines or
 - b) if an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.
- 4) Setbacks. A fence may be constructed on a lot line, except: a) a fence shall not be placed within a street right-of-way and b) a fence of a business shall be setback a minimum of 5 feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners shall set back fences at least 2 feet from an abutting lot line in order to allow for maintenance over the long-term.
- 5) Fence materials. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.

d. Walls -

- 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
- 2) In a residential district, a freestanding wall (other than a necessary retaining wall) shall have:
 - a) a maximum height greater than 4 feet within a required front yard or is within 10 feet of a lot line other than a required front yard; and
 - b) 7 feet in other locations.

6. Garage Sale.

- a. See definition in Article II. A garage sale shall not include sale of new merchandise (other than custom crafts).
- b. Garage sales shall be limited to a maximum of 4 total days in any 2 consecutive months.

7. Home Occupation, General or Light. (see definitions in Article II; see also Farm-Related Business above)

- a. A home occupation shall be conducted completely indoors, and may be within a principal or accessory building or barn. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.
- b. There shall be no outdoors operations or outdoors storage of materials,

products or equipment.

- c. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for non-illuminated 1 sign with a maximum sign area of 2 square feet on each of 2 sides and a maximum height of 8 feet.
- d. Truck Traffic - The use shall not require the parking of, storage of or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for: 1) 1 vehicle used by a resident whose primary occupation is as an over-the-road driver of such vehicle or 2) trucks clearly serving a permitted agricultural use.
- e. Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation or musical instruction.
- f. The following uses shall not be permitted as a home occupation: veterinarian office on a lot of less than 5 acres, stable, kennel, funeral home, industrial uses (other than custom crafts and sewing), wholesale or retail sales on the premises (except as accessory to custom crafts and except for sales over the phone or through the mail), restaurant, outdoor repairs of motor vehicles (other than farm equipment) or trucking company terminal, machinery repair or manufacturing.
- g. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby, domestic or sewing purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
- h. The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article V.
- i. Parking and Loading - The lot shall include sufficient parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit. A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that such driveway provides for safe sight distance.
 - 1) If 5 or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.
 - 2) The applicant shall show that there is a safe location available as needed for any deliveries, which shall be located off of the cartway of a public street.
 - 3) For any vehicle repair operation, a maximum of 2 vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.
- j. Building Appearance - The exterior of a previously residential building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
- k. Hours - A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9 p.m. and 7 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

- l. Hazardous Substances - The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
 - m. Advertising - The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - n. Number of Employees - A total maximum number of 3 persons * who are not permanent residents of the dwelling may work on the premises at one time, except as follows:
 - 1) 5 such persons * shall be permitted in the VC or C/LI districts,
 - 2) For a use that only involves clerical, administrative or office-type activities, the above maximum of 3 persons may be increased to 5 persons, provided that the applicant proves to the Board of Supervisors that the use will not cause adverse impacts upon neighbors, such as high amounts of traffic.
 - * Except a barber or beauty shop shall not employ any non-residents. The maximum number of employees shall not apply to persons accomplishing clearly agricultural work.
 - o. Instruction - Any instruction or tutoring shall be limited to a maximum of 4 students on the property at any one time.
 - p. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photo-copy of the zoning application and a statement of the date, time and place of the meeting at which the application is intended to be reviewed by the Board of Supervisors. Such information shall be mailed or delivered a minimum of 7 days before such meeting.
 - q. A permit shall be required for any home occupation. In most cases, Section 306 also requires conditional use approval for a home occupation. If the type of a home occupation changes, a new approval shall be needed.
 - r. No new buildings shall be constructed to accommodate a home occupation.
 - s. Driveway entrances for a home occupation shall have a maximum width of 10 feet, unless a wider width is required by PennDOT or the Township. The applicant shall prove that any driveway for a general home occupation will meet the PennDOT minimum sight distance requirements that would apply as if a new driveway would be proposed onto a State road. Such sight distance shall consider where parking would be possible.
 - t. A Farm-Related Business cannot be combined on the same lot with a Home Occupation. If a Home Occupation is also regulated as a principal use, and if any additional standards apply to such principal use in Section 402, then the Home Occupation Business shall also be required to meet those standards in Section 402.
8. No-Impact Home-Based Business. No-impact home-based business shall be permitted in all zoning districts as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. The business or commercial activity must satisfy the following requirements:
- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

- b. The business shall employ no employees other than family members residing in the dwelling.
 - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There shall be no outside appearance of a business uses, including, but not limited to, parking, signs or lights.
 - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - h. The business may not involve any illegal activity.
9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area or required paved area setback (see Section 703.G.).
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
 - c. Screening. See Section 803.D., "Buffer Yards."
 - d. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet.
10. Pets, Keeping of. (NOTE: This does not apply to "raising of livestock" which is regulated by Section 402 nor to keeping of animals permitted as an accessory use under the definition of "Crop Farming" in Article II).
- a. This use shall not include a use meeting the definition of a kennel.
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. For carrier pigeons, see the State Carrier Pigeon Law.
 - d. The non-commercial keeping of one horse is permitted on a lot of 2 acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 200 feet from any abutting lot line (other than a street right-of-way) and 200 feet from any existing dwelling other than that of the owner of the horses. Any commercial keeping of horses shall be considered a "stable" or

a "farm-related business."

e. Proper soil erosion control measures shall be used as needed.

11. Retail Sales of Agricultural Products Grown Primarily on the Premises.

a. The use shall be an accessory use incidental to a crop farming or raising of livestock use.

b. The only retail sales shall be of agricultural products. A minimum of 50 percent of the products sold shall have been grown or raised by the operator of the retail sales use, or a member of his/ her immediate family or a lessee of their land.

c. Off-street parking shall be provided in compliance with the provisions of Article VI. No parking occur in such a way that it creates a safety hazard.

d. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.

e. Signs. See Section 709.

f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at an intersection.

g. A maximum of 800 square feet of building floor area may be used for such use.

h. The use may occur as an accessory use within an existing dwelling or barn. Any stand shall be maintained in good condition.

12. Satellite Antennas. (See also setback requirements for an accessory structure in the applicable district) (See also Commercial Communications Antennas in Section 403)

a. The following regulations shall only apply within a residential district for a satellite antennae that is visible from a street or an adjacent lot line:

1) maximum diameter - 11 feet and

2) maximum total height of 15 feet above the average ground level.

b. Earth tones are strongly encouraged.

13. Swimming Pool, Household. (referred hereafter as "pool")

a. The pool shall not involve any commercial use.

b. Enclosure Around In-Ground Pools. An new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than 4 feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.

c. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure a minimum of 4 feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an

access ladder that can be raised and locked in a position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.

- d. Location. A pool and any deck or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory building. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.
- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

ARTICLE V ENVIRONMENTAL PROTECTION

501. **ADDITIONAL INFORMATION.** If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Township officials without a business interest in such matters, in order to protect proprietary information.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:

1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.
2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.
4. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards.
5. Activity that causes serious pollution to groundwaters or surface waters. See Section 506.

502.B. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire. The Township does not accept responsibility to identify or address all such hazards.

503. **WETLANDS REVIEW.**

503.A. If the Zoning Officer, based upon review by the Township Engineer or the County Conservation District or DER or the Fish and Wildlife Service or the Army Corps of Engineers, has reason to believe that a portion of a site proposed to be altered may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.

503.B. All permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for non-compliance with such regulations.

504. **SETBACKS FROM CREEKS.**

504.A. Purpose. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and

other pollutants and provide for setbacks that can be used as required yard areas for a use.

504.B. **Setbacks From Creeks.** No new principal building or new off-street parking for more than 2 vehicles or new commercial or industrial storage area shall be located within 50 feet of the top of bank of any named stream shown on a USGS 7½ minute quadrangle map. See the Township floodplain map in case such map regulates a wider area. In recognition of the special high quality designation by the PaDEP, no new principal building or new off-street parking area shall be located within 150 feet from the top of bank of Rausch Creek also known as the south fork of the Pine Creek, from its headwaters to its confluence with the Pine Creek, due to its exceptional value.

504.C. **Exceptions.** The setbacks of this Section shall not apply to public utility facilities, publicly-owned recreational facilities, expansions of existing buildings or the placement of accessory structures.

504.D. **Setback Areas and Construction.** During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved waterway crossings.

505. **STEEP SLOPES.**

505.A. **Applicability.** If an area of a lot including slopes of 15% or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/ land development plans.

505.B. **Plan.** A steep slope site plan shall meet the following requirements:

1. show detailed slope contours for all areas that potentially may be disturbed and/or constructed upon,
2. identify all areas of 15% to 25% and greater than 25% slope,
3. be to scale (such as 1 inch = 50 ft.),
4. show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,
5. be stamped by a professional surveyor, professional engineer, registered landscape architect or registered architect,
6. show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance, *
7. state the maximum slope of proposed driveways and streets and
8. show an area of 20 feet around the proposed principal building locations.

* If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.

505.C. **15 to 25%** - If a proposed building and/or driveway location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with 15.0% or greater slopes, but do not include more than 1,000 square feet with slopes greater than 25.0%, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Ordinance:

1. minimum lot area of 10 acres per dwelling unit or per principal non-residential use and
 2. maximum impervious coverage of 5%.
- 505.D. Greater than 25% - If a proposed principal building and/or driveway in the immediate location of the building, and any areas within 20 feet of such location on the lot include more than 1,000 square feet with slopes greater than 25.0%, then the Zoning Officer shall not permit the construction of such principal buildings within the proposed location, except that no more than 200 feet of driveway leading to the building, as measured along the driveway centerline, may be constructed on a natural slope of greater than 25%.
- 505.E. Streets, Driveways and Septic Systems. See applicable slope standards in the Township Subdivision and Land Development Ordinance. See also DER regulations on slopes of on-lot septic systems.
- 505.F. Erosion Control. See Section 512.
- 505.G. Grading; Man-Made Slopes. No grading shall occur in such a way that would circumvent the requirements of this Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Ordinance. This section shall not apply to man-made slopes that naturally were not 15% or greater slope.
- 505.H. Driveway Entrance. No new driveway entrance shall be permitted that would require cutting through an existing steep bank along the road that exceeds 10 feet in height.
506. **THREATS TO WATER QUALITY.**
- 506.A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.
- 506.B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to a engineered collection area, or other method approved in writing by the Board of Supervisors or DER.
- 506.C. All hazardous substances shall be properly labeled, and shall be in compliance with the PA. Worker and Community Right to Know Act.
507. **SEWAGE DISPOSAL.**
- 507.A. All methods of wastewater disposal shall meet requirements of DER, the Township Sewer Authority and the Official Township Sewage Facilities Plan, as amended, as applicable.
- 507.B. Review of On-Lot Systems. Any septic system is required to be reviewed by the Sewage Enforcement Officer (SEO) for adequacy if a change of use or expansion of use would cause a significant increase in sewage flows, or if there would be an increase in the number of dwelling units. If the SEO determines that a system is malfunctioning or undersized, improvements may be required to the system prior to such change of use or expansion.
- 507.C. Back-Up System. Any lot using an on-lot septic system that is to be granted final subdivision approval as part of a subdivision after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be found suitable based upon soil probes (but not necessarily a perc test) by a State-certified Sewage Enforcement Officer and found in writing to meet State setback and slope requirements. The soil probes shall be located a minimum of 15 feet from the boundaries of the proposed primary septic system. A Township sewage permit is not specifically required at the time of subdivision approval for such back-up system.

507.D. On-Lot Systems and Lot Area. A more restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon DER regulations.

507.E. Central Sewage Service. See the requirements of Section 1009 of the Subdivision and Land Development Ordinance. In recognition of the high costs of operations, the probability of mechanical failures over time, the difficulty of assuring adequate operations and maintenance, the lack of administrative capacity of Albany Township to operate sewage systems, and the high water quality of waterways in the Township, a sewage system shall only be permitted to have a discharge of effluent into a waterway if the applicant proves to the satisfaction of the Board of Supervisors that there are no alternatives that would allow: a) needed upgrading or replacement of an existing sewage system(s) that is failing or b) at least one permitted use of the applicant's property.

508. **NOISE.**

508.A. No principal or accessory use, or its operations, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING THE NOISE</u>	HOURS/ DAYS	MAXIMUM SOUND LEVEL
10 feet inside a Residentially Zoned Lot	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 68 dBA 2) 63 DBA
10 feet inside any Lot Line Not Listed Above	All times and days	73 DBA

Note- DBA means "A" weighted decibel.

508.B. The maximum permissible sound levels in the above table shall not apply to any of the following:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets.
3. Household power tools and lawnmowers.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Railroads, aircraft or vehicles operating on a public street.
6. Public celebrations specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.
7. Unamplified human voices or the sounds of pets.
8. Ringing of bells and chimes by a place of worship.

509. **VIBRATION.** No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional

non-routine blasting that may be necessary during construction of streets, structures and utilities.

510. **ODORS AND DUST.** No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot.

510.A. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using "normal farming practices" within: a) Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

511. **OUTDOOR LIGHTING AND GLARE.**

511.A. Exemptions. This Section 511 shall not apply to street lighting that is owned, financed or maintained by the Township or the State, to vehicle headlights, emergency lighting, or the lighting of the United States flag.

511.B. Glare. All outdoor lighting exceeding a light output of 2,500 lumens shall be down facing and/or shielded, and shall not produce any glare beyond the lot lines or onto the roadway. No direct lighting source shall emit light above the horizontal plane from the bottom of the fixture. No light source of any amount shall present a disabling glare to drivers or pedestrians. The typical dusk to dawn lights shall be discouraged.

511.C. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

511.D. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th. No light, whether permanent or seasonal, shall conflict with, or be able to be confused with or taken for, a traffic safety or control signal or warning light. High intensity white strobe lighting on smokestacks, chimneys, tanks, and towers, etc., is prohibited during nighttime hours.

511.E. Subdivision Lighting Requirements. Lighting that is included on subdivision or land development plans shall follow the requirements of this Section 511. In addition, the developer and Township shall mutually study and agree on the specific lighting requirements for the project. Consideration shall be given to the lighting needs, both during regular business hours and security needs after hours, pole height, footcandles, pavement or ground surface reflectivity, lighting fixture design, signs, buffer requirements, and maintenance. Guidance on lighting shall be obtained from recognized authorities, such as the model ordinance section from the Pennsylvania Outdoor Lighting Council, or the Illuminating Engineering Society of North America.

512. **EROSION CONTROL, DRAINAGE, FILLING, EXCAVATION, AND GRADING.**

512.A. Grading and Erosion Plans. In advance of any earth disturbance (including grading, filling and excavation), other than crop farming, an appropriate sedimentation and erosion control and grading plans shall be submitted to the Zoning Officer if such work:

1. involves an area greater than 0.5 acre,
2. will create finished slopes greater than 3:1,
3. involve alteration of areas with a natural slope in excess of 15 percent.

These plans may be subject to reviews by the Township Engineer and the County Conservation District.

512.B. Erosion. Earth moving activities and the stripping of vegetation shall be held to a reasonable minimum to avoid erosion. All Township permits are granted on the condition that State

erosion and sedimentation regulations and any submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.

- 512.C. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building and away from on-lot septic fields. Adequate stormwater control shall be used to protect buildings on the subject lot and all adjoining property. This shall include, but not be limited to, measures to prevent high-velocity, concentrated runoff from damaging other property and causing erosion.
- 512.D. Grading shall not be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
- 512.E. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base.
- 512.F. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.
- 512.G. Stripping of Topsoil. Sufficient top soil to grow grass and similar vegetation shall remain on all land, except for areas approved to be paved.

513. **FLOOD-PRONE AREAS.**

- 513.A. Purposes. To prevent loss of life and destruction and damage of property; to avoid government expenditure for flood protection, rescues and reconstruction; to avoid public health and safety hazards; to avoid increases in flood levels and velocities; and to reduce the numbers of persons unknowingly investing in land or new structures that are prone to flooding.
- 513.B. Floodplain Applicability. The regulations of this Section shall apply throughout the entire Township as "overlay" zoning regulations that supplement the zoning district regulations. Where the regulations of this Section differ from the regulations of any other section of this Ordinance, the provision that is more restrictive on development shall apply. See the "Liability" section in Article I.
- 513.C. Description of Floodplain Areas. For the purposes of this Article, the "100 Year Floodplain" shall be those areas identified either:
1. As a special flood hazard area Inundated by 100 Year Flood (or such similar designation) on the latest version of the official Flood Insurance Rate Map as issued by the Federal Emergency Management Agency (FEMA), or
 2. On those streams not identified by FEMA as a special flood hazard area, by determining the 100 year floodplain from actual field survey data, hydrologic and hydraulic calculations prepared by a licensed professional engineer using methods acceptable to FEMA and/or the township engineer.

The 100 Year Floodplain shall consist of both a 100 Year Floodway and a 100 Year Flood-Fringe (although as of 1993, the distinction between such areas has not been mapped).

1. Floodway - shall mean the channel of a stream plus any adjacent portions of the 100 Year Floodplain that must be kept free of encroachment in order to prevent the increase of flood levels by more than 1 foot. In the absence of a FEMA determined floodway, the floodway shall be considered to extend landward 50 feet from the top of the bank, or as otherwise determined by an appropriate hydrologic and hydraulic study prepared by a professional engineer using methods acceptable to the township engineer.
2. Flood-Fringe - shall mean portions of the 100 Year Floodplain that are not within the

100 year Floodway.

3. Floodplain Amendments. The Board of Supervisors may officially amend the 100 Year Floodplain to account for man-made or natural changes, or to incorporate an updated Federal or State study or to accept an appropriate professional study that provides a detailed analysis of a specific segment of a waterway. However, any such official amendment of the official Floodplain Map requires prior approval of the Federal Insurance Administration or its successor agency.
4. Interpretation.
 - a. The Zoning Officer shall initially determine the location of the 100 Year Floodplain areas based upon the Federal Floodplain Study.
 - b. Where exact measurements do not exist, the boundaries of the 100 Year Floodplain areas shall be determined by scaling distances from the official Floodplain Map. The Zoning Officer may request the advice of the Township Engineer.
 - c. The applicant may appeal such determination to the Zoning Hearing Board as a variance. In such case, the full burden of proof shall be on the applicant to prove that the determination of the Zoning Officer or the study being used is not accurate. See the standards for a professional floodplain study in part "513.D.4" below.
5. Definitions. For the purposes of this Ordinance, the following terms shall have the following meanings:
 - a. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. The term "development" shall also include but not be limited to the placement or development of a "mobile/manufactured home" (as defined below) on a lot.
 - b. Historic Structure. A structure that is:
 - 1) listed individually on the National or PA. Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or
 - 2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district, or
 - 3) individually listed on a local inventory of historic places under a program that has been certified by the PA. Historical and Museum Commission.
 - c. Mobile/Manufactured Home. Shall mean either: a) a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities; or b) any recreational vehicle or travel trailer that is placed on a lot for more than 180 consecutive days.
 - d. Substantially Improved. See Section D.6.c.

513.D. Permitted and Prohibited Uses in the 100 Year Floodplain.

1. Prohibited Uses. Within the 100 Year Floodplain, each of the following is prohibited:
 - a. construction of new buildings,
 - b. construction, development, placement or extension of a structure that could inhibit the passage of 100 Year floodwaters or that could reduce the water carrying capacity of a 100 Year Floodplain,
 - c. filling in or grading within the 100 year floodplain, other than minor finished grading or excavation that the applicant proves to the written satisfaction of the Township Engineer will not result in a net reduction in the water carrying capacity of the floodplain,
 - d. redirections of a perennial waterway, other than stream improvements authorized by the PA. Fish and Boat Commission that are intended solely to improve aquatic habitats,
 - e. the development or expansion of any of the following uses:
 - 1) manufactured/ mobile homes or manufactured/ mobile home parks,
 - 2) jails or prisons,
 - 3) nursing homes or hospitals,
 - 4) junkyards or solid waste disposal facilities,
 - 5) bulk manure storage or
 - 6) grave sites of cemeteries.
 - f. storage of any substances, items or materials that would be:
 - 1) buoyant and not anchored or tied down or easily moved within the time available after a flood warning,
 - 2) toxic,
 - 3) highly hazardous,
 - 4) explosive or
 - 5) radioactive.
 - g. any new or substantially improved structure that will be used for the production or storage of any of the following substances or substances involving a similar degree of hazards or any use involving the maintenance of more than 550 gallons of any of the following substances:
 - 1) Acetone
 - 2) Ammonia
 - 3) Benzene
 - 4) Calcium Carbide
 - 5) Carbon disulfide

- 6) Celluloid
- 7) Chlorine
- 8) Hydrochloric acid
- 9) Hydrocyanic acid
- 10) Magnesium
- 11) Nitric acid and oxides of nitrogen
- 12) Petroleum products (such as gasoline and fuel oil)
- 13) Phosphorus
- 14) Potassium
- 15) Sodium
- 16) Sulphur and sulphur products
- 17) Pesticides (including insecticides, fungicides and rodenticides)
- 18) Radioactive substances, insofar as such substances are not otherwise regulated
- 19) Such other substances regulated as "hazardous" under Federal or State regulations that would represent a threat to water quality

2. Standards. Before any action affecting the 100 Year Floodplain occurs, the applicant shall prove to the written satisfaction of the Township Engineer that:

- a. all applicable Township, State and Federal requirements have been met and applicable permits have been granted,
- b. compensating improvements will be made to prevent any net increase in flood levels or adverse affects on flood velocities and drainage patterns,
- c. prior notice has been given of such proposal to: any municipalities that will be affected by a change in a alteration or relocation of a waterway has been given prior notice of such proposal, the PA. Department of Community Affairs and the U.S. Federal Emergency Management Agency, and
- d. no development, filling in or grading will occur within the 100 year Floodplain that would cause an increase in the 100 year flood elevations.

3. Permitted Uses. Permitted uses in the 100 year floodplain (except areas that an applicant proves are not within the 100 year floodway) shall be limited to the following uses, provided that such uses are permitted by the underlying zoning district and will meet the other requirements of this Section:

- a. nature preserves,
- b. plant nurseries,
- c. outdoor recreation uses,
- d. golf courses,
- e. parking areas,

- f. yard/ setback areas,
 - g. parking areas (see "setbacks from creeks" in Section 504),
 - h. crop farming,
 - i. below ground and elevated utilities and
 - j. bridges, culverts and similar structures that the applicant proves to the written satisfaction of the Township Engineer will:
 - 1) pass over the 100 Year Floodplain or
 - 2) carry stormwater within a Township-approved stormwater improvement or
 - 3) float over floodwaters or
 - 4) allow 100 Year floodwaters to easily pass through the structure without causing debris to block the flood channel.
4. Flood-Fringe Areas. To avoid the prohibition of construction of structures within the 100 Year Floodplain, an applicant may prove to the satisfaction of the Zoning Hearing Board as a special exception, based upon review by the Township Engineer, that a particular portion of the 100 Year Floodplain is within the 100 Year Floodfringe and not within the 100 Year Floodway. Such proof shall be based upon a professional hydrological study. Such study shall:
- a. only be conducted by a professional engineer, licensed surveyor, registered landscape architect or hydrologist,
 - b. follow current accepted hydraulic technical methods and Federal standards,
 - c. provide sufficient analysis and computation information for the Township Engineer to determine that such study is accurate.
5. Flood-Fringe. If a floodplain study provided for within the standards of part "4." above is accepted by the Zoning Hearing Board, then such study shall be used to define the areas within the 100 Year Floodway and 100 Year Floodfringe within the studied areas. Structures and additions to structures may then be permitted within the areas determined to be within the 100 Year Floodfringe. In such case, within those areas of the 100 Year Floodplain found not to be within the 100 Year Floodway, the following provisions may apply:
- a. all new buildings and all existing buildings that are "substantially improved", as specified in Section "6" below, shall be: 1) anchored to resist flotation, collapse and lateral movement and 2) fully floodproofed in compliance with this Ordinance, any Township Building Codes and applicable Federal and State standards. This shall include but not be limited to the following:
 - 1) The elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be a minimum of 1.5 feet above the 100 year flood elevation. Enclosed areas below this lowest floor are prohibited.
 - 2) The elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall a) be a minimum of 1.5 feet above the 100 year flood elevation or b) be floodproofed up to that height.
 - a) Enclosed areas below this lowest floor (including the basement) are prohibited.

- b) Such required floodproofing shall follow the standards for completely or essentially dry structures stated in the Army Corps of Engineers' "Flood-Proofing Regulations" publication or some equivalent standard acceptable to the Township Engineer. The applicant shall ensure that plans for such floodproofing shall be certified by a professional engineer or architect - certifying that a building has been adequately designed to withstand the 100 Year Flood elevations, pressures, velocities, impact and uplift forces associated with a 100 Year Flood and that utility extensions have been designed to take the 100 year flood levels fully into account.

6. Existing Structures in Floodplains.

- a. Structures that existed prior to the adoption of this Section within the 100 Year Floodplain shall not be expanded or enlarged, except:
 - 1) if a professional floodplain study proves that the area is not within the 100 Year Floodway and the expansion meets the requirements for the 100 Year Flood-fringe or
 - 2) for additions of unenclosed features such as porches or any upper story additions that are not "substantial improvements" provided that such additions do not decrease the water carrying capacity of the 100 Year Floodplain or
 - 3) if any negative effects on 100 year flood heights are fully offset by accompanying improvements.
- b. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100 Year Floodplain that is equal in value to less than 50 percent of the structure's market value ** shall to the greatest extent possible be elevated and/or floodproofed.
- c. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100 Year Floodplain that is equal in value to 50 percent or more of the structure's market value ** (which shall be considered to be "substantially improved") shall only occur in full compliance with the provisions of this Article.
 - ** Based upon the value of the structure before the improvement or repair started and before any flood damage that may be being repaired.
- d. Historic and Safety Exception. Parts "b" and "c" above shall not apply to improvements that are necessary to comply with a Township, County or State health, safety or sanitary regulation or to historically rehabilitate and restore a "historic structure" (see definition above).
- e. The applicant shall provide written information to the Zoning Officer on the lowest floor elevation of each structure approved within the 100 Year floodplain.
- f. Basement shall be defined for the purposes of this Section as any area of a building having its floor below ground level on all sides.

7. Floodplain Variances.

- a. A variance shall not be granted to the provisions of this Article if such variance would result in unacceptable increased flood heights or to

increased threats to the public safety. Any variances to this Article shall be annually reported to the Federal Insurance Administration.

- b. If a variance is granted to allow construction of a structure below the 100 Year Floodplain elevation, the applicant should be notified in writing by the Zoning Officer that such construction will likely result in increased premium rates for flood insurance, and that the applicant may be creating a risk to life and property, and that the applicant is completing such work at his/her own risk.
- c. The variance shall be the minimum necessary to afford relief.
- d. A variance shall not be granted for any development within the 100 Year Floodway that would cause an increase in the 100 year flood elevations.

514. **TREE PRESERVATION; FORESTRY.**

514.A. Purposes. To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas, conserve energy, protect and enhance property values, avoid negative environmental impacts and assist in carrying out the purposes and requirements of State environmental laws and regulations.

514.B. Trunk Measurement. For the purposes of this Section, "trunk diameter" shall be measured at a height of 4.5 feet above the average surrounding ground level.

514.C. Tree Removal. Except as is approved below as "Commercial Forestry" or the "Thinning of Woods," the cutting down, killing or otherwise effectively destroying of healthy trees with a trunk diameter of 6 inches or more shall be held to a reasonable minimum. The burden of proof shall be upon the applicant to prove that such trees are required to be removed to allow the reasonable permitted development of the site.

- 1. As part of the development of a use in the WC or AG district, existing trees may be cleared from a maximum of 15 percent of the lot area.
- 2. Any application for a permit or approval under this Ordinance shall designate trees or areas of trees with a trunk diameter of 6 inches or more that are proposed to be removed or preserved.
- 3. Site Layout. The design of the site shall consider and seek to maximize the preservation of healthy trees with a trunk width of 6 inches or more. Especially strong emphasis shall be placed upon preserving healthy trees with a trunk width of 18 inches or more.

514.D. Exceptions. The provisions of this Section 514 shall not apply to the following:

- 1. A bonafide Plant Nursery or Christmas Tree Farm.
- 2. The removal of trees on a residential lot of less than 2 acres after occupancy by a family.
- 3. The removal of up to 25 trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of 6 inches or more in any calendar year.
- 4. The routine "thinning of woods" involving the cutting down on 1 or more abutting lots in a calendar year of up to 20 percent of the trees of greater than 6 inches trunk diameter, with such cutting well-distributed throughout the wooded area.
- 5. The removal of trees with a trunk diameter of less than 6 inches.
- 6. The removal of trees meeting any of the following conditions, which shall not

require review or approval by the Township:

- a. the tree is located within 10 feet of an uncurbed vehicular cartway,
- b. the tree is within 3 feet of a proposed or existing vehicular cartway, shoulder or sidewalk,
- c. the tree is within 10 feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system or utility line,
- d. the tree is within 30 feet of the foundation of an approved structure,
- e. the tree is within an approved utility corridor,
- f. the tree is diseased, dead or poses a clear danger to a structure, utility or public improvement,
- g. the tree is a hazard to vehicular sight distance,
- h. the tree is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional 10 years,
- i. the tree is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
- j. the tree is within an area that must be cleared to develop an approved golf course, or
- k. the tree needs to be removed to allow longer rows for crop farming.

514.E. Protection of Trees During Construction.

1. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level.
2. Temporary fences shall be securely placed around the outer driplines of trees to be preserved during any adjacent construction activity or on-site movement of vehicles. Vehicles shall not enter and materials shall not be stored within such tree protection area.
3. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with mature trees with the closest trunk width that is commercially available, in addition to any penalty that may be exercised under this Ordinance.

514.F. Preservation of Trees Within Buffer Areas. See Section 803.

514.G. Commercial Forestry. The following provisions shall apply to forestry operations involving the cutting down in a calendar year of more than 25 live trees of more than 6 inch trunk diameter (measured at 4.5 feet above the surrounding average ground level). See Section 514.D. which describes situations in which the following provisions do not apply (such as routine "Thinning of Woods" as described above).

- a. A Forestry Management Plan shall be prepared and followed for any forestry involving more than 10 acres. Such Plan shall be submitted to the Zoning Officer and shall be provided to the Planning Commission for an advisory review prior to issuance of a permit. This Plan shall be prepared by a professional forester, who has graduated with a minimum of a bachelor's degree in forestry from a college or university accredited by the Society of American Foresters.

- 1) The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
 - 2) Such plan shall describe proposed reforestation measures, except: a) where clearing is necessary to convert Class I, II or III soils for agricultural use, b) for areas that will naturally become reforested and c) for areas necessary to be cleared for development approved under this Ordinance.
 - 3) A 20 feet wide buffer of existing trees shall be maintained abutting public streets and existing dwellings, except for necessary ingress and egress of vehicles, except such buffer abutting a dwelling may be waived in writing by the owner of such dwelling.
 - 4) The Township Zoning Officer shall be notified a minimum of 3 working days prior to the initiation of forestry activities. The Board of Supervisors may authorize one or more persons to assist the Zoning Officer in overseeing operations.
- b. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
 - c. All forestry shall maximize use of selective cutting and/or reforestation and shall minimize clearcutting. Clearcutting is prohibited on areas exceeding 25 percent slope and within 100 feet of the centerline of a perennial waterway.
 - d. Clear-cutting of trees shall not exceed a total of more than 2 acres, except for areas approved for development.
 - e. Logging roads, skid trails and landings shall be properly revegetated after forestry operations are complete.
 - f. No trees shall be skidded into or across a perennial waterway.

ARTICLE VI

OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 601.B.
4. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

601.B. Reduction of Parking Requirements as a Conditional Use

1. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
2. The Board of Supervisors may permit a reduction, through the Conditional Use process of Section 117, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.
 - a. Proof. To prove that less parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
 - b. Shared Parking. Under this Section, an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
 - c. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the approval that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.
 - i) Such reservation shall be provided in a legal form acceptable to the Township Solicitor.
 - ii) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished.
 - iii) Such additional parking shall be required to be provided within 1

year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on least 3 different days.

TABLE 6.1
OFF-STREET PARKING REQUIREMENTS
(See definition of employee in Article II)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. AGRICULTURAL USES:		
1. Crop Farming or Raising of Livestock	- - - - -	Employee
2. Kennel (Min. of 4)	1 per employee	15 animals of capacity
3. Plant Nursery	1 per employee	250 sq. ft. of indoor sales floor area and 10,000 sq.ft. of outdoor sales area
4. Stable, Non-Household (Min. of 2)	1 per employee	8 animals of capacity
5. Seasonal Sale of Agricultural Products (Min. of 5)	1 per employee	250 sq. ft. of sales floor area
B. RESIDENTIAL USES:		
1. Dwelling Unit	2 per dwelling unit	
2. Home Occupation or Farm-Related Business	2 spaces for any business expected to routinely have visitors, plus the spaces for the dwelling unit, plus any storage space needed for vehicles being worked upon	Non-Resident Employee
3. Boarding House	1 per rental unit or bed, whichever is greater, except for a college fraternity or sorority: 1 per 2 beds plus 1 per 10 non-resident members	Non-Resident Employee
4. Group Home	See Section 402	
5. Manufactured/Mobile Home Park	See Section 402	
C. INSTITUTIONAL USES:		
1. Place of Worship or Church	1 per 4 seats in room of largest capacity	Employee
2. Hospital	1 per 2 beds	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
3. Nursing Home	1 per 6 beds	1.2 Employees
4. Personal Care Home	1 per 4 beds	1.2 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.2 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. Dormitory	1 per 2 residents aged 16 or older	Non-resident employee
9. College, University or Trade School	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee
10. Library, Community Center or Cultural Center or Museum	1 per 4 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
11. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
12. Swimming Pool, Non-Household	1 per 40 sq. ft. of water surface, other than wading pools	Employee
D. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, Rvs or homes displayed	Employee
3. Adult Use (including Adult Bookstore, Adult Live Entertainment Use or Massage Parlor) (min. of 10)	1 per 30 sq. ft. of total floor area	Employee
4. Bed and Breakfast Use	See Section 402	
5. Bowling Alley	2 per lane plus 2 per pool table	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
6. Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	1.2 Employees
7. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	Employee
8. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors	Employee
9. Golf Driving Range	1 per tee	1.2 Employees
10. Miniature Golf	2 per hole	1.2 Employees
11. Golf Course	3 per hole (plus spaces required for any membership club building or restaurant)	1.2 Employees
12. Ice Skating/ Roller Skating	1 per 200 sq.ft. of floor area accessible to users	1.2 Employees
13. Haircutting/ Hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
14. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 Employees
15. Laundromat	1 per 3 washing machines	On-site Employee
16. Offices or clinic, Medical/dental	6 per physician and 4 per dentist	1.2 Employees
17. Offices, other than medical/dental	1 per 225 sq. ft. of total floor area accessible to people	
18. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 150 sq. ft. of floor area accessible to customers	Employee
19. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 200 sq. ft. of floor area other than racquetball courts accessible to customers/ members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	Employee
20. Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
21. Restaurant	1 per 3 seats	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
22. Retail Sales (other than Types separately listed) or Shopping Center (min. of 5 per establishment, except 10 per video rental store)	1 per 175 sq. ft. of floor area of rooms accessible to customers, except 1 per 225 sq. ft. of total leasable floor area if such is greater than 20,000 sq. ft.	(Note - Employee parking is already considered in the square footage requirement.)
23. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area accessible to customers	(Note - Employee parking is already considered in the square footage requirement.)
24. Tavern or Nightclub	1 per 30 sq. ft. of total floor area	1.2 Employees
25. Theater or Auditorium	1 per 4 seats	1.2 Employees
26. Veterinarian Office	5 per veterinarian	Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.2 per employee, based upon the maximum number of employees on-site at peak period of times (including any overlapping shifts)	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 15 storage units	Employee

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

- 602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- 602.B. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
- 602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or significantly changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
1. if the use expands in total building floor area by a aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required, or
 2. if the change in use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous use, then an applicant may choose to only add the additional number of spaces required by the new use compared to the previous use.
- 602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be

used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is available using area of a lot within 250 feet of the entrance of the principal use being served.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces of a single family detached dwelling.
3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.
4. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
5. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Ordinance shall be separated from the street by a grass or landscaped strip of land.

603.B. Size and Marking of Parking Spaces. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except:

1. The minimum length shall be 22 feet for parallel parking.
2. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.
3. If a parking area is permitted to not be paved, then a minimum width of 10 feet per space shall be used.

603.C. Aisles.

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for: a) areas of parking that are clearly primarily for employees or b) parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.
3. Maximum length of parking aisle- 250 feet.

603.D. Access Drives and Driveways.

1. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cartway)*	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

*Unless a different standard is required by PennDOT for an entrance to a State road.

2. Maximum Grades of Driveway. See the Subdivision and Land Development Ordinance.
3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
4. Separation Between Driveways. At least 80 feet shall be provided between the centerlines of any 2 accessways or driveways along one street within one lot.
5. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.
6. Sight Distance for Driveways. Driveways shall be positioned so that adequate stopping sight distance is available from a point 10 feet back from the edge of the road in both directions along the road taking into account the gradient of the road, posted or traveled speeds, and any roadside encroachments, restrictions, or other interference.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways on commercial and industrial lots shall be surfaced with asphalt or concrete or decorative paving blocks.
3. All commercial and industrial driveways and the first 50 feet of residential driveways paved. These driveways shall also include a shoulder gutter depression in line with the drainage flow path along the highway.

603.F. Lighting of Parking Areas. See Section 511 "Light and Glare Control."

603.G. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

2. Uses Within the Paved Area Setback.

- a. The paved area setback required by this section, together with any existing legal street right-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following:
 - 1. paving, except for approved driveway/ access drive entrances and except any concrete sidewalks or asphalt bikepaths of 8 feet wide or less,
 - 2. fences or
 - 3. parking, storage or display of vehicles or items for sale or rent.
- b. A paved area setback may include the following:
 - 1. permitted freestanding signs,
 - 2. storm water facilities that are primarily vegetated,
 - 3. concrete sidewalks or asphalt bikepaths of 8 feet wide or less and d) approved driveway crossings.

3. Width of Paved Area/Parking Setbacks. Any commercial, industrial, institutional, townhouse or low-rise apartment use shall provide paved area setbacks as follows:

If a paved area abuts:	Minimum paved area setback (measured from the proposed edge of paving and gravel of the street after development)

Arterial or collector street:	
- for lot with 2 acres or less of impervious coverage	10 feet
- for lot with more than 2 acres of impervious coverage	15 feet
Local street:	
	5 feet

4. Buffer Areas Between Uses. See Section 803.

5. Driveways shall be constructed a minimum of 10 feet from side lot lines. In addition, the entrance radius or flare of a driveway shall not extend beyond the extension of the side lot line or perpendicular from the lot corner to the street, whichever is more restricted.

603.H. Paved Area Landscaping (Parking Lot Trees).

- 1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
- 2. Any lot that would include more than 25 parking spaces shall be required to provide landscaped areas within the paved area.
- 3. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Ordinance or by the Subdivision and Land Development Ordinance.
- 4. Trees required by this section shall meet the following standards:

- a. **Type of Trees Permitted.** Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - American Red Maple	Quercus borealis - Red Oak
Acer saccharum - Sugar Maple	Quercus coccinea - Scarlet Oak
Celtis occidentalis - Common Hackberry	Quercus macrocarpa - Bur Oak
Fagus sylvatica - European Beech	Quercus imbricaria - Shingle Oak
Fraxinus americana - White Ash	Quercus montana - Chestnut Oak
Fraxinus pennsylvanica - Green Ash	Quercus velutina - Black Oak
Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Quercus phellos - Willow Oak
Gleditsia triacanthos - Thornless Locust	Sophora japonica - Chinese Scholar Tree
Liriodendron tulipifera - Tulip Poplar	Tilia americana - American Linden
Quercus alba - White Oak	Tilia cordata - Little Leaf European Linden
Quercus acutissima - Sawtooth Oak	Tilia euchlora - Crimean Linden
	Tilia petiolaris - Silver Linden
	Zelkova serrata - Zelkova

Note- This ordinance only regulates the species of trees are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. **Minimum Size.** The trunk diameter (measured at a height of 1 foot above the finished grade level) shall be a minimum of 2 inches or greater.

603.I. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

TOTAL NO. OF REQUIRED PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

604. PARKING AND STORAGE OF JUNK VEHICLES AND TRACTOR-TRAILERS.

604.A. Purpose. To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.

604.B. Storage of Unregistered/Junk Vehicles and Parking of Tractor-Trailer Trucks.

1. The following maximum number of "junk vehicles" (as defined by Article II; other than farm equipment clearly designed for off-road use) may be parked or stored on a lot in a way that is visible from a public street or an adjacent residential lot line:
 - a. on lots of less than 5 acres in a residential district: 2;
 - b. on any other lot: 5.*

* Screening. If 3 to 5 junk vehicles are on a lot are visible from a public street or an adjacent residential lot line, substantial continuous landscaping shall be placed between such vehicles and such street and/or residential lot line.
2. Exempted Uses. This Section 604 shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.
3. Exempted Vehicles. Vehicles eligible for a State "Certificate of Exemption" shall not be regulated by the above subsection 1. However, if more than 20 pieces of unused farm equipment are stored on a lot within view of a public street or an adjacent residential lot line, then substantial continuous landscaping shall be placed between such equipment and such street and/or residential lot line.
4. Tractor-Trailers. On a lot of less than 5 acres in a residential district, a maximum of 1 tractor-trailer truck or 1 separated tractor or 1 separated trailer of a tractor-tractor trailer combination shall be permitted to be parked, except for customary parking as part of a lawful non-conforming use.

605. OFF-STREET LOADING.

605.A. General Requirements.

1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.
2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

605.B. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

1. Each off-street loading space shall be sufficient in size to accommodate the largest vehicle that can reasonably be expected to use such space.
2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.
3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street right-of-ways.

605.C. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Township Fire Officials.

ARTICLE VII SIGNS

701. APPLICABILITY.

701.A. Purposes. This Article is intended to: promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure capability with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.

701.B. Permit Required. A permit under this Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) window signs that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.

701.C. Changes on Signs. Lawfully existing signs may be painted, repaired or changed in message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. **NONCONFORMING SIGNS.** Signs legally existing at the time of enactment of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. An existing lawful nonconforming sign may be replaced with a new nonconforming sign provided that the new sign is not more nonconforming in any way than the old sign.

703. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article. Unless otherwise stated, each sign listed below shall have a maximum height of 10 feet.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN TOTAL SIGN AREA * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES	MAX. TOTAL SIGN AREA * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES	OTHER REQUIREMENTS
<u>Agricultural Products Sign</u> - Advertises the sale of agricultural or livestock products primarily produced or raised on the premises of a principal agricultural use, or the seasonal sale of Christmas trees. This also may include a sign denoting membership in agricultural associations/ cooperatives or specialization in a particular type of livestock or plant	2	8	12	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	8	32	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	12 each	20 each	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, directions towards a temporary fair, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3 each, other than signs painted on pavement	3 each, other than signs painted on pavement	Directional signs within a residential development shall not be illuminated. Signs directing persons to a fair or similar special event shall not be posted earlier than 2 weeks before the event and be removed within 1 week afterwards.
<u>Flag, Commercial</u> - a banner or pennant made of fabric or similar material that is hung in such a way to flow in the wind and <u>that includes some type of commercial message</u> .	2	20 each	20 each	In addition, flags of any nation or level of government or that only include colors and no commercial message are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	4 per event	4 per sign	4 per sign	Shall be placed a max. of 3 days before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Home Occupation or Farm-Related Business Sign</u> - advertises a permitted home occupation or farm-related business.	2	4	4	Shall not be illuminated, except for a sign of a medical doctor. May be painted on a mailbox.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN TOTAL SIGN AREA * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES	MAX. TOTAL SIGN AREA * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES	OTHER REQUIREMENTS
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use	6	
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4 each	4 each	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. Persons posting political signs shall deposit \$25 with the Township Secretary. The return of such deposit shall be conditioned upon the removal of all such within 30 days after the election. This requirement shall not apply to signs posted in front of a dwelling or business with permission of the owner of such property, in front of polling places on election day or for a Federal office.	4	32 total	32 total	Shall be placed a max. of 90 days prior to election, vote or referendum and removed a max. of 10 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Proposed Development Sign</u> - announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Township, and shall be removed when any of the following occur: 1) if such plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold or 3) for a nonresidential development, when a permanent sign is placed.
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2 each	2 each	

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN TOTAL SIGN AREA * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES	MAX. TOTAL SIGN AREA * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES	OTHER REQUIREMENTS
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6 each	12 each	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2 each	2 each	Maximum of 2 such signs per such organization or place of worship.
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	4 each	4 each	

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

In addition, the following signs are not regulated by this Ordinance:

1. Historic Sign - memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
2. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
3. Not Readable Sign- not readable from any public street or any exterior lot line.
4. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
5. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
6. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

704. FREESTANDING, WALL AND WINDOW SIGNS.

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	MAXIMUM HEIGHT OF FREE-STANDING SIGNS **	MAX. SIGN AREA OF WALL SIGNS (Permitted on a max. of two building faces)	MAX. SIGN AREA OF WINDOW SIGNS (Max. of 1 side per sign)	MAX. SIGN AREA (each of 2 sides) AND NUMBER OF FREE-STANDING SIGNS
In a Residential District for permitted non-residential principal buildings (such as places of worship & golf courses)	8 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located, up to a max. of 32 sq. ft. on each face of each principal building.	Max. of 5% of the area of the building face on which the sign(s) are located	Max. of 1 sign per street which the use abuts upon, with a max. area of 32 sq. ft. per side. Such sign shall not be internally illuminated.
In a Residential District- other than uses listed above	Not permitted, except for identification sign within Section 703	Not permitted	Not permitted	Not permitted. See permitted signs in Section 703 - "Signs Not Requiring Permits."
In the VC District ***	15 feet	Max. total of 10% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located. Plus temporary banners and signs posted a total maximum of 30 days per year with a maximum total area of 32 sq. ft.	Max. of 1 sign structure per abutting public street, with a total max. sign area of all freestanding signs of 20 sq. ft. (on each of two sides) facing each abutting public street.
In the C/LI District ***	20 feet	Max. total of 15% of the area of the building face on which each sign or set of signs are located.	Max. total of 20% of the area of the building face on which such signs are located. Plus temporary banners and signs posted a total maximum of 30 days per year with a maximum total area of 32 sq. ft.	Max. of 2 sign structures per abutting public street, with a total max. sign area of all freestanding signs of 32 sq. ft. (on each of 2 sides) facing each abutting public street.

** See definition of Sign Height in Section 711.

**** Signs for non-business uses shall be regulated as if such use would be within a residential district.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the total height of the building to which they are attached.

704.C. Portable Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flat-bed truck and that is not permanently attached to a building or the ground.
3. A Portable Sign, including any such sign that may have been displayed prior to the adoption of this Ordinance and which does not have a lawful permit as a permanent sign, shall only be permitted if it meets all of the following requirements:
 - a. Shall be permitted only on the lot of a permitted principal commercial use.
 - b. Shall have a maximum sign area of 40 square feet on each of a maximum of two sides.
 - c. Shall only include 1 such sign per principal use or per lot, whichever is more restrictive.
 - d. Shall need a sign permit, which shall state the dates during which the sign may be displayed.
 - e. Shall only be displayed on a lot for one period per year, which shall not exceed 30 days during a calendar year. Failure to remove the sign after the 30 days shall constitute a zoning violation.
 - f. Shall not obstruct safe sight distance to vehicles within or off the lot. Shall not be placed within the existing street right-of-way.
 - g. Shall not include flashing or blinking lights.

705. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. Setback From Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within or project over any existing or established future street right-of-way.

706.B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot. Signs in a location that may reduce sight distance shall have a minimum clearance of 3 feet above the ground, except for structural posts.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

706.D. Setbacks from Lot Lines. A freestanding sign for a commercial or industrial business shall not be located within 20 feet of the lot line of a "residential lot line." A sign is not required to meet setback requirements for accessory structures.

- 706.E. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- 706.F. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility. See also Section 709.J.
707. **ILLUMINATION OF SIGNS.**
- 707.A. See Section 511, "Outdoor Lighting and Glare."
- 707.B. Times of Illumination. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.
709. **PROHIBITED SIGNS.** The following signs are prohibited in all zoning districts:
- 709.A. Spinners or any moving object used to attract attention to a commercial use.
- 709.B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
- 709.C. Signs which emit smoke, visible vapors or particles, sound or odor.
- 709.D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
- 709.E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").
- 709.F. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.
- 709.G. Signs attached by tacks, staples or other metal fasteners to utility poles.
710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.
711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**
- 711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
1. Building Face. The vertical area of a particular side of a building, including the vertical area in front of any slanted roof.
 2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
 3. Height of Sign. The vertical distance measured from the average ground level

surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article.

4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
5. Off-Premise Sign. See Article II.
6. Sign. See Article II.
7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.
8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the total area of all signs on the structure.
2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. In computing the permitted sign area of a sign with 2 sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ).
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711.C. Flags and banners are permitted provided that any flag or banner having a commercial message shall be regulated the same as a sign.

712. **OFF-PREMISE SIGNS (Including Billboards).**

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Township planned to remain agricultural or as conservation areas; avoid the creation of additional visual distractions to motorists, especially along the high-speed expressways and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; recognize that this Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section

701.

712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

712.C. Commercial and Noncommercial. This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Ordinance.

712.D. PennDOT Sign. Signs erected and maintained by the PennDOT are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

712.E. Permitted Off-Premise Signs. Based directly on the intent statements within this Ordinance, off-premise signs are only permitted if they meet the following requirements, except for "Signs Not Requiring a Permit" under Section 703.

1. District. An off-premise sign is only permitted in the C/LI District, and shall require conditional use approval.
2. Location. An off-premise sign is only permitted within a maximum of 200 feet of existing right-of-way of an arterial street and a minimum of 10 feet from any non-residential lot line. Any off-premise sign shall be setback a minimum of 20 feet from all existing and future street rights-of-way. No off-premise sign shall be located within 200 feet of an existing "residential lot line".
3. Maximum Sign Area. 200 square feet.
4. Spacing. Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign.
5. Maximum Height. 80 feet. See definition in Section 711.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of 2 sign faces.
7. Lighting and Glare. No off-premise sign shall be illuminated.

ARTICLE VIII GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street.

1. Every principal building shall be built upon a lot with permanent access upon a public street or a private street that is: a) improved to meet Township standards including a street right-of-way, or b) for which such improvements have been insured by the posting of a performance guarantee pursuant to the Township Subdivision and Land Development Ordinance. In the case of townhouses, this requirement may be met by access onto a parking court which has access onto such street.
2. If a pre-existing lawful lot only has access onto an existing private street that does not meet Township standards and the improvement of that street is reasonably beyond the control of the applicant, or the lot only has access via a legal easement, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet the above requirement of subsection "1."

801.B. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Ordinance are satisfied.

801.C. Multiple Buildings on a Lot.

1. Except for single family detached dwellings, single family semi-detached dwellings, and two-family detached dwellings, more than 1 building housing 1 permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Ordinance shall be met for each building as though it were on an individual lot. However, if two or more: approved townhouse buildings, apartment buildings or buildings in a VC or C/LI district are placed on 1 lot, those buildings shall only be required to meet the yard requirements around the perimeter of the lot and shall only be required to meet the specified lot area requirements.
2. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.

801.D. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of habitable, indoor, heated floor area.

802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, communications towers, amateur radio antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. In addition, a pitched roof may extend beyond the maximum building height within an area equal to a maximum of 10 percent of the building footprint to allow for architectural features, provided that such space is not intended to be occupied.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this

Ordinance. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.

2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Nonconforming Lots. See Article IX.
2. Corner Lots. A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.
3. Projections Into Required Yards.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 4 feet.
 - b. Front or rear porches or decks and accompanying steps, whether covered or uncovered, that are not enclosed and do not have walls of mostly solid material, glass or plexiglass and that abut the principal building may project up to 8 feet into the required front yard setback and up to 15 feet into a required rear yard setback.
4. Septic Systems. Nothing in this Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this Ordinance to carry out State and Township sewage regulations.
5. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Ordinance.
6. Front Yard Setback Exception. When an unimproved lot is situated between 2 lots with existing principal buildings that each have front yard setbacks less than the setback required in that District, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than 50 percent of the required front yard for that District.

803.C. Sight Distance at Intersections.

1. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 30 inches and 10 feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than 1 foot in width or utility posts or the trunks of trees).
3. This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
4. The clear sight triangle shall be measured a distance of 75 feet along the centerline

of each street, measured from the intersection of the centerlines. However, the length shall be 150 feet along the centerline of the arterial street. The two resulting lines shall then be connected by a third longer leg of the triangle.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

1. Buffer Yard Width, When Required. Buffer yards with evergreen screening shall be required in the following situations, with whichever is most restrictive applying.

Buffer Yard Required to be Provided by the Following:	When Such Use is Abutting the Following:	Minimum Width of Buffer Yard (in feet):
Any newly developed or expanded industrial use or industrial storage or industrial loading area	Within 250 feet of an existing dwelling	10
Any newly developed or expanded industrial outdoor storage area	An arterial or collector street	10
Any use required to provide a buffer yard under another section of this Ordinance		10, unless stated otherwise

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved approximately perpendicular crossings for ingress or egress.
- b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than 8 inches.
- c. Preservation of existing vegetation or slopes. If an applicant proves to the satisfaction of the Zoning Officer that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants. In such case, the width of the buffer yard required by Section 803.D.1 shall still apply. If this existing buffer requirement is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this section.
- d. Fence. Ornamental or wooden fences may be located anywhere within a buffer yard. All other types of fences (such as chain link) within a buffer yard

shall be placed on the inside of any required plant screening.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - i) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet.
 - ii) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a solid year-round visual screen at least 6 feet in height.
 - iii) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within 6 months.
 - iv) The plant screen shall be placed so that at maturity the plants will be at least 5 feet from any cartway and will not grow over an exterior lot line.
 - v) The plant visual screen shall be interrupted only at: a) approved points of vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with the sight distance requirements of Section 804.C. and c) locations needed to meet other specific State and Township requirements.
 - vi) Evergreen trees likely to grow substantially in diameter should be planted in two or more rows or off-sets if needed to allow space for future growth.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - i) the location and arrangement of each buffer yard,
 - ii) the placement, general selection of species and initial size of all plant materials, and
 - iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.

6. Species of Plants in Visual Screens. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant proves to satisfaction of the Planning Commission, Board of Supervisors or Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the Winter. If more than 25 plants are needed to form a visual screen, then a maximum of 75% of such plants shall be of one species.

Buxus - all varieties of Boxwood

Caragana arborescens - Siberian Pea Shrub
Cephalanthus Occidentalis - Button Bush
Chaenomeles Japonica - Flowering Quince
Cornus - all varieties of Dogwood
Cotoneaster divaricata - Spreading or Upright Cotoneaster
Crataegus crusgalli - Cockspur Thorn
Crataegua phanenopyum - Washington Hawthorn
Elaeagnus angustifolia - Russian Olive
Eucalyptus - all varieties of Eucalyptus
Euonymus - all varieties of Euonymus
Forsythia spectabilis - Showy Forsythia
Hamamelis - all varieties of Witch Hazel
Hydrangea arbrescens - Hills of Snow Hyrangea
Ilex - all varieties of Holly
Juniperus - all varieties of Junipers
Kolkwitzia amabilis - Beauty Bush
Laurus mobilis - Sweet-Bay
Ligustrum - all varieties of Privet
Lonicera - all varieties of Honeysuckle
Magnolia stellata - Star Magnolia
Picea - all varieties of Spruces
Pinus - all varieties of Pines
Photinia - all varieties of Photinia
Pseudotsuga - all varieties of Firs
Pyracantha lalandei - Laland Firethorn
Rhamnus davurica - Dahurian Buckthorn
Rhamnus frangula - Glossy or Alter Buckthorn
Spirea - all varieties of Spirea
Syringa - all varieties of Lilac
Taxus - all varieties of Yews (avoid near livestock)
Thuja occidentalis - American Arborvitae

Thuja orientalis - Oriental Arborvitae

Tsuga - all varieties of Hemlocks

Viburnum - all varieties of Viburnum

804. **LANDSCAPING.**

- 804.A. **Groundcover.** Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
- 804.B. See Section 603 regarding Paved Area Landscaping, Section 514 regarding Tree Preservation and Section 803 regarding Buffer Yards.

805. **TEMPORARY USES.**

- 805.A. A temporary permit may be issued by the Zoning Officer for any of the following:
1. any temporary use that meets the requirements of this Ordinance;
 2. customary, routine and accessory short-term special events, provided that
 - a. only a well-established nonprofit organization or a lawful place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted, and
 - b. the Zoning Officer shall establish a reasonable limit on the duration of the use;
 3. temporary construction-related trailers, structures and uses as provided for in Section 306.E.; or
 4. the temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of 14 days in any 4 month period for clearly routine customarily accessory uses such as the following: a wedding in the rear yard of a dwelling, a festival by a place of worship or a special sale within the lot of a lawful commercial use.
- 805.B. **Removal.** Prior to the issuance of a permit for a temporary use or structure, the Zoning Officer may require an applicant to present a statement from the owner of record of the land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

806. **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REQUIREMENTS APPLYING TO NON-RESIDENTIAL BUILDINGS.** Any proposed development, construction, erection or placement of 1 or more new principal non-residential building(s), other than solely for an agricultural use, shall be required to submit a plan meeting the requirements for a preliminary plan and to meet all of the design standards and improvement specifications stated in the Township Subdivision and Land Development Ordinance, except for submission requirements specifically waived in advance by the Township Engineer or Zoning Officer as being inapplicable to the proposal. Any proposed intensive agricultural use or building must submit a plan meeting the requirements of this section.

807. **DRIVEWAY COMPLETION**. Any driveway intended to provide access from a new principal building to a public street shall be completed and stabilized prior to issuance of a zoning permit for such principal building. It is the intent of the Township to re-inspect each driveway approximately 2 years after issuance of a permit to ensure that the driveway was constructed according to approved plans.

ARTICLE IX NONCONFORMITIES

901. **PROOF AND REGISTRATION OF NONCONFORMITIES.** It shall be the responsibility, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
902. **CONTINUATION OF NONCONFORMITIES.** A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- 902.A. **District Changes.** Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.
903. **EXPANSION, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES.**
- 903.A. **Nonconforming Structure.**
1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - a. that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
 - b. that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
 2. If a nonconforming structure includes a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
- 903.B. **Nonconforming Lots.** For the purposes of this Ordinance, a lot shall only be considered to be a "nonconforming lot" if it has less lot area than is required by the applicable District requirements. A lot shall not be considered non-conforming because of insufficient lot width or a similar dimensional requirement.
1. New permitted structures for a single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met:
 - a. The lot area is at least 20 percent of the minimum lot area.
 - b. The lot is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
 - c. Minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
 - d. If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.
 2. If a proposed development on a nonconforming lot does not meet the requirements of the above subsection 1., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated

for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would not impact as severely upon the established character of an existing residential neighborhood than the proposed use.

903.C. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1. An expansion of more than 10 percent in total building floor area shall require approval by the Zoning Hearing Board as a special exception. The same standards as listed in Section 117 for a conditional use shall apply.
2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
3. The 1) total building floor area used by a nonconforming use or the 2) total area covered by impervious surfaces of a nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
4. Any expansion of a nonconforming use shall meet the required setbacks, lot area, maximum height, building coverage and impervious coverage requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

903.D. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe (including the building area within the required setback area).

904. **DAMAGED OR DESTROYED NONCONFORMITIES.**

904.A. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and c) no new nonconformity may be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

904.B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

904.C. Nonconforming Use of Open Land. All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost or when discontinued for more than 6 months, shall not be continued, repaired or reconstructed.

905. **ABANDONMENT OF A NONCONFORMITY.**

905.A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:

1. As provided for in the "Damaged or Destroyed Non-conformities" provisions of this section; and

2. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for at least 30 days, the use shall not be continued, repaired or reconstructed.

905.B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

906. **CHANGES FROM ONE NONCONFORMING USE TO ANOTHER USE.**

906.A. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

906.B. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Board of Supervisors. The Board of Supervisors shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:

1. Traffic generation (especially truck traffic),
2. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
3. Amount and character of outdoor storage,
4. Hours of operation if the use would be close to dwellings and
5. Compatibility with the character of the surrounding area.

INDEX

Section No.

Accessory structures, residential 306 and 403
 Agricultural Preservation 310
 Amendments to this ordinance 108
 Appeals 113
 Billboards 712
 Buffer yards 803

Conditional use process 117
 Creeks, setbacks from 504
 Curative amendments 109
 Definitions 202
 District boundaries 304
 Districts, Purposes of 301
 Dust 510
 Dwellings, minimum size of 801

Enforcement 103
 Environmental protection Article V
 Erosion control 512
 Farm Review 308
 Fees 104
 Fences 403
 Flood-prone area regulations 513

Grading 512
 Group homes, additional requirements for 402
 Hearings 112
 Height exemptions 802

Interpretation 105
 Junk vehicles 604

Landscaping 804
 Light and glare 511
 Livestock, Raising of 402
 Loading spaces 605
 Lot area requirements 307
 Lot averaging 309
 Municipal boundaries, setbacks and buffers across 305

Noise 508
 Nonconformities Article IX
 Nuisances 502
 Odors 510
 Outdoor storage, fencing of 514

Parking spaces Article VI
 Parking, design standards 603

Parking spaces, number of	601
Permits	106 and 107
Permitted uses by district	306
Pets	403
Plant screening	803
Public safety hazards	502
Public utility exemptions	114
Purpose of Ordinance	101
Setback requirements	307
Setback exemptions	803
Sewage disposal	507
Sight distance	803
Signs, freestanding	704
Signs, off-premise	712
Signs, definitions of types	711
Signs, directional within business developments	713
Signs	Article VII
Signs, nonconforming	702
Signs, measurement of	711
Signs, miscellaneous not requiring permits	703
Signs, abandoned or outdated	705
Signs, window	704
Signs, proper construction and maintenance	710
Signs, location of	706
Signs, wall	704
Signs, vehicles functioning as	708
Signs, prohibited	709
Signs, illumination of	707
Similar uses	105
Site plan review procedures for certain uses	116
Site plan reviews, submission requirements	117
Solid waste facilities	402
Steep slopes	505
Street classification map	Insert at end
Street frontage of lots	801
Swimming pools, household	403
Temporary structure or use	807
Township exception	115
Unregistered vehicles	604
Uses, number per lot	801
Variances	111
Vibration	509
Wetlands	503
Zoning officer	110
Zoning map	Insert at end
Zoning hearing board	111

ZONING MAP

Adopted
April 28, 1994

WC Woodland Conservation

AG Agriculture

LDR Low Density Residential

MDR Medium Density Residential

VC Village Center

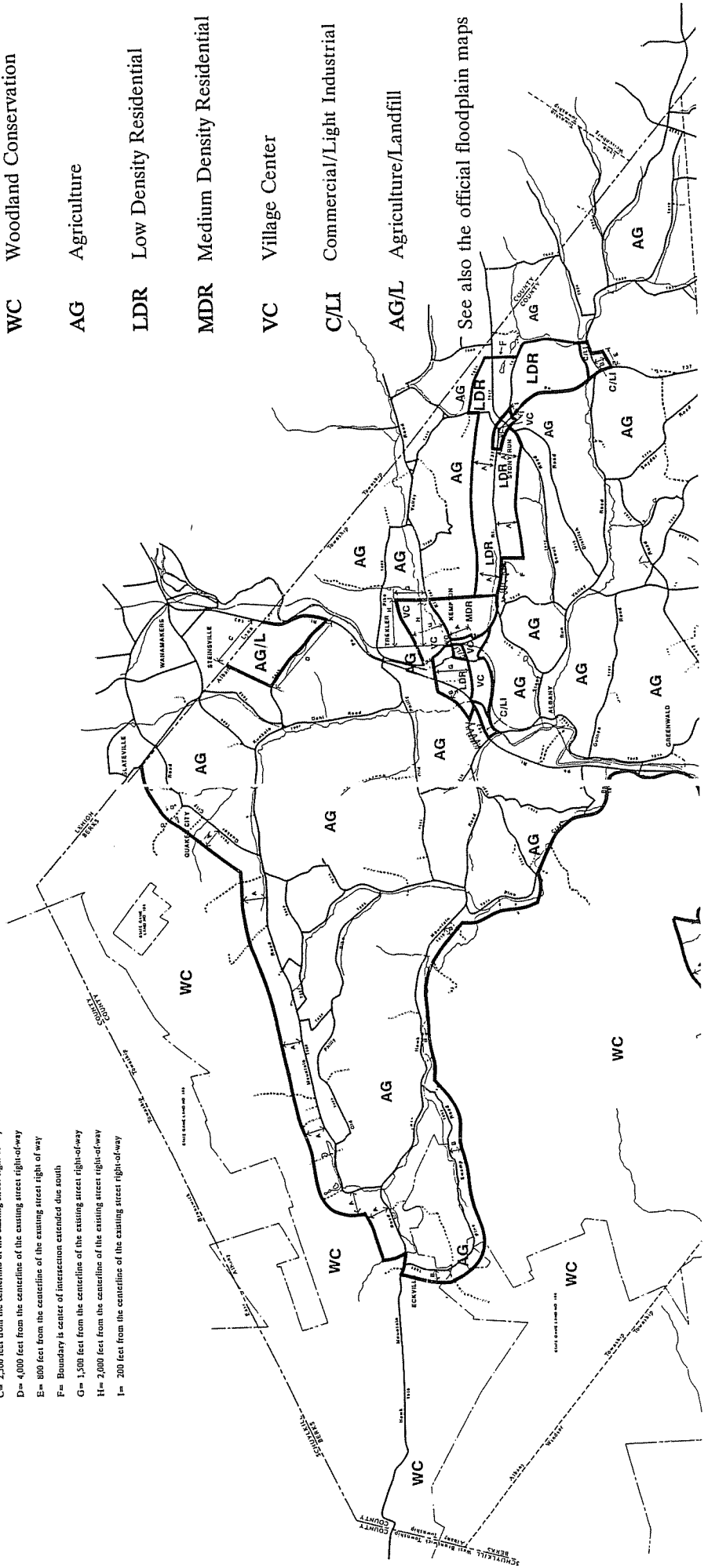
C/LI Commercial/Light Industrial

AG/L Agriculture/Landfill

See also the official floodplain maps

NOTES:

- A= 1,000 feet from the centerline of the existing street right-of-way
- B= 500 feet from the centerline of the existing street right-of-way
- C= 2,500 feet from the centerline of the existing street right-of-way
- D= 4,000 feet from the centerline of the existing street right-of-way
- E= 800 feet from the centerline of the existing street right-of-way
- F= Boundary is center of intersection extended due south
- G= 1,500 feet from the centerline of the existing street right-of-way
- H= 2,000 feet from the centerline of the existing street right-of-way
- I= 200 feet from the centerline of the existing street right-of-way



STREET CLASSIFICATION MAP

1993

ALBANY TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

Arterial Street

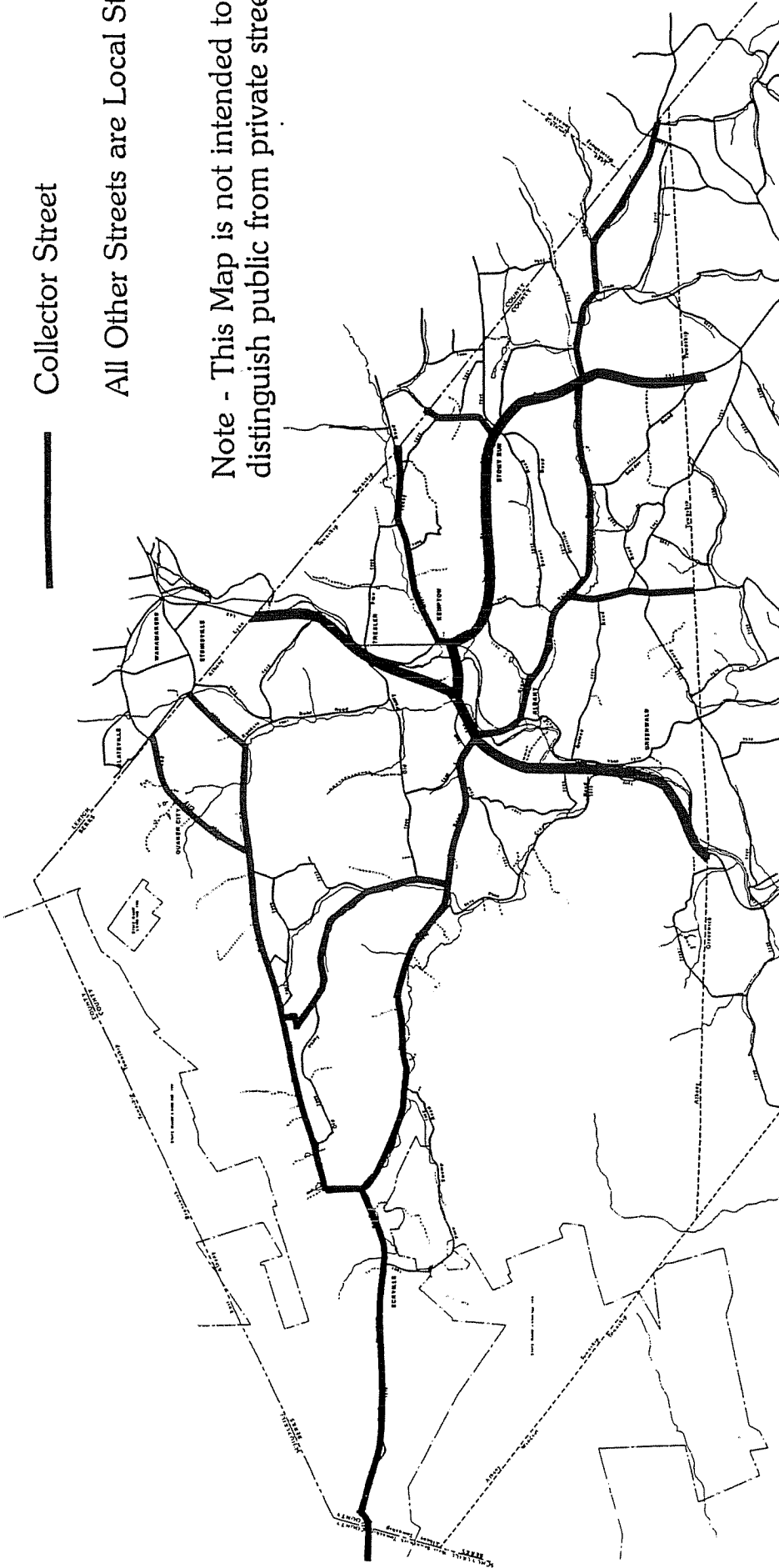


Collector Street



All Other Streets are Local Streets

Note - This Map is not intended to distinguish public from private streets.



Prepared by
Urban Research & Development Corporation
1000 North 10th Street • Suite 100 • York, PA 17402
Tel: 717/854-1111 • Fax: 717/854-1112

